

**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, March 17, 2014
5:30 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Meeting

AGENDA

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to Cal. Gov't Code section 54956.9(d)(2): One potential case involving the claims of the County of Sonoma that the County's cities are liable for the costs of closing and monitoring the closure of the County's central landfill.

6:00 P.M. – REGULAR MEETING AGENDA

RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL (Cook, Brown, Gallian, Barbose, Rouse)

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: Presentation by the Family Justice Center of Sonoma County

Item 4B: National Surveyor's Week Proclamation

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 February 19 and March 3, 2014 City Council meetings.

Staff Recommendation: Approve the minutes.

Item 5C: Adoption of a resolution approving modifications to and authorizing the Mayor to execute the Joint Powers Agreement between the County of Sonoma and the City of Sonoma continuing the Sonoma Valley Citizens Advisory Commission for a period of five years.

Staff Recommendation: Adopt the resolution approving modifications to and the extension of the JPA.

Item 5D: Approval and Ratification of the Reappointment of Gary Edwards to the Planning Commission for an Additional Two-Year Term.

Staff Recommendation: Approve and ratify the reappointment.

Item 5E: Adoption of a resolution upholding an appeal of the Planning Commission's decision to exclude a fenced courtyard from its approval of an Exception from the fence height standards to allow a seven-foot tall fence within required front and street-side setback areas at 639 Third Street West.

Staff Recommendation: Adopt the resolution.

Item 5F: Resolution upholding the appeal of the Design Review and Historic Preservation Commission's decision to approve the application of Troy and Dawn Marmaduke for Design Review for exterior color modifications and an awning sign and upholding staff's decision to approve the application of Troy and Dawn Marmaduke for the re-facing of a wall sign and a projecting sign (408 First Street East).

Staff Recommendation: Adopt the resolution.

Item 5G: Approval of a Resolution Authorizing the City Manager to Execute a Lease Amendment with the Sonoma Valley Field of Dreams to Upgrade the Existing Well for Municipal Water Supply.

Staff Recommendation: Approve 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 February 19 and March 3, 2014 City Council / Successor Agency Meetings pertaining to the Successor Agency.**
Staff Recommendation: Approve the minutes.

7. PUBLIC HEARING

- Item 7A:** **Discussion, consideration, and possible action on an allowance for a second unit and/or guesthouse to be developed on the property located at 19725 Seventh Street East. This consideration includes the possible amendment or replacement of an existing Deed of Easement that applies to the subject property, while retaining limitations and restrictions associated with said easement.** (Planning Director)
Staff Recommendation: Identify and act on a preferred alternative, subject to whatever amendments the Council deems necessary. Note: The City Attorney's preference is for Option #1 (the replacement easement). Staff is also seeking a Council interpretation as to whether or not a guest house as defined in the County's zoning regulations, is a permitted use under the terms of the existing easement.

8. REGULAR CALENDAR – CITY COUNCIL

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

- Item 8A:** **Discussion, Consideration and Possible Action to Issue a Letter of Support for the Sonoma Stompers Baseball League.** (City Manager)
Staff Recommendation: Consider directing staff to submit a letter of support to the County for approval of the use of Arnold Field by the Sonoma Stompers League Baseball.
- Item 8B:** **Continued discussion of options for establishing additional zoning regulations on wine tasting facilities, including draft amendments to the Development Code developed by the Planning Commission.** (Planning Director)
Staff Recommendation: Provide direction on the criteria used to distinguish between "Wine Tasting, Limited" and Wine Tasting, Extended", for purposes of determining when Use Permit review will be required. Based on this direction, staff will return with a draft ordinance for the Council's review at a subsequent meeting.
- Item 8C:** **Discussion, consideration and possible action with regard to options for the disposition of the Marcy House, 205 First Street West.** (Planning Director)
Staff Recommendation: The Facilities Committee did not make a recommendation, except to forward the item to the full City Council for discussion and direction. Staff recommends, based on the anticipated costs associated with keeping the building in City ownership, that Council direct staff that steps be taken to implement a minor subdivision and ultimately sell the Marcy House as a residence.

8. REGULAR CALENDAR – CITY COUNCIL, Continued

Item 8D: Consideration and possible action on the introduction of an ordinance amending Section 10.74.010 of the Sonoma Municipal Code pertaining to the operation of bicycles and similar conveyances on public sidewalks. Repeal SMC 10.56.070 and adopt 10.74.011. (Police Chief/City Attorney)
Staff Recommendation: Introduce and hold first reading of the ordinance amending Section 10.74.010 of the Sonoma Municipal Code pertaining to the operation of bicycles and other conveyances on public sidewalks.

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 March 13, 2014. Gay Johann, Assistant City Manager/City Clerk

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

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

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



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4A

Meeting Date: 03/17/2014

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Presentation by the Family Justice Center of Sonoma County

Summary

Wes Winter, Executive Director of the Family Justice Center of Sonoma County, will make a presentation regarding the Center and its goal of establishing a satellite office in Sonoma Valley.

The Family Justice Center Sonoma County is a non-profit organization best described as the co-location of a multi-disciplinary team of professionals who work together, under one roof, to provide coordinated services to victims of family violence. While a Family Justice Center may house many partners, the basic partners include law enforcement, prosecutors, civil legal service providers, and community-based advocates. The core concept is to provide one place where victims can go to talk to an advocate, plan for their safety, interview with law enforcement, meet with a prosecutor, receive information on shelter, and get help with transportation.

In keeping with City practice, Mr. Winter has been asked to limit the total length of his presentation to no more than 10 minutes.

Recommended Council Action

Receive the presentation.

Alternative Actions

N/A

Financial Impact

N/A

Environmental Review

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

Status

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

Attachments: None

Alignment with Council Goals: N/A

cc: Wes Winter via email



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4B

Meeting Date: 03/17/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager / City Clerk

Agenda Item Title

National Surveyor's Week Proclamation

Summary

Aaron Smith, local Land Surveyor and representative of the California Land Surveyors Association requested a proclamation recognizing the week of March 16-22, 2014 as National Surveyor's Week.

Mr. Smith will be present to accept the proclamation and in keeping with City practice, has been asked to keep the total length of his follow-up comments and/or announcements to not more than 10 minutes.

Recommended Council Action

Mayor Rouse to present the proclamation to Mr. Smith.

Alternative Actions

Council discretion

Financial Impact

n/a

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

1. Proclamation
-

Copy to: Aaron Smith via email

City of Sonoma



Proclamation

NATIONAL SURVEYOR'S WEEK

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

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

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

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

Whereas, the establishment of the week of March 16-22, 2014 as National Surveyors Week is a fitting tribute to all surveyors.

NOW, THEREFORE, I, TOM ROUSE, Mayor of the City of Sonoma, do hereby proclaim that within the City of Sonoma, the week of March 16 - 22, 2014 shall be observed as

NATIONAL SURVEYOR'S WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Sonoma to be affixed this 17th day of March 2014.

TOM ROUSE, MAYOR





CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 5B

Meeting Date: 03/17/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the Minutes of the February 19 and March 3, 2014 City Council meetings.

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:

Minutes

Alignment with Council Goals: N/A

cc: N/A

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



*Community Meeting Room, 177 First Street West
Sonoma CA 95476*

**Wednesday February 19, 2014
5:30 p.m. Closed Session (Special Meeting)
6:00 p.m. (Regular Meeting)**

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

MINUTES

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

1. CALL TO ORDER

At 5:00 p.m. Mayor Rouse 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.

2. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL -- ANTICIPATED LITIGATION - Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Cal. Gov't Code section 54956.9: One potential case.

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 and Carol E. Giovanatto. Negotiating Parties: Richard Goertzen. Under Negotiation: Price and terms of payment.

6:00 P.M. – REGULAR MEETING

The City Council reconvened in open session and Mayor Rouse called the meeting to order at 6:00 p.m. Ashley Kimball, Miss Sonoma County, led the Pledge of Allegiance.

PRESENT: Mayor Rouse and Councilmembers Barbose, Brown, Cook and Gallian

ABSENT: None

ALSO PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walter, Administrative Assistant Gipson, Planning Director Goodison, Public Works Director Takasugi.

REPORT ON CLOSED SESSION – Mayor Rouse reported that no action had been taken.

1. COMMENTS FROM THE PUBLIC

Tony Gerald introduced 2013 Miss Sonoma County and invited all to attend the March 2 Miss Sonoma County Scholarship Pageant at the Spreckles Performing Arts Center in Rohnert Park. He also introduced Gina Cuclis who would serve as one of the celebrity judges.

Ms. Kimball stated that she had totally enjoyed the events she had attended in Sonoma and thanked the City of Sonoma for wonderful memories of her 2013 reign.

Terry Leen introduced himself as the new Commander of American Legion Jack London Post #489.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

CIm. Brown dedicated the meeting in the memory of Robert August "Bob" Leen. He announced his office hours at City Hall every Tuesday from 1 – 2 p.m. He stated that the Friends of the Library sale would occur February 19 through the 22nd and asked that everyone support the library.

CIm. Gallian thanked Public Works personnel for their excellent response during the January 8 rainstorm. She reported visiting with Assembly Member Marc Levine at his Saturday District Office held at the Sonoma Valley Library.

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

City Manager Giovanatto reported that the City Council would conduct a joint session with the Planning Commission to discuss wine tasting facilities on February 24 at the Sonoma Community Center. A reception honoring Alcaldessa Suzanne Brangham would be held February 27 at Vintage House.

4. PRESENTATIONS

Mayor Rouse commented stated that the presentation by the Family Justice Center of Sonoma County had been rescheduled for the March 17 meeting.

Item 4A: Presentation by the Family Justice Center of Sonoma County

Item 4B: Presentation by the Redwood Sports and Entertainment Management Team Regarding Efforts to Bring Professional Baseball to Sonoma

Brian Sobel, c0-owner and Theo Fightmaster, General Manager of the Sonoma Stompers, presented their plan for bringing professional baseball back to Sonoma. Sobel stated that the Sonoma Stompers would be part of the Pacific Association of Professional Baseball Clubs, an independent league that, talent-wise, is somewhere between A and AA baseball. He added that their goal was to deliver family-oriented fun at an affordable price. Although they had not secured permission from the County yet, they planned to have the games at Arnold Field in Sonoma.

Don Lyons, Sonoma Valley High coach and teacher, and Jay Grundle Sonoma Valley Little League, spoke favorably regarding the return of professional baseball to Sonoma. They stated it would provide many benefits to the community.

CIm. Barbose stated he looked forward to an opportunity to support the proposal. . CIm. Gallian stated concern relating to traffic and the service of alcohol at the games. Stompers President Michael Shapiro responded that they had an aggressive alcohol management plan and would work closely with the local police department. Kelly Wilright, Regina Baker and Tommy Lyons also spoke in favor of the proposal.

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 February 3, 2014 Council meeting.
- Item 5C:** Approval of a Resolution Authorizing the City Manager to Execute a Participating Entity Addendum Agreement on the State of California’s Master Purchasing Agreement with U.S. Bank Voyager Fleet Systems Inc. for an Offsite Fleet Fueling Program. (Res. No. 08-2014)
- Item 5D:** Approval and ratification of the reappointment of Leslie Tippell to the Design Review & Historic Preservation Commission for a four-year term.
- Item 5E:** Approval and ratification of the reappointment of Freddie Diaz and Thomas Haeuser to the Traffic Safety Committee for a term ending January 16, 2016.
- Item 5F:** Resolution denying an appeal, upholding the decision the Planning Commission, and approving a Use Permit, Site Design and Architectural Review, and Parking Exception for the Mission Square project, a mixed-use development proposed at 165 East Spain Street that includes 3,514 sq. ft. of office space, 14 apartments, and associated parking and improvements (implementing the City Council action of February 3, 2014), and making CEQA Findings that no subsequent or supplemental environmental review is required pursuant to CEQA Guidelines Section 15162. An Environmental Impact Report (EIR) for the proposed project was certified on July 18, 2013. The City Council considered the previously certified EIR prior to taking action on the Project. (Res. No. 09-2014)

It was moved by Clm. Barbose, seconded by Clm. Gallian, to approve the consent calendar as presented. The motion carried unanimously. Clm. Gallian commented that the Fleet Fueling program just approved was innovative and cost effective and she thanked staff for bringing it forward. Clm. Barbose thanked Leslie Tippell for accepting another term on the Design Review and Historic Preservation Commission. Ms. Tippell responded that she was honored to serve and thanked the Council for her reappointment.

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

- Item 6A:** Approval of the portions of the Minutes of the February 3, 2014 City Council / Successor Agency Meeting pertaining to the Successor Agency.

It was moved by Clm. Gallian, seconded by Clm. Brown, to approve the Consent Calendar as presented. The motion carried unanimously.

7. PUBLIC HEARING – None Scheduled

8. REGULAR CALENDAR – CITY COUNCIL

- Item 8A:** Consideration and possible action on the introduction of an ordinance amending Section 10.74.010 of the Sonoma Municipal Code pertaining to the operation of bicycles and similar conveyances on public sidewalks. Repeal SMC 10.56.070 and adopt 10.74.011.

Police Chief Sackett reported that in response to a bicycle versus pedestrian accident and subsequent legal action against the City; the City Attorney had proposed an update to the City’s municipal code pertaining to the operation of bicycles and other conveyances on public sidewalks and pedestrian or bicycle paths. The proposed ordinance included the following provisions: 1) Bicycles

or similar conveyances would be allowed on all public sidewalks and the public bike/pedestrian path with the exception of the sidewalks around the Plaza area. 2) Bicycles or similar conveyances would be required to be operated at a reasonable and prudent speed for prevailing conditions on all public sidewalks and the public bike/pedestrian path. 3) Motorized bicycles or similar conveyances would be prohibited on all public sidewalks and the public bike/pedestrian path. Battery powered bicycles and scooters would be allowed on the bike/pedestrian path only. Sackett stated that the proposed changes had been reviewed by the Traffic Safety Committee, who recommended their adoption.

CIm. Barbose stated that a constituent had asked why the restriction of bicycles on sidewalks would only be applied to sidewalks around the Plaza when the accident that happened had occurred on Broadway. Chief Sackett responded that the busy sidewalks around the Plaza represented a location where the highest probability of conflicts between bicyclists and pedestrians existed.

Mayor Rouse invited comments from the public. Rachel Ballow stated that it had been her observation that highschoolers tended to yield more to pedestrians than adults did.

Mayor Rouse asked if there was a way to integrate a “yield to pedestrian” provision to the draft ordinance. Chief Sackett stated that would be a part of the education component surrounding the ordinance. City Attorney Walter stated that language could be crafted providing examples of bicyclists riding prudently and reasonably. Citing enforceability, Chief Sackett cautioned against including that type of language.

Regina Baker commented that what was reasonable and prudent should be defined. Will Ackley and David Taylor expressed support for the proposed ordinance. Mr. Taylor added that bicyclists should be asked to walk their bicycles in high density tourist and pedestrian areas.

It was moved by CIm. Cook, seconded by CIm. Gallian, to introduce the ordinance entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING SECTION 10.74.010 OF THE SONOMA MUNICIPAL CODE PERTAINING TO THE OPERATION OF BICYCLES AND OTHER CONVEYANCES ON PUBLIC SIDEWALKS. Mayor Rouse stated he would like to see the ordinance tweaked to include examples as described by the City Attorney. CIm. Barbose agreed. CIm. Cook and CIm. Gallian withdrew their motion.

It was moved by CIm. Barbose, seconded by CIm. Brown, to direct the City Attorney to modify the draft ordinance to include specific examples relating to the behavior of bicyclists and pedestrians and to bring it back on a future agenda for Council consideration. The motion carried unanimously.

Item 8B: **Presentation of FY 2013-14 Midyear Budget; discussion, consideration and possible action on Amendments to the FY 2014 Operating Budget.**

City Manager Giovanatto reported that the Mid-year Budget Report summarized the activities of the major City funds. It was intended to provide the Council and the public with an overview of the state of the City’s general fiscal condition. She stated that the General Fund revenue trends continue to reflect a stable economy in line with the adopted budget. Giovanatto provided detailed analysis of the actual year to date numbers for both revenues and expenditures and stated that overall the City was in good shape. She also presented some recommended budget amendments one of which was to provide funding of a contract with the Sonoma Ecology Center for maintenance responsibilities on public properties including the Nathanson Preserve, Sonoma Garden Park, Fryer Creek Trail and the Sonoma Overlook Trail.

CIm. Cook inquired about costs incurred as a result of the Measure B special election conducted in November 2013 and why they had been charged to the City Council’s budget. City Manager Giovanatto stated that the City had not yet received an invoice from the County for the cost of the

election but she would provide a full accounting when it was received. It was moved by Clm. Gallian, seconded by Clm. Cook, to adopt the resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING THE FY 2013-2014 BUDGET and to direct staff to transfer costs of the special election to a department other than the City Council. The motion carried unanimously.

RECESS: The meeting recessed from 7:55 to 8:05 pm

Item 8C: Discussion of 2013-14 City Council GOALS “Report Card”.

City Manager Giovanatto reported that presently 86% of the goals adopted by the City Council in March 2013 had been completed. She provided additional information on the status of the uncompleted goals and stated that staff was working on them. Clm. Cook thanked Giovanatto and stated he looked forward to the next Goal Setting session. Clm. Gallian stated that the list of goals and the report card provided her with valuable information and she appreciated it greatly.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

There were no agenda items for the Successor Agency.

10. COUNCILMEMBERS’ REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities

Clm. Brown reported attendance at meetings of the Oversight Board and the Economic Development Steering Committee.

Clm. Cook reported attendance at meetings of the Library Advisory Committee and Sonoma Clean Power as the Alternate.

Clm. Gallian reported attendance at the Sonoma County Transportation Authority & Regional Climate Protection Authority meetings.

Clm. Barbose reported attendance at the meetings of the Waste Management Agency and the North Bay Watershed Association.

Mayor Rouse reported attendance at the Sonoma County Mayors and Councilmembers Association meeting.

Item 10B: Final Councilmembers’ Remarks.

Clm. Gallian reported she would be chairing the Ag and Open Space Citizens Advisory meeting on the 27th and would be unable to attend the Alcaldessa reception.

Clm. Brown, referring to the recent recall of meat produced at the Rancho Feeding Corporation in Petaluma, stated he had growing concerns about the safety of our meat supply.

11. COMMENTS FROM THE PUBLIC

David Taylor, Pastor of New Life Assembly of God in Schellville, reported they were operating a Severe Weather Shelter and were here to serve the community in any way possible.

12. ADJOURNMENT

The meeting was adjourned at 8:25 p.m. in the memory of Robert August “Bob” Leen.

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 _____ 2014.

Gay Johann
Assistant City Manager / City Clerk

**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, March 3, 2014
5:30 p.m. Closed Session (Special Meeting)
6:00 p.m. Regular Meeting**

MINUTES

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

SPECIAL MEETING - CLOSED SESSION

1. CALL TO ORDER

At 5:30 p.m., Mayor Rouse 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, Planning Director Goodison and City Attorney Walter were also present.

2. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION, pursuant to (Paragraph (1) of subdivision (d) of Section 54956.9). Name of case: New Cingular Wireless PCS, LLC, etc. v. City of Sonoma. U.S.D.C. Nor. Cal. Case No. C-14-0692 EDL.

6:00 P.M. – REGULAR MEETING

The City Council reconvened in open session and former Mayor Rouse called the meeting to order at 6:00 p.m. Former Mayor Joanne Sanders led the Pledge of Allegiance.

PRESENT: Mayor Rouse and Councilmembers Barbose, Brown, Cook, and Gallian

ABSENT: None

ALSO PRESENT: City Manager Giovanatto, Assistant City Manager/City Clerk Johann, City Attorney Walter, Administrative Assistant Gipson, Planning Director Goodison, Associate Planner Atkins, Public Works Director Takasugi and Stormdrain Compliance Specialist Pegg.

REPORT ON CLOSED SESSION – Mayor Rouse reported that no action had been taken.

1. COMMENTS FROM THE PUBLIC

David Eichar commented on remarks made by Chief Sackett during discussion of Wine Tasting Facilities regarding restrictions on Type 42 Liquor Licenses. He suggested the City consider implementing some restrictions on a local level.

Joanne Sanders asked Council to get behind San Jose Mayor Chuck Reed's push for a statewide initiative that would allow governments, agencies and voters to make changes in the future pension and benefits packages for their employees.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Clm. Barbose, referring to Ms. Sanders' statement, said he would like to have a follow up discussion on the proposed legislation.

Clm. Brown commended Assistant City Manager/City Clerk Johann for a wonderful job organizing the Alcaldessa reception. He reported that a Health Fair would be held at Wholefood's Market that coming Saturday.

Clm. Cook announced that beginning March 12 he would have weekly office hours on Wednesdays between eleven a.m. and noon.

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

City Manager Giovanatto reported that the total cost to the City for the Measure B Special Election held in November 2013 was \$59,742.34. That included \$32,872.64 for County election services, \$10,369.70 for legal services, and \$17,500 for the consultant's report.

4. PRESENTATIONS

Item 4A: Recognition of Donna Keegan's service on the Traffic Safety Committee.

Mayor Rouse presented a certificate of recognition to Donna Keegan for her service on the Traffic Safety Committee from January 16, 2008 to January 16, 2014.

Item 4B: Sonoma Tourism Improvement District Status Report

Bill Blum reported that the Sonoma Tourism Improvement District (TID), formed in 2012, collected a 2% assessment on all overnight stays in the City limits. The assessment generated approximately \$440,000 per year and was used to market and promote Sonoma as an overnight destination. He stated that this past year the TID had also granted funding assistance to the Sonoma International Film Festival \$7,500, Valley of the Moon Vintage Festival \$5,000, Sonoma Valley Museum of Art \$5,000 and the Valley of the Moon Certified Farmers Market \$2,500.

Wendy Peterson provided images and described in detail the marketing promos that had been developed and were in use.

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 February 24, 2014 City Council meeting.**
Item 5C: Approval and Ratification of the Reappointment of Mark Heneveld to the Planning Commission for an Additional Two-Year Term.
Item 5D: Approval and Ratification of the Appointment of Christopher Woodcock to the Traffic Safety Committee for a Two-Year Term.

Mayor Rouse requested that Item 8B be heard prior to 8A. It was moved by Clm. Gallian, seconded by Clm. Barbose, to move agenda Item 8B up before Item 8A and to approve the Consent Calendar as presented. The motion carried unanimously. Clm. Barbose thanked Planning Commissioner Heneveld for accepting reappointment.

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

There were no Successor Agency Consent Calendar items.

7. PUBLIC HEARINGS

- Item 7A: Discussion, consideration and possible action on an appeal of the Design Review and Historic Preservation Commission’s decision to approve the application of Troy and Dawn Marmaduke for Design Review for exterior color modifications and an awning sign and the appeal of staff’s decision to approve the application of Troy and Dawn Marmaduke for the re-facing of a wall sign and a projecting sign (408 First Street East).**

Associate Planner Atkins reported that Johanna M. Patri and Mary Martinez had filed their appeal on the basis that approved aspects for this location did not protect and preserve the historic nature of the Plaza and that the Design Review and Historic Preservation Commission (DRHPC) was not adhering to its required compliance with the Certified Local Government (CLG) program.

Mayor Rouse stated that the applicants also felt that the required findings had not been made. Atkins responded that staff felt that all required findings had been made. In response to the question by Clm. Barbose, Atkins stated that findings three through eight related to the CLG program. Also in response to another question by Clm. Barbose, Planning Director Goodison stated that many of the guidelines required by the CLG program had been in place for years and that no new guidelines had been added since the City received its CLG status.

Mayor Rouse opened the public hearing and invited comments from the public beginning with the appellants followed by the applicants and then the general public. Johanna Patri stated that that the historic nature of the Plaza needed to be protected and preserved. She pointed out that the subject property was within one hundred feet of the historic Mission Solano and Barracks and the proposed color scheme and signage would negatively impact the historic character of the surrounding historic environment. She felt that a paint color should have been selected from the Benjamin Moore Historical Color Collection. Ms. Patri stated that the DRHPC did not take the historic and aesthetic values of the Plaza into consideration when making its decision.

Mary Martinez echoed much of what Ms. Patri had stated. She added that a bright blue awning that had been put up at the Coldwell Banker store front without DRHPC approval had been replaced with a neutral-color awning at the recommendation of the Commission. She said

business branding should not be a consideration when it came to exterior façade design, materials, and color schemes. She asked the Council to uphold the appeal.

Troy Marmaduke stated they had spent a lot of time and money on the design of their storefront and had revised and scaled back at the request of the commission. Referencing a letter from DRHPC member Kelso Barnett, he commented that the DRHPC spent well over an hour in collaborative exchange with them. It was not something the commission took lightly. He asked the Council to uphold the decision of the DRHPC.

Karla Noyes shared a piece of stone similar to what was on the building. She stressed the importance of maintaining the historic look and feel of the City.

Joanne Sanders stated that the City should develop guidelines and train staff and commissioner on implementation of the CLG guidelines.

Patty Dufur, Fred Burger, Larry Barnett, David Eichar, Patricia Cullinan, Teresa Meeks and Loyce Haran spoke in support of the appellants.

Susan Gorman, Linda Abate-Johnson, Chante Gorman, Carly Marmaduke, Christine Gorman, Stan Pappas, Lynette Lyon, Leslie Toppel (DRHPC Chair), Rosemary Pedranzini, Carol Marcus, John Wainright, Tyler Marmaduke, and Katie Byrne spoke in opposition to the appeal and in support of the DRHPC decision.

Mayor Rouse closed the public hearing.

It was moved by Clm. Cook, seconded by Clm. Brown, to deny the appeal. Clm. Gallian stated she spent much time researching the issue and did not take it lightly. She stated that more education regarding the CLG designation was needed. Clm. Barbose stated the City needed to recognize the historic nature of the City and preserve it. He suggested that the City hire a consultant and come up with Sonoma's very own color palette. He also felt that additional guidelines needed to be developed along with training for commissioners and staff on dealing with the subject of historic preservation. Clm. Brown stated that the true character of the City went much deeper than the color of one door. Mayor Rouse stated that the Marmadukes had followed the process and done all that was required of them and he felt the DRHPC had considered all the issues prior to their decision. Mayor Rouse stated he would also support creation of some guidelines. The motion carried four to one; Clm. Barbose cast the dissenting vote.

RECESS: The meeting recessed from 8:10 to 8:20 p.m.

Item 7B: Discussion, consideration and possible action on an appeal of the Planning Commission's decision to approve an exception from the fence height standards to allow a seven-foot tall fence within required front and street-side setback areas.

Planning Director Goodison reported that property owner Diann Sorenson had appealed the January 9, 2014 Planning Commission's decision to deny approval for a fence around the courtyard on the street side of her property. Goodison stated that In the course of implementing improvements to the building and property associated with its return to residential use, fencing was installed that did not comply with the normal fence height standards. When this issue was brought to the attention of the property owner, an application was filed to legalize the fencing

through the fence height exception process. The Planning Commission had approved the application with exception of the fence surrounding the courtyard. He also reported that it had come to staff's attention that a portion of the new fence had been constructed two feet outside the permitted setback. Attorney Walter stated that was not part of this discussion.

Mayor Rouse opened the public hearing and invited comments beginning with the appellant.

Diann Sorenson stated that her property was surrounded by commercial uses with a lot of vehicles and deliver trucks coming and going at all times of the day. She stated that she was not aware, when the fence was constructed, of the need for approval of exceptions. Her concern was for the privacy and security of the two bedrooms on the street side of the property which is why she appealed denial of the exception for that portion of fence.

Paul Gorce stated the fence stuck out like a sore thumb and looked like a fortress. Cece Hugo, Sue Albano, and Tom Dehenes spoke in favor of the appeal stating the fence was necessary for privacy and protection. Mr. Dehenes added that the section of the fence misplaced would be relocated to comply with the setback. Janet Wedekind stated the municipal code should be enforced and the fence looked like a fortress and was a sight hazard for those backing out of the driveway.

Mayor Rouse closed the public hearing.

It was moved by Clm. Barbose, seconded by Clm. Brown, to uphold the appeal. Clm. Gallian stated she had concern about the fence height affecting those backing out of the driveway and asked if it could be reduced in that corner or set back a few more feet. Clm. Cook stated he would support the Planning Commission's decision. Clm. Brown and Mayor Rouse felt the issues of safety and privacy justified the fence as requested. The motion carried four to one; Clm. Cook cast the dissenting vote.

8. REGULAR CALENDAR – CITY COUNCIL

Item 8B: Discussion, consideration and possible action to direct staff to research options related to the restriction of smoking within the City. [Requested by Mayor Rouse]

Mayor Rouse stated that he had been approached by Elizabeth Emerson and placed the subject on the agenda to see if there was support for researching restrictions on smoking. Rouse stated that the American Lung Association had given the City an F on its report card and he would be interested in improving upon that grade.

Mayor Rouse invited comments from the public. Elizabeth Emerson stated that she rented a condo that had a shared wall with smokers and felt unsafe because of the fire hazard and the drifting smoke. She offered her assistance to the City to put smoking restrictions into place.

Laurie Bremmner, American Cancer Society, Jill Whitim, Mindy Lubby, Corrinna Ramirez, Maryjo Williams, Michele McGarry, Jack Wagner, and Cameron Stuckey all spoke about health effects from second hand smoke and in support of smoking regulations for the City of Sonoma.

It was moved by Clm. Gallian, seconded by Clm. Barbose, to direct staff to research possible regulations pertaining to restrictions for youth, in public places and at family housing units. Clm.

Gallian stated she was appalled that the City received an F on the American Lung Associations report card. Clm. Cook stated he did not support smoking but felt there were enforcement issues to be considered. The motion carried four to one with Clm. Cook casting the dissenting vote.

Item 8A: Consideration and Possible Action on the 2014 Integrated Pest Management (IPM) Policy for Stormwater Permit Compliance.

Stormwater Compliance Specialist Pegg reported that the City was updating its policies guiding the management of pests on City property to meet water quality standards and comply with new regulations promulgated by the San Francisco Bay Regional Water Quality Control Board. The Approved Pesticide List adopted in 2001 did not satisfy the requirements of the Regional Water Board. The proposed 2014 Integrated Pest Management Policy supplemented the 2001 Approved Pesticide List with a designation of responsible implementing parties, a set of Standard Operating Procedures, a record-keeping schedule, and a procedure for evaluating the use of restricted pesticides when special circumstances exist. Pegg reported that the Community Services and Environment Commission reviewed the policy and had recommended its adoption by the City Council.

In response to the question by Clm. Cook, Pegg stated that the City used about 570 ounces (about 25% of what was allowed) of Roundup annually. It was moved by Clm. Barbose, seconded by Clm. Brown, to adopt the Resolution Number 11-2014 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ADOPTING THE 2014 INTEGRATED PEST MANAGEMENT POLICY. The motion carried unanimously.

Item 8C: Discussion and Consideration for Resolution of Support for the Postal Service Protection Act of 2013. [Requested by Councilmember Brown]

Mayor Brown stated that some local postal workers had brought this issue to his attention and he felt it was in the best interests of the City to adopt the resolution.

Mayor Rouse invited comments from the audience. Postal workers Jeff Barr and Paula Arguello and Jack Wagner spoke in support of the resolution. Clm. Gallian confirmed with the postal workers that this was regarding privatization of the post office. It was moved by Clm. Gallian, seconded by Clm. Brown, to adopt the resolution urging US Senator Barbara Boxer and US Senator Dianne Feinstein to pass the Postal Service Protection Act of 2013, Senate Bill 316, sponsored by Senator Bernard Sanders, that would ensure the modernization and preservation of the United States Postal Service. Councilmembers Cook, Barbose and Mayor Rouse stated they would not support the resolution. Clm. Barbose stated he needed to do additional research of the matter before voting on the resolution and Mayor Rouse stated he actually supported the prefunding of pension liabilities. The motion failed with two to three. Councilmembers Cook Barbose and Mayor Rouse dissented.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

There were no Successor Agency agenda items.

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

Clm. Gallian reported attendance at the Sonoma Valley Citizens Advisory Commission meeting. Mayor Rouse reported attendance at the Facilities Committee meeting.

Item 10B: Final Councilmembers' Remarks. None.

11. COMMENTS FROM THE PUBLIC

There were no comments from the public.

12. ADJOURNMENT

The meeting adjourned at 10:15 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 _____ 2014.

Gay Johann
Assistant City Manager / City Clerk



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 5C

Meeting Date: 03/17/2014

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Adoption of a resolution approving modifications to and authorizing the Mayor to execute the Joint Powers Agreement between the County of Sonoma and the City of Sonoma continuing the Sonoma Valley Citizens Advisory Commission for a period of five years.

Summary

The Sonoma Valley Citizens Advisory Commission (a Joint Powers Authority) was established in 1993 by the City and County of Sonoma for the purpose of establishing a forum for broader citizen input on planning issues of importance to all of Sonoma Valley. The initial term of the JPA was five years and it has been renewed every five years since that time.

Following many discussions and public meetings during the past year, the Sonoma Valley Citizens Advisory Commission voted on October 23, 2013 to recommend to its two governing entities (Sonoma City Council and Sonoma County Board of Supervisors) that its boundaries be redrawn to be consistent with those of the Sonoma Creek Watershed, except for areas within Santa Rosa and within the 2nd Supervisorial District. As a result of this change, the entirety of Kenwood would be included within the revised boundaries. However, there would no increase on the total number of Commissioners serving on the SVCAC.

In addition to the boundary changes, other revisions to the proposed JPA include: 1) Addition of two alternate ex-officio (non-voting) members; one appointed by the County and one by the City; 2) Increasing member's terms from two to four years; and, 3) A provision allowing the appointing body to approve an exception to the two term limit.

The Sonoma County Board of Supervisors unanimously approved the modified JPA on March 11. Should the City Council approve it, staff proposes to implement the changes as follows:

- Adjust the terms of the City's current SVCAC appointees to comply with the change from two to four years. For instance the term of a member who was appointed in 2013 will now continue through 2017.
 - Place the appointment of an Alternate Ex-Officio representative on a future Council agenda.
-

Recommended Council Action

Adopt the resolution approving modifications to and the extension of the JPA.

Alternative Actions

Council discretion.

Financial Impact

N/A

Environmental Review

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

Status

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

Attachments:

Resolution with attached JPA

CITY OF SONOMA

RESOLUTION NO. ____ - 2014

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA
APPROVING MODIFICATIONS TO AND THE CONTINUATION OF THE
SONOMA VALLEY CITIZENS ADVISORY COMMISSION JOINT POWERS
AGREEMENT WITH THE COUNTY OF SONOMA

WHEREAS, the City of Sonoma (“the City”) and the County of Sonoma (“the County”) established the Sonoma Valley Citizens Advisory Commission (“the Commission”) in 1993 pursuant to Government Code section 65101 as a joint advisory agency to provide a regular forum for citizen participation in the formation of public policy, to consider local planning issues concerning the Sonoma Valley, to evaluate solutions to these issues, to advise elected officials and other decision makers, and to form a bridge for communication between the various governmental agencies and the general public; and

WHEREAS, the Commission has recommended that its boundaries be redrawn to be consistent with those of the Sonoma Creek Watershed excluding Santa Rosa and areas in the 2nd Supervisorial District; and

WHEREAS, City and County agree that alternate ex-officio (non-voting) members should be added; that the terms of appointees should be increased from two to four years; and the appointing bodies should be granted discretion to approve exceptions to the two-term limit; and

WHEREAS, the City and the County mutually desire to continue the Commission in existence for another five (5) years from January 1, 2014, to December 31, 2018.

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

- 1) The addition of two alternate ex-officio (non-voting) members; one appointed by the County and one by the City;
- 2) Increasing member’s terms from two to four years;
- 3) A provision allowing the appointing body to approve an exception to the two-term limit; and
- 4) The proposed modifications to the boundaries of the SVCAC

BE IT ALSO RESOLVED that the Mayor is authorized to execute the Joint Powers Agreement with the County of Sonoma continuing the Sonoma Valley Citizens Advisory Commission for a period of five years from January 1, 2014, to December 31, 2018 which is attached hereto as Exhibit A.

PASSED AND ADOPTED this ____ day of _____, 2014, by the following vote:

AYES:
NOES:
ABSENT:

Tom Rouse, Mayor

ATTEST:

Gay Johann
Assistant City Manager / City Clerk

JOINT POWERS AGREEMENT BETWEEN THE COUNTY OF SONOMA AND THE CITY OF SONOMA CONTINUING THE SONOMA VALLEY CITIZENS ADVISORY COMMISSION

This Agreement is made by and between the County of Sonoma, a political subdivision of the State of California (“County”), and the City of Sonoma, a general law city (“City”), and is dated for convenience as of January 1, 2014.

RECITALS

Whereas, County and City share responsibility for local planning in the Sonoma Valley; and

Whereas, according to statewide growth projections, County and City are faced with the potential for unprecedented population growth and development; and

Whereas, Sonoma Valley, with its beautiful landscape, historic buildings, and growing industries producing wine, dairy, and other agricultural products, is an ideal environment for local residents and businesses; and

Whereas, it is in the public interest that County and City coordinate their local planning activities; and

Whereas, this coordination is enhanced by better communication; and

Whereas, Government Code section 65101 authorizes the establishment of joint advisory agencies through a plan or organization mutually agreeable to cooperating counties and cities; and

Whereas, County and City have established the Sonoma Valley Citizens Advisory Commission (“the Commission”) pursuant to Government Code section 65101 as a joint advisory agency to provide a regular forum for citizen participation in the formation of public policy, to consider local planning issues concerning the Sonoma Valley, to evaluate solutions to these issues, to advise elected officials and other decision makers, and to form a bridge for communication between the various governmental agencies and the general public; and

Whereas, County and City desire to continue the Commission in existence for a period of five (5) years.

OPERATIVE PROVISIONS

Now, Therefore, Be It Agreed as follows:

1. By virtue of resolutions of County and City authorizing the execution of this Agreement, the Commission is hereby continued in existence.

2. The Commission shall be empowered from January 1, 2014, to December 31, 2018 (“the five-year term”), and shall be subject to review by County and City each year of its existence. The Commission may, at the conclusion of the five-year term, be continued for a time certain upon mutual consent of County and City, subject to periodic review as previously defined.
3. County and City reserve the right to terminate this Agreement and the Commission at any time upon mutual agreement, or upon sixty (60) days notice from either party to the other.
4. The boundaries and area subject to the jurisdiction of the Commission are shown in Exhibit “A,” attached hereto and incorporated herein by this reference.
5. The Commission shall consist of eleven (11) commissioners, two (2) alternate commissioners, two (2) emeritus (non-voting) commissioners, two (2) ex-officio (non-voting) members, and two (2) alternate ex-officio (non-voting) members. The commissioners, alternate commissioners, and emeritus commissioners shall be from the Subareas shown in Exhibit “A.” The ex-officio members and alternate ex-officio members shall be representatives from County and City. Representation shall be generally based upon the population distribution of the Sonoma Valley. It is understood that in addition to meeting the following geographical criteria, it is desirable that the commissioners, alternate commissioners, and emeritus commissioners represent a wide range of interest, varied experience and expertise, and include members of the general public to encourage a greater voice in local government decisions. Commissioners, alternate commissioners, emeritus commissioners, ex-officio members, and alternate ex-officio members shall be selected as follows:
 - (a) Representing County:
 - (1) El Verano West: three (3) commissioners from the area covered by the portions of Subareas 3, 4, and 10 that lie to the west of Sonoma Creek.
 - (2) Springs East: two (2) commissioners from the area covered by the portions of Subareas 3 and 9 that lie to the east of Sonoma Creek.
 - (3) North Valley: two (2) commissioners from the area covered by Subareas 5, 6, 7, and 8.
 - (4) South Valley: one (1) commissioner from the area covered by Subareas 11, 12, 13, and 14.
 - (5) One (1) alternate commissioner from the area covered by Subareas 3 - 14, inclusive.
 - (6) One (1) emeritus commissioner from the area covered by Subareas 3 - 14, inclusive, who shall be a former commissioner or alternate commissioner.
 - (7) One (1) ex-officio member and one (1) alternate ex-officio member from County’s Planning Agency, which is comprised of the Board of Supervisors, Planning Commission, Board of Zoning Adjustments, and Permit and Resource Management Department staff.

(b) Representing City:

(1) City of Sonoma: three (3) commissioners and one (1) alternate commissioner from the area covered by Subareas 1 and 2, being the city of Sonoma and its primary sphere of influence.

(2) One (1) emeritus commissioner from the area covered by Subareas 1 and 2, who shall be a former commissioner or alternate commissioner.

(3) One (1) ex-officio member and one (1) alternate ex-officio member from City's Planning Agency, which is comprised of the City Council, Planning Commission, and Planning Department staff.

6. One commissioner shall be designated and shall act as representative of public service agencies, such as water, fire, school, and other districts or entities.

7. The commissioners, alternate commissioner, emeritus commissioner, ex-officio member, and alternate ex-officio member representing County shall be appointed by County's Board of Supervisors. The commissioners, alternate commissioner, emeritus commissioner, ex-officio member, and alternate ex-officio member representing City shall be appointed by City's City Council.

8. The Commission shall review and make recommendations on policy matters affecting the Sonoma Valley and on development projects of valley-wide significance.

9. The Commission may also, from time to time, hold publicly noticed "town hall meetings" to inform local citizens, provide a forum for local citizens within the Sonoma Valley to raise and discuss local planning issues of importance, and to recommend long range policy direction for resolution of those issues.

10. The rules and procedures for governance of the Commission shall be as set forth in Exhibit "B," attached hereto and incorporated herein by this reference. The rules and procedures may be amended or modified upon mutual consent of County and City.

11. County and City, through their respective planning agencies, shall cooperate with the Commission to reach the goals of this Agreement.

In Witness Whereof, County and City have executed this Agreement as set forth below.

County:
County of Sonoma

By: _____
Chair, Board of Supervisors

ATTEST:

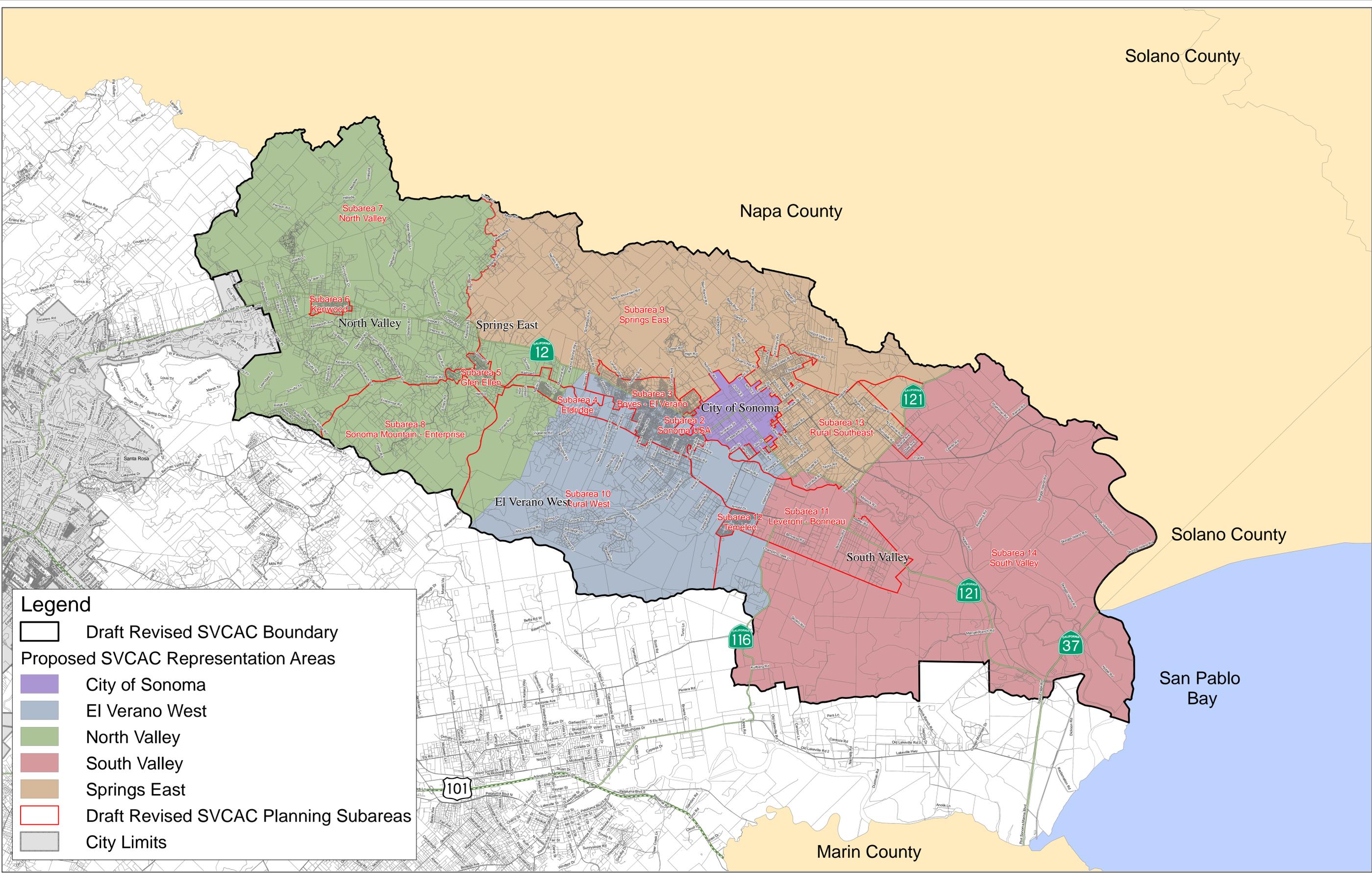
Veronica A. Ferguson, Clerk of the
Board of Supervisors

City:
City of Sonoma

By: _____
Mayor

ATTEST:

City Clerk



Legend

- Draft Revised SVCAC Boundary
- Proposed SVCAC Representation Areas
 - City of Sonoma
 - El Verano West
 - North Valley
 - South Valley
 - Springs East
- Draft Revised SVCAC Planning Subareas
- City Limits

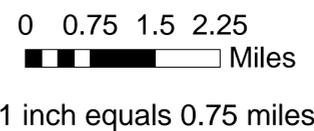
Note:
 1. Parcel Boundaries derived from 1:6000 lotline maps and revised using Assessor Parcel Maps. Alignment inconsistencies occur due to reprojection.
 2. Data is for planning purposes.
 3. Questions regarding this map and the data herein should be directed to PRMD (707) 565-1900.
 4. Topography USGS 7.5 Quadrangle sheet.

Map Scale and Reproduction methods limit precision in physical features displayed. This map is for illustrative purpose only, and is not suitable for parcel-specific decision making. The parcels contained here-in are not intended to represent surveyed data. Site-specific studies are required to draw parcel-specific conclusions. Assessor's parcel data are current as of July 1, 2013. For more current parcel data consult the County of Sonoma Assessor's Office.

No part of this map may be copied, reproduced, or transmitted in any form or by any means without written permission from the Permit and Resource Management Department (PRMD), County of Sonoma, California.

Sonoma Valley Citizen Advisory Commission Area

Exhibit A



County of Sonoma



Permit and Resource Management Department



2550 Ventura Avenue, Santa Rosa, California 95403
 707-565-1900 FAX 707-565-1103

EXHIBIT “B”
SONOMA VALLEY CITIZENS ADVISORY COMMISSION
RULES AND PROCEDURES

I. Commissioners.

A. Appointment: Appointment of County’s eight commissioners, one alternate commissioner, one emeritus commissioner, one ex-officio member, and one alternate ex-officio member shall be made by County’s Board of Supervisors. Appointment of City’s three commissioners, one alternate commissioner, one emeritus commissioner, one ex-officio member, and one alternate ex-officio member shall be made by City’s City Council.

B. Qualifications: Each commissioner and alternate commissioner shall be a resident of, and registered voter in, the area represented by that commissioner or alternate commissioner.

C. Terms of Office: Commissioners and alternate commissioners shall serve four-year terms at the pleasure of their appointing authority. No commissioner or alternate commissioner shall serve more than two terms unless their appointing authority approves an exception to allow the commissioner or alternate commissioner to serve an additional term or terms. In any case, County and City each reserve the right to remove a commissioner or alternate commissioner it appointed regardless of the term of appointment, with or without cause. Emeritus commissioners, ex-officio members, and alternate ex-officio members shall serve at the pleasure of their appointing authority and may be removed at any time, with or without cause.

D. Duties of Commissioners:

1. To attend and participate in meetings of the Commission.
2. To study and analyze appropriate material submitted.
3. To participate in discussions and research and write necessary reports.
4. To serve on such subcommittees as may be designated by the Commission.
5. To aid the public in understanding and participating in local planning issues, and the processes of local government.

E. Vacancies: In event of termination, death, resignation, or inability to serve on the part of any commissioner or alternate commissioner, such condition shall be brought to the attention of the appointing authority. “Inability to serve” shall be determined by a majority vote of the Commission. If any commissioner shall miss two (2) consecutive regular meetings without a valid excuse, the appointing authority shall be notified and requested to appoint a more active replacement.

At any time that a vacancy occurs, either County or City, as the case may be, shall have sixty (60) days to fill the vacancy. Should either County or City fail to act in the time specified, the Commission shall have the authority to make the appointment in accordance with the prescribed membership.

F. Officers: At the first meeting in each calendar year, the Commission shall elect a Chair, Vice Chair, and Secretary. The Chair shall perform the functions specified in these Rules and Procedures. When the Chair is absent, the Vice Chair shall assume the duties of the Chair. If the Chair and the Vice Chair are both absent, the remaining members of the Commission shall select one of its members to act as Chair Pro Tem. The Secretary shall act as secretary to the Commission.

G. Office: The principal place of business of the Commission shall be determined by the Commission. At a minimum, there shall be a telephone number where information may be obtained by the public, and a place where the agenda may be publicly posted. This need not be the same place as where the Commission itself meets.

H. Compensation: Commissioners shall serve without compensation.

II. Meetings.

A. Frequency and Location: Meetings of the Commission shall be on an “as needed” basis as decided by the Commission. The time of the meetings shall be scheduled to maximize assistance to County’s Board of Supervisors and City’s City Council and their staffs. All meetings shall be held within the area shown in Exhibit “A” to the Joint Powers Agreement and shall be in a public building, accessible to the public, with facilities to accommodate interested members of the public.

B. Brown Act: All meetings and all deliberations of the Commission shall be open to the public and shall be governed by the Brown Act.

C. Rules of Procedure: All meetings of the Commission shall be conducted, insofar as practical, according to Roberts Rules of Order or other parliamentary authority adopted by the Commission.

D. Presiding Official: The Chair, or the Vice Chair in the Chair’s absence, shall preside over all meetings of the Commission. In case of absence of both the Chair and the Vice Chair, the Chair Pro Tem shall preside.

E. Agenda: The Chair shall be responsible for setting the agenda of each meeting of the Commission. Each agenda shall be reviewed by County’s First District Supervisor and by City’s Mayor. County’s First District Supervisor and City’s Mayor shall assign respective staff to attend as needed.

F. Voting: Each member of the Commission is entitled to one vote. A member may abstain from voting in cases of conflict of interest, in which case he or she must state what the

conflict is. No proxies shall be permitted. All votes shall be public and properly recorded. Ex-officio members shall not be entitled to vote.

G. Minutes of Meeting: The minutes of each meeting of the Commission shall include a copy of the Agenda, the official public record of the meeting, and shall indicate any actions taken by the Commission. A copy of the minutes shall be sent to County and City.

H. Special Meetings: Special meetings of the Commission may be called by the Chair or a majority of the Commission. No special meeting shall be held without compliance with the Brown Act.

I. Notice of Meetings: Notice of meetings of the Commission shall, at a minimum, comply with the Brown Act. The Commission shall give such additional notice as County's Board of Supervisors or City's City Council may request.

J. Quorum: Six voting members of the Commission shall constitute a quorum of the Commission.

K. Alternate Commissioner: County's alternate commissioner shall serve only in the absence of one of County's commissioners. Likewise, City's alternate commissioner shall serve only in the absence of one of City's commissioners. Each alternate commissioner who serves is entitled to one vote.



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5D

Meeting Date: 03/17/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval and Ratification of the Reappointment of Gary Edwards to the Planning Commission for an Additional Two-Year Term.

Summary

The Planning Commission consists of 7 members and one alternate who serve at the pleasure of the City Council. Commissioners may serve for a total of eight years (Two-year term, Four-year term, Two-year term). Seven members and the alternate must reside within the City limits.

Gary Edwards was originally appointed to the Planning Commission on April 16, 2008. Mayor Rouse has nominated him for reappointment for an additional two-year term.

Recommended Council Action

Approve and ratify the reappointment.

Alternative Actions

Council discretion.

Financial Impact

N/A.

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

None.

cc:

Gary Edwards via email



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5E

Meeting Date: 03/17/2014

Department

Planning

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Adoption of a resolution upholding an appeal of the Planning Commission's decision to exclude a fenced courtyard from its approval of an Exception from the fence height standards to allow a seven-foot tall fence within required front and street-side setback areas.

Summary

At its meeting of January 9, 2014, the Planning Commission held a public hearing on an application for an Exception to the fence height standards in order to allow the legalization of over-height fences constructed on the property located at 639 Third Street West. After holding a public hearing on the application and discussing the matter itself, the Planning Commission voted 6-1 (Commissioner Edwards dissenting) to approve an Exception for allowing over-height fences in the southern portion of the property, while denying approval for the fenced courtyard on the north side of the site. The property owner, Diann Sorenson, subsequently filed an appeal of this decision because she wished to obtain approval of the fenced courtyard. After holding a public hearing, the City Council voted 5-0 to uphold the appeal, thereby granting the fence height exception for the fenced courtyard. In addition, the City Attorney clarified that the section of fence on the southeast side of the property that had been installed incorrectly could not be addressed or legalized through the appeal process and the applicant agreed to correct this installation and bring it into conformance with the site plan approved by the Planning Commission. Staff was directed to prepare a resolution formalizing the City Council's decision for adoption at a subsequent meeting.

Recommended Council Action

Adopt the resolution upholding the appeal.

Alternative Actions

N.A.

Financial Impact

This item does not raise any significant issues with respect to financial impacts on the City.

Environmental Review

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

Status

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

Alignment with Council Goals:

N.A.

Attachments:

1. Draft Resolution
-

cc:

Diann Sorenson
639 Third Street West
Sonoma, CA 95476

Shawn Montoya, Montoya and Associates
5 Marlie Lane
Petaluma, CA 94952

John and Stephanie Peterson
313 Robinson Road
Sonoma, CA 95476

Janet Wedekind
313 Vigna Street
Sonoma, CA 95476

George and Patti Bradley
653 Third Street West
Sonoma, CA 95476

CITY OF SONOMA

RESOLUTION NO.

A RESOLUTION OF THE SONOMA CITY COUNCIL UPHOLDING THE APPEAL OF DIANN SORENSON REGARDING THE PLANNING COMMISSION DECISION TO EXCLUDE APPROVAL OF A FENCED COURTYARD FROM ITS APPROVAL OF AN EXCEPTION TO THE FENCE HEIGHT REQUIREMENTS LEGALIZING OVER-HEIGHT FENCING ON THE PROPERTY LOCATED AT 639 THIRD STREET WEST

WHEREAS, at its meeting of January 9, 2014, the Planning Commission reviewed the application of Shawn Montoya (made on behalf of property Diann Sorenson) for an Exception to the normal fence height requirements in order to legalize over-height fencing that had been installed on the property located at 639 Third Street West and to authorize an additional fence segment on the southeast side of the property; and,

WHEREAS, after holding a public hearing on the matter, the Planning Commission voted 6-1 to approve the approve a fence height exception for the existing and proposed fence segments on the southeast side of the property, while excluding from that approval a fenced courtyard on the north side of the property; and,

WHEREAS, this decision was appealed to the City Council by the property owner, Diann Sorenson; and,

WHEREAS, the City Council considered the appeal in a duly noticed public hearing held on March 3, 2014; and,

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

Section 1. The City Council hereby upholds the appeal of Diann Sorenson, thereby approving an Exception to the Fence Height Standards with regard to the fenced courtyard on the north side of the subject property, in addition to the approval already granted by the Planning Commission for the fence segments on the southeast portion of the property.

Section 2. The City Council finds that the fence segment that was installed incorrectly relative to the site plan approved by the Planning Commission cannot be legalized through the appeals process and the property owner hereby directed to re-install this segment of fence in accordance with the approved site plan, attached as Exhibit "A".

The foregoing Resolution was duly adopted this 17th day of March 2014, by the following roll call vote:

AYES:
NOES:
ABSENT:

Tom Rouse, Mayor

ATTEST:

Gay Johann, CMC
City Clerk



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 5F

Meeting Date: 03/17/14

Department

Planning

Staff Contact

Associate Planner Atkins

Agenda Item Title

Resolution upholding the appeal of the Design Review and Historic Preservation Commission's decision to approve the application of Troy and Dawn Marmaduke for Design Review for exterior color modifications and an awning sign and upholding staff's decision to approve the application of Troy and Dawn Marmaduke for the re-facing of a wall sign and a projecting sign (408 First Street East).

Summary

On December 17, 2013, the Design Review and Historic Preservation Commission (DRHPC) considered the application of Troy and Dawn Marmaduke for Design Review for exterior color modifications and an awning sign located at 408 First Street East. Ultimately, the DRHPC approved the Design Review and awning sign applications with a vote of 3-2. On February 14, 2014, staff administratively approved a Sign Application for two signs proposed at 408 First Street East. On December 30, 2013, Johanna M. Patri and Mary Martinez filed an appeal of the DRHPC's decision to approve the paint color, painted awning, awning sign, and the administratively approved signs citing concerns for the protection and preservation of the Sonoma Plaza and the DRHPC upholding its compliance with the Certified Local Government programs. After considering the appeal at its meeting of March 3, 2014, the City council voted 4-1 to uphold the decisions of the DRHPC and staff. As directed by the Council, staff has prepared a draft resolution (attached) to implement the City Council's decision.

Recommended Council Action

Adopt the resolution upholding the decision of the DRHPC to approve the application of Troy and Dawn Marmaduke for Design Review for exterior color modifications and an awning sign and upholding staff's decision to approve the application of Troy and Dawn Marmaduke for the re-facing of a wall sign and a projecting sign.

Alternative Actions

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

Financial Impact

N.A.

Environmental Review

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

Status

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

Attachments:

1. Resolution
-

Alignment with Council Goals:

N/A

cc: Grandma Linda's Ice Cream mailing list

CITY OF SONOMA

RESOLUTION NO. xx - 2014

A RESOLUTION OF THE SONOMA CITY COUNCIL UPHOLDING THE DECISION OF THE DESIGN REVIEW AND HISTORIC PRESERVATION COMMISSION DECISION TO APPROVE THE APPLICATION OF TROY AND DAWN MARMADUKE FOR DESIGN REVIEW FOR EXTERIOR COLOR MODIFICATIONS AND AN AWNING SIGN AND UPHOLDING STAFF'S DECISION TO APPROVE THE APPLICATION OF TROY AND DAWN MARMADUKE FOR THE RE-FACING OF A WALL SIGN AND A PROJECTING SIGN LOCATED AT 408 FIRST STREET EAST

WHEREAS, on November 18 2013, an application was filed by Troy and Dawn Marmaduke for design review for exterior color modifications and an awning sign located at 408 First Street East; and

WHEREAS, upon considering this request in the course of a public hearing held on December 17, 2013, the Design Review and Historic Preservation Commission voted 3-2 to approve the design review for exterior color modifications and an awning sign subject to conditions; and

WHEREAS, on February 6 2014, an application was filed by Troy and Dawn Marmaduke for two signs proposed at 408 First Street East; and

WHEREAS, upon considering this request on February 14, 2014, staff administratively approved the two signs; and

WHEREAS, these decisions were appealed to the City Council by Johanna M. Patri, and Mary Martinez; and

WHEREAS, the City Council considered the appeal in a duly noticed public hearing held on March 3, 2014; and

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

1. The decision of the Design Review and Historic Preservation Commission to approve the application of Troy and Dawn Marmaduke for design review for exterior color modifications and an awning sign; and

2. Staff's decision to approve the application of Troy and Dawn Marmaduke for the re-facing of a wall sign and a projecting sign located at 408 First Street East.

The foregoing Resolution was duly adopted this 17th day of March 2014, by the following roll call vote:

AYES:
NOES:
ABSENT:

Tom Rouse, Mayor

ATTEST:

Gay Johann
Assistant City Manager / City Clerk



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 5G

Meeting Date: 03/17/2014

Department

Public Works

Staff Contact

Dan Takasugi, Public Works Director/Engineer

Agenda Item Title

Approval of a Resolution Authorizing the City Manager to Execute a Lease Amendment with the Sonoma Valley Field of Dreams to Upgrade the Existing Well for Municipal Water Supply

Summary

Over the past several years, the City of Sonoma has been investigating new well water sources and other sustainable groundwater supply options to restore the City's historic groundwater production capacity and create an emergency replacement water source. The purpose of this investigation has been to develop alternative water supplies that can be used to augment existing Sonoma County Water Agency (SCWA) sources. These supplies would also serve as emergency water replacement should there be an interruption of SCWA aqueduct water.

As part of an October 2010 well siting study, the Field of Dreams Well was identified as an underutilized irrigation well that had potential for City use. The Field of Dreams Well is a private irrigation well used to supply irrigation to several sports fields at the Field of Dreams Ball Fields. These sports fields are constructed on City owned property, which is leased to the Field of Dreams Association. Negotiations were concluded with the Association to allow the City to use the Field of Dreams well for municipal water production, resulting in the attached Draft Lease Amendment. Under the lease amendment, the Field of Dreams Association will receive water from the City for field irrigation at no cost, and be relieved of the electrical power and maintenance costs for the well.

Recommended Council Action

Approve Resolution.

Alternative Actions

Council discretion.

Financial Impact

Once the well upgrade and conversion is constructed, the City will begin funding electrical power, maintenance and operation, and capital replacement costs on the well.

Environmental Review

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

Status

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

Attachments:

Resolution
Lease Amendment (Well Agreement) with The Sonoma Valley Field of Dreams

Alignment with Council Goals:

Directly supports the Council Water and Infrastructure Goal of enhancing the City's local water supply.

CITY OF SONOMA

RESOLUTION NO. ____ - 2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AMENDMENT WITH THE SONOMA VALLEY FIELD OF DREAMS ASSOCIATION TO CONVERT AND UPGRADE THE EXISTING WELL FOR MUNICIPAL WATER SUPPLY

WHEREAS, the City of Sonoma's 2006 General Plan Update indicated that the City should pursue opportunities for the development of additional wells as a means of supplementing the SCWA supply during periods of peak demand; and

WHEREAS, an October 2010 well siting study revealed that the Sonoma Valley Field of Dreams irrigation well has shown good potential for conversion to a municipal water supply well; and

WHEREAS, the City and the Sonoma Valley Field of Dreams Association have negotiated and agreed in principle, that the City will assume maintenance and operation of the well facility and provide irrigation water at no cost to the Association; and

WHEREAS, the City has an existing Restated Lease Agreement with the Sonoma Valley Field of Dreams Association, dated April 17, 2007, which was amended once on September 18, 2009 for the acquisition of storm drainage facilities; and

WHEREAS, the City intends to construct a well water treatment building adjacent to the existing well and remove the building from the site when it is no longer needed for municipal water supply; and

WHEREAS, the City Council has determined that it is necessary to be proactive and responsible in the management of the City's water supply, and desires to amend the existing lease to allow for the City's use of the existing well facility.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma hereby authorizes the City Manager to execute a lease amendment with the Sonoma Valley Field of Dreams Association to convert and upgrade the existing well for municipal water supply.

PASSED, APPROVED AND ADOPTED this 17th day of March 2014 by the following vote:

AYES:
NOES:
ABSENT:

Tom Rouse, Mayor

ATTEST:

Gay Johann
Assistant City Manager / City Clerk

The Sonoma Valley Field of Dreams – City of Sonoma

Water Well Agreement

Second Amendment to Restated Lease

This Water Well Agreement (“Agreement”) is made and entered into effective _____, 2014, by and between the City OF SONOMA, a municipal corporation (“CITY”) and THE SONOMA VALLEY FIELD OF DREAMS, a non-profit organization (“FIELD OF DREAMS”) current lessee under the existing Restated Lease dated April 17, 2007 (“LEASE”), and collectively called PARTIES.

- A. FIELD OF DREAMS currently leases from the CITY the real property located at 175 First Street West in Sonoma, California (“LEASED PREMISES”) as further described in the LEASE attached hereto as Exhibit A.
- B. The LEASE was first amended on September 18, 2009 for the purpose of the CITY taking possession of certain storm drainage improvements. The first amendment to the LEASE is attached hereto as Exhibit B.
- C. FIELD OF DREAMS agrees to grant to the CITY, and the CITY agrees to accept from FIELD OF DREAMS, an agreement for the right to access the LEASED PREMISES for the purpose of constructing well upgrades, a water treatment building, and fencing around the well and building, and performing related operational and maintenance activities, and extracting water from the existing water well located thereon.

NOW, THEREFORE, THE PARTIES HEREBY UNDERSTAND AND AGREE AS FOLLOWS:

- 1. Notwithstanding anything to the contrary set forth in Section 7 of the LEASE, “Construction of Improvements,” the CITY shall have the right of entry onto and egress from the well site for the purposes of operating the well, extracting groundwater from the well, and performing normal routine maintenance on and repairs to the well and its appurtenances, including but not limited to the interconnecting pipelines, meter, and valves between the well site and the CITY’s water main. An unpaved access road will be constructed offsite on the adjacent property to provide the CITY with access to the well site. There will not be a road constructed on the LEASED PREMISES. The electrical panel and the pump equipment shall remain at the well site.
- 2. The CITY shall have the right to install, at the well site, a well treatment building and fencing to enclose the well; wellhead improvements; and any additional equipment necessary for the proper and satisfactory operation of said well, including, but not limited to, electrical power and appurtenant controls, chlorination or other treatment equipment inside the well treatment building, and supervisory control equipment permitting remote operation of the well. The well and all associated equipment and appurtenances thereto shall be the property of the CITY.
- 3. The CITY reserves the right to drill another well at the site to be used as a replacement well.
- 4. The CITY shall supply the FIELD OF DREAMS with free water through a City water connection in an ample amount needed to maintain the present turf quality at the Field Of Dreams ball fields. In addition, the City shall perform all maintenance of the well, well equipment, and any appurtenances thereto, commencing from the date of this Agreement. This obligation on the part of the CITY to supply FIELD OF DREAMS with water is an amendment to Section 6 of the LEASE, “Utilities”; however, this Agreement applies to the water, well and distribution utilities to deliver said water only, and does not apply to any additional utilities that the ball fields may require. In the event that the well becomes non-operational for any reason other than a severe or critical water shortage, the CITY shall continue to supply free water as available through a CITY water connection, to maintain sufficient water to the FIELD OF DREAMS ball fields for turf health.

5. In accordance with the CITY Ordinance 02-2009, Water Conservation and Shortage Plan, if the CITY declares a Stage 2 or greater water shortage, the FIELD OF DREAMS will need to abide by the CITY's requirements regarding water demands and usage.
6.
 - a. The CITY agrees to indemnify and hold harmless FIELD OF DREAMS from all liability and claims for damages by reason of any injury to any person or persons including CITY's agents and representatives, from any cause whatsoever, arising from the use of the well or such acts as are contemplated by this First Amendment, excluding only claims arising from the sole negligence of the officers, employees and agents of FIELD OF DREAMS.
 - b. FIELD OF DREAMS agrees to indemnify and hold harmless the CITY, its officers, employees, and agents from all liability and claims for damages by reason of any damage or injury to any person or persons including FIELD OF DREAMS' agents and representatives, from any cause whatsoever, occasioned by, or in any way connected with FIELD OF DREAMS' ownership, maintenance, or use of the property, during the term of this Agreement.
7. The CITY agrees that the entire cost of electricity, chemicals, water testing, maintenance, and repair of the water well shall be borne entirely by the CITY during the term of this Agreement and the water well shall be separately metered. For purposes of this subsection, the term "repair" includes replacement of the pump, motor, well casing, all associated piping within the fenced well area, should that be necessary for the proper operation of the well. Sections 13, 14, and 15 of the LEASE do not apply to FIELD OF DREAMS' water well or any associated construction related to its operation or repair.
8. The CITY agrees that all well equipment shall be left on-site at the termination of this Agreement. In the event that the well casing, screens or seal clog or fail during the term of this Agreement the CITY shall be obligated to repair, rehabilitate or replace said equipment at its own expense. Should, however, the CITY, at its sole discretion, opt to upgrade the well, it may do so at its own expense. A listing of well equipment is attached as EXHIBIT C.
9. FIELD OF DREAMS does not guarantee the water quality or production of the water well under this Agreement. The CITY may terminate this Agreement by thirty (30) days written notice to FIELD OF DREAMS, and reconnect the FIELD OF DREAMS' well to their irrigations system, with no further obligation under the Agreement if the water quality of the well water does not meet applicable minimum water quality standards imposed on the CITY by the Department of Health Services, Drinking Water Division.
10. The CITY may, at its own expense, using its best efforts as authorized under the CITY's current operating permit issued by the Department of Health Services, Drinking Water Division, choose to treat the water to meet water quality standards. Such water treatment may require the installation of a small building with water treatment equipment (in addition to the required chlorination system). FIELD OF DREAMS agrees to provide space for a small water treatment building and access.
11. FIELD OF DREAMS may terminate this Agreement if the CITY fails to perform any other of the terms, covenants or conditions of this Agreement and notice of such noncompliance is given in writing to the CITY.. In the event that such event occurs, the CITY shall then have 30 days from receipt of such written notice to cure, and if the claimed breach is not cured within such 30-day cure period, FIELD OF DREAMS may then, upon 30 days written notice to the CITY, terminate this Agreement.
12. The CITY may terminate this Agreement if the CITY loses the right to pump the aquifer at this location, in which case the CITY's obligation to provide water to FIELD OF DREAMS is void. It is understood however, that should such event occur, the CITY will return the well to FIELD OF DREAMS in similar or better condition.

13. All notices required by this Agreement shall be sent to either party at their addressees as follows:
TBC addresses
14. This Agreement may be amended as mutually agreed to in writing.
15. This Agreement shall be binding upon the PARTIES hereto, their heirs, beneficiaries, personal representatives, assigns, transferees and successors in interest providing, however, that the CITY may not assign, transfer or delegate its rights or duties under this Agreement without having first obtained the consent of FIELD OF DREAMS in writing.
16. This Agreement constitutes the final, complete, and exclusive statement of the terms of the agreement between the PARTIES pertaining to the water well and supersedes all such prior and contemporaneous understandings and agreements between them. Neither party has been induced to enter into this Agreement by, nor is any party relying on, any representation or warranty outside of those expressly set forth herein.
17. If a court or an arbitrator of competent jurisdiction holds any provision of this Agreement to be illegal, unenforceable, or invalid, in whole or in part, for any reason, the validity and enforceability of the remaining provisions, or portions thereof, will not be affected, unless an essential purpose of this Agreement would be defeated by the loss of the illegal, unenforceable, or invalid provision.
18. Each party has participated fully in the review and revision of this Agreement. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in interpreting this Agreement.
19. No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provision of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.
20. In any litigation, arbitration, or other proceedings by which one party either seeks to enforce its rights under this Agreement (whether in contract, tort, or both) or seeks a declaration of any right or obligations under this Agreement, the prevailing party shall be awarded reasonable attorney's fees, together with any costs and expenses, to resolve the dispute and to enforce the final judgment.
21. The term of this Agreement shall commence on TBD date and be effective for a period of the original lease.

IN WITNESS WHEREOF, the PARTIES hereto have executed this Agreement in duplicate, the day and year first written above.

"CITY"

The City of Sonoma

"FIELD OF DREAMS"

The Sonoma Valley Field of Dreams

By: _____
TBC Name

TBC Name

ATTEST:

By: _____
TBC Name

TBC Name

Exhibit A
Field of Dreams Restated Lease

Exhibit B
First Amendment to Restated Lease

Exhibit C
Well Equipment

Exhibit C

Well Equipment

Well as indicated on Well Log

10 HP Pump



CITY OF SONOMA
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 03/17/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the portions of the Minutes of the February 19 and March 3, 2014 City Council / Successor Agency Meetings 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
Agenda Item Summary

City Council Agenda Item: 7A

Meeting Date: 03/17/14

Department

Planning

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion, consideration, and possible action on an allowance for a second unit and/or guesthouse to be developed on the property located at 19725 Seventh Street East. This consideration includes the possible amendment or replacement of an existing "Deed of Easement" that applies to the subject property, while retaining limitations and restrictions associated with said easement.

Summary

The property located at 19725 Seventh Street East, although located outside of city limits, is subject to a scenic easement granted to the City by its former owners in 1985. Last year, the current property owner (Selma Blanusa) wrote to the City Council requesting that the easement be eliminated or clarified. As stated in that letter, on the issue of clarifying the terms of the easement she expressed the view that it should be interpreted as allowing residential accessory structures such as a guest house and/or an auxiliary dwelling unit and she requested that the City Council verify that interpretation. In her letter and in her presentation to the Council, Ms. Blanusa made specific reference to her desire to convert an existing barn on the property to a second unit or guest house, as this structure has potential historic significance as the original residence on the site and one of the oldest homes in Sonoma. However, in support of this request, she reiterated her view that residential accessory structures should be considered a permitted use under the existing terms of the easement. At the meeting, neighboring property owners did not address the interpretation suggested by the property owner, as that was not a focus of discussion, although they did express support for the specific proposal to convert the barn to a second unit. Ultimately, the City Council determined that it wished to retain the easement, but was willing to consider approving a document that allowed for the conversion of the barn into a second unit, subject to conformance with applicable County regulations.

In accordance with the Council's direction, the City Attorney has prepared the following: 1) A draft replacement easement that would expressly allow for the existing barn to be converted into a second dwelling unit, subject to County zoning regulations and other conditions; and 2) A draft amendment to the easement that would expressly allow for the existing barn to be converted into a second dwelling unit, subject to County zoning regulations and other conditions. In addition, the property owner has proposed a third option for the City Council to consider; namely, a draft resolution that finds that residential accessory structures are permitted, subject to County zoning regulations, under the existing terms of the easement.

Recommended Council Action

Identify and act on a preferred alternative, subject to whatever amendments the Council deems necessary. Note: the City Attorney's preference is for Option #1 (the replacement easement). Staff is also seeking a Council interpretation as to whether or not a "guest house" as defined in the County's zoning regulations, is a permitted use under the terms of the existing easement.

Alternative Actions

Three options are available to the City Council as discussed above. The Council may also choose to defer action if it needs or more information or decline to take any action.

Financial Impact

There is no financial impact on the City associated with any of the options identified above.

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Alignment with Council Goals:

This issue is not directly related to any of the Council's adopted goals.

Attachments:

1. Location Map
2. Site Plan
3. Correspondence from Selma Blanusu (including resolution)
4. Neighbor correspondence
5. Minutes of the meeting of October 21, 2013
6. Existing easement
7. Draft replacement easement
8. Draft easement amendment
9. County zoning regulations regarding second units

cc: Selma Blanusu
Easement mailing list

SUPPLEMENTAL REPORT

Discussion, consideration, and possible action on an allowance for a second unit and/or guest house to be developed on the property located at 19725 Seventh Street East. This consideration includes the possible amendment or replacement of an existing “Deed of Easement” that applies to the subject property, while retaining limitations and restrictions associated with said easement.

For the City Council Meeting of March 17, 2014

Background

The property located at 19725 Seventh Street East, although located outside of city limits, is subject to a scenic easement granted to the City by its former owners in 1985. In 1981, this property was owned by the Dowds. The Dowd property originally comprised 8.74 acres, but they proposed and were granted the right to subdivide the western 4.1 acres into 16 lots. The remaining 4.64 acres (the “remainder parcel”) was retained by the Dowds as their principal residence. A scenic easement covers the entirety of the remainder parcel. This easement was required in conjunction with the annexation and development of what was the eastern half of the property with the Laurel Wood subdivision, a 16-unit single-family development at Avenue del Oro and Appleton Way. In conformance with this requirement, a scenic easement document was crafted, accepted by the City Council, and thereafter recorded (see Attachment 6).

Last year, the current property owner, Selma Blanus, wrote to the City Council requesting that the easement be eliminated or clarified. As stated in that letter (attachment 3), on the issue of clarifying the terms of the easement, she expressed the view that it should be interpreted as allowing residential accessory structures such as a guest house and/or an auxiliary dwelling unit (which staff takes to mean a second dwelling unit) and she requested that the City Council verify that interpretation. In her letter and in her presentation to the Council, Ms. Blanus made specific reference to her desire to convert an existing barn on the property to a second unit or guest house as this structure has potential historic significance as the original residence on the site and one of the oldest homes in Sonoma. However, in support of this request, she reiterated her view that residential accessory structures should be considered a permitted use under the existing terms of the easement. She has also noted that the conversion of the barn to a second unit is subject to a discretionary review process by the Sonoma County Landmarks Commission and that if this approval is not granted, she would like to have the ability to construct a second unit that does not involve the conversion of the barn. Neighboring property owners who spoke at the October 21st meeting urged the City Council to retain the easement, but expressed openness to the idea of converting the barn into a second unit. At the meeting, neighboring property owners did not address the interpretation suggested by the property owner, as that was not a focus of discussion. Since that time, however, they have written to the Council to suggest that it take the most conservative approach possible in interpreting the provisions of the easement and they have also raised concerns about the possibility of multiple accessory structures being developed on the property (see attachment 4).

Ultimately, the City Council determined that it wished to retain the easement (or, at the least, the use limitations imposed by the easement), but was willing to consider approving a document that allowed for the conversion of the barn into a second unit, subject to conformance with applicable County regulations. The motion directing staff to return with options for the Council to consider was specifically limited to the concept of converting the barn to a second unit, although the Council did express willingness to consider changes aimed at improving the clarity of the easement or replacing the easement altogether.

Questions of Interpretation

As noted above, it is the position of the property owner that under the existing terms of the easement, residential accessory structures, such as a guest unit or a second unit, are allowable, subject to Sonoma County zoning regulations. This interpretation of the easement is based on the following paragraph:

In consideration of the said approvals prior to this date authorized, and as consideration for acceptance of this grant, the grantors covenant and agree for themselves and their successors and assigns, singularly or in any combination, that they will not at any time erect, construct, place or maintain or permit the erection, construction, placement or maintenance of any improvement, building or structure or other thing whatsoever on the subject property which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by grantors in the vicinity of the described property on the date of this deed, other than such improvements, buildings, structures or other things existing on the said property at the time of this grant.

In essence, the property owner's view is that although a residential accessory structure is designed for human habitation, under County zoning regulations and per State law regarding second dwelling units, such structures are not considered to increase the density of a property and are, therefore, permitted by the easement.¹ In this interpretation, while the property could not be subdivided and could not be developed with any additional primary units, residential accessory structures (both second dwelling units and guest houses as defined by the County's Zoning Code, see below) are allowed in accordance with applicable County zoning regulations. This argument is set forth in greater detail in the property owner's previous letter to the City Council and in the slide presentation that she presented at the City Council meeting.

The City Attorney disagrees with this interpretation with regard to the issue of a second dwelling unit. Absent specific references to County zoning regulations or State laws governing second units, it is his position that the easement should be viewed as a stand-alone document the interpretation of which should be predicated upon a reading of its own words. The easement's prohibition against construction of a building or structure to be used for "...human habitation in a manner which would increase the dwelling density..." encompasses residential dwelling structures since adding any of such structures would, by definition, increase the "dwelling density" existing on the property at the time the easement was signed in 1985. This construction of the easement is further buttressed by the expression of the Council's intention in its Resolution No. 8-84 requiring such an easement as a condition of approving the annexation of the western portion of the original Dowd property into the City's limits. For, in Resolution No. 8-84, the Council stated:

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

¹ The pertinent provision of the Sonoma County Zoning Code reads: "Density. As provided by government code section 65852.2(b)(5), second dwelling units in the DA, RRD, AR, RR, R1 and R2 zoning districts are exempt from the density limitations of the general plan. In all applicable zoning districts, no more than one second dwelling unit may be located on any parcel and a second dwelling unit may not be located on any parcel already containing a non-conforming dwelling with respect to land use or density, or developed with a duplex, triplex, apartment or condominium." Son. County Code of Ordinances, sec. 26C-325.1(g).

However, with regard to the guest house question, it is the City Attorney's view that as long as such a structure is constructed and used consistent with the definition of a "guest house" as set forth in the County's zoning regulations, it is probably not the type of "dwelling unit" the increase in density of which the existing easement precludes. However, due to the disagreements that have occurred in the past over the meaning of the existing easement, staff would request that the Council confirm or negate that interpretation.

In accordance with the Council's direction to return with options that would allow for the barn to be converted to a second unit, the City Attorney has prepared the following:

1. A draft replacement easement ("Easement Agreement") that would expressly allow for the existing barn to be converted into a second dwelling unit, subject to County zoning regulations. It also permits the barn to be relocated provided it is moved no closer to the west than its current location. The existing easement precludes subdividing or dividing Ms. Blanus's property in any way. The Easement Agreement reiterates that limitation and also precludes, through the lot line adjustment process, the reduction in size of the property. The existing easement prohibits using the property as a "*parking lot, storage area or dump site, or otherwise be utilized for the deposit of movable property . . . or of anything else that is not natural or compatible to the neighboring properties.*" The Easement Agreement abandons the language regarding movable property and things that are not natural or compatible with neighboring properties because it is ambiguous. However, the Easement Agreement does permit parking or storage provided it is incidental, necessary and subservient to the uses otherwise permitted on the property. Otherwise, the Easement Agreement retains, in clearer and less archaic verbiage, most of the other substantive provisions of the existing easement.
2. A draft amendment to the existing easement ("Easement Amendment") that would expressly allow for the existing barn to be converted into a second dwelling unit, subject to County zoning regulations. It also permits the barn to be relocated provided it is moved no closer to the west than its current location. The existing easement precludes subdividing or dividing Ms. Blanus's property in any way. The Easement Amendment reiterates that limitation and also precludes, through the lot line adjustment process, the reduction in size of the property. The existing easement prohibits using the property as a "*parking lot, storage area or dump site, or otherwise be utilized for the deposit of movable property . . . or of anything else that is not natural or compatible to the neighboring properties.*" The Easement Amendment abandons the language regarding movable property and things that are not natural or compatible with neighboring properties because it is ambiguous. However, the Easement Amendment does permit parking or storage provided it is incidental, necessary and subservient to the uses otherwise permitted on the property. The balance of the existing easement, then, is left unaffected.

The City Attorney prefers option #1 or, secondarily, option #2. The City Attorney is of the opinion that these documents more clearly express the parties' intentions and, as to option #1, removes much of the ambiguous and archaic language utilized in the 1985 easement document. With respect to the allowance for a second dwelling unit, both of these documents are narrowly drafted, consistent with the direction provided by the Council at its meeting October 21st (see attached minutes). Specifically, the motion adopted by the Council was as follows:

Councilmember Barbose: I move that we direct staff to come back with a proposed ordinance modifying the easement in accordance with preserving the prohibition against subdivision, the only change being that there would be an explicit permission to convert the historic barn to a second dwelling unit under the County regulations.

Mayor Brown: This is not an ordinance, correct?

City Attorney Walter: Correct.

Councilmember Barbose: The motion is for staff to bring this back to us with a recommendation that would accomplish that.

Councilmember Gallian: I would like to second that.

Staff would also note that the draft easement amendment and replacement easement are designed to retain and/or slightly modify (primarily for clarity) all of the restrictions found in the existing easement, except to make a specific allowance for the conversion of the barn to a second dwelling unit. If the City Council decides to include language allowing a second dwelling unit elsewhere on the property if the barn cannot be converted, then staff would need that direction. In addition, staff would request that the Council determine whether the existing language of the easement allows for a guest house (as defined in the County's zoning regulations), and, if so, direct staff to work with Ms. Blanusa to develop substitute documentation permitting same.

Property Owner Proposal

The property owner is concerned that either amending or replacing the existing easement has the potential to introduce new restrictions or unintended alterations in the current provisions. Based on her view that residential accessory structures, including second units, are allowed under the terms of the existing easement, she is proposing a third option for the City Council to consider; namely, a draft resolution that contains findings that residential accessory structures are permitted, subject only to County zoning regulations, under the existing terms of the easement (this document is included with attachment 3). The resolution suggested by the property owner is more expansive than the alternatives developed by the City Attorney, in that it would potentially allow for both a second dwelling unit and a guest house to be built on the property and the second unit could be a new structure rather than a conversion of the barn. The County zoning regulations governing these uses are summarized below.

Ultimately, it is up to the City Council to interpret the terms of the existing easement as to whether residential accessory uses are currently permitted (or should be permitted if not currently permitted) or whether an amendment to the easement or a replacement of the easement is required, as opposed to the approach of using a resolution as suggested by the property owner.

Summary of County Regulations on Residential Accessory Structures

In this discussion, it is important to understand the County zoning rules for residential structures and how they apply to the subject property:

1. *Guest House*. The County zoning ordinance defines a guest house as follows:

“Guest house” means an accessory building which consists of a detached living area of a permanent type of construction with no provisions for appliances or fixtures for the storage and/or preparation of food, including, but not limited to, refrigeration, dishwashers or cooking facilities. The building shall not be leased, subleased, rented or sub-rented separately from the main dwelling. The floor area of a guest house shall be a maximum of six hundred forty (640) square feet. Floor area shall be calculated by measuring the exterior perimeter of the guest house and the length of any common walls. In the case of straw bale or similar construction, floor area may be calculated using interior dimensions. For the purpose of calculating the maximum size of a guest house, any storage area attached to the guest house, excluding garage, shall be included. A guest house shall be located closer to the primary dwelling on the subject lot than to a primary dwelling on any adjacent lot. The guest house shall not be located more than one hundred feet (100') from the primary dwelling on the subject lot,

except where the planning director determines that a greater setback is appropriate in light of topography, vegetation or unique physical characteristics.

Because a guest house must be placed closer to the primary dwelling than any adjoining residence and may be placed no more than 100 feet from the primary dwelling on the site, any guest house on the subject property could be placed no closer than 370 feet from the western property line.

2. *Second Unit.* Under County rules, second dwelling units are allowed on properties having a Rural Residential zoning, subject to the issuance of a zoning permit, on properties of two acres in size or larger. Unlike a guest house, a second unit may have a kitchen and may, at the option of the property owner, be rented on a long-term basis (but not on a transient basis). Other restrictions include the following:

- Size limit of 840 square feet (unless subject to an affordability covenant, in which case the maximum size may be 1,000 square feet). The height of a second dwelling unit is limited to 16 feet.
- In the case of a second dwelling unit in a rural zone district that is located more than one hundred feet (100') from the primary dwelling, the second dwelling unit shall maintain minimum front, rear and side setbacks of sixty feet (60'), unless otherwise provided through use permit.
- One off-street parking space is required, but this parking space need not be covered. A garage attached to a second unit is limited to an area of 400 square feet. A second unit must be accessible from all weather driveway with a minimum width of 12 feet (Note: at the meeting of October 21st, staff incorrectly stated that a driveway was not required.)

It is staff's understanding from the property owner that although the existing barn slightly exceeds the normal size limit for a second unit, if the County's Historic Landmarks Commission finds that the structure is historically-significant, it could be converted to a second unit.

3. *Other limitations.* Under County zoning regulations, a maximum of one second unit and one guest house could be developed on the subject property.

There are many other requirements that apply to second units and guest houses. The County's zoning regulations pertaining to second units are provided as attachment 9.

Financial Impacts

There is no financial impact on the City associated with amending or interpreting the easement.

Recommendation

As directed by the City Council, the City Attorney has prepared options that would allow, among other things, for the conversion of the barn to a second unit (subject to County regulations) through the replacement or amendment of the easement. The property owner is proposing, as an alternative, that the Council adopt a resolution finding that accessory residential structures are already permitted by the terms of the easement.

The recommendation to the City Council is to identify and act on a preferred alternative, subject to whatever amendments the Council deems necessary. As noted above, the City Attorney's preference is for Option #1 (the replacement easement). Staff is also seeking a Council interpretation as to whether or not a "guest house" as defined in the County's zoning regulations, is a permitted use under the terms of the existing easement.



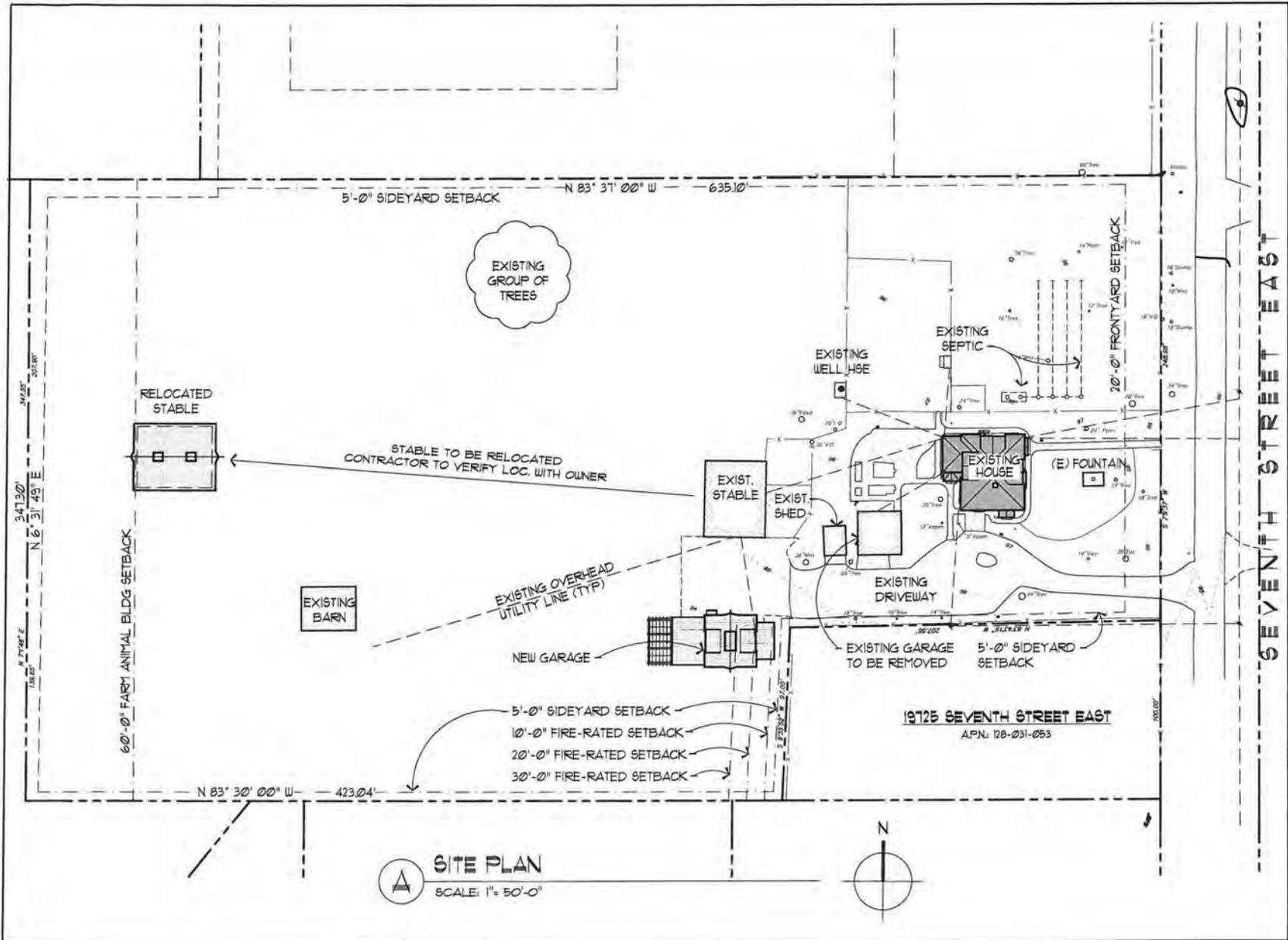
Avenue Del Oro

19725 Seventh
Street East

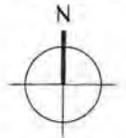
Seventh Street East

70 yds

© 2012 Microsoft Corporation



SITE PLAN
SCALE: 1" = 50'-0"



720 Broadway
Sonoma, CA 94976
PH 707.966.7947
FX 707.966.7904
rb@robertbaumann.com

ROBERT BAUMANN

BLANUSA RESIDENCE
19125 SEVENTH ST. EAST
SONOMA, CALIFORNIA 95476

SITE PLAN

ISSUE DATE: 2/17/12
2/17/12 PLNG DEPT

A0

October 11, 2013

Dear City Council Members:

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

Item: Elimination or Clarification of Easement Issue regarding Blanusa Property

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

The case for elimination:

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

Barring elimination, the need for clarification at a minimum:

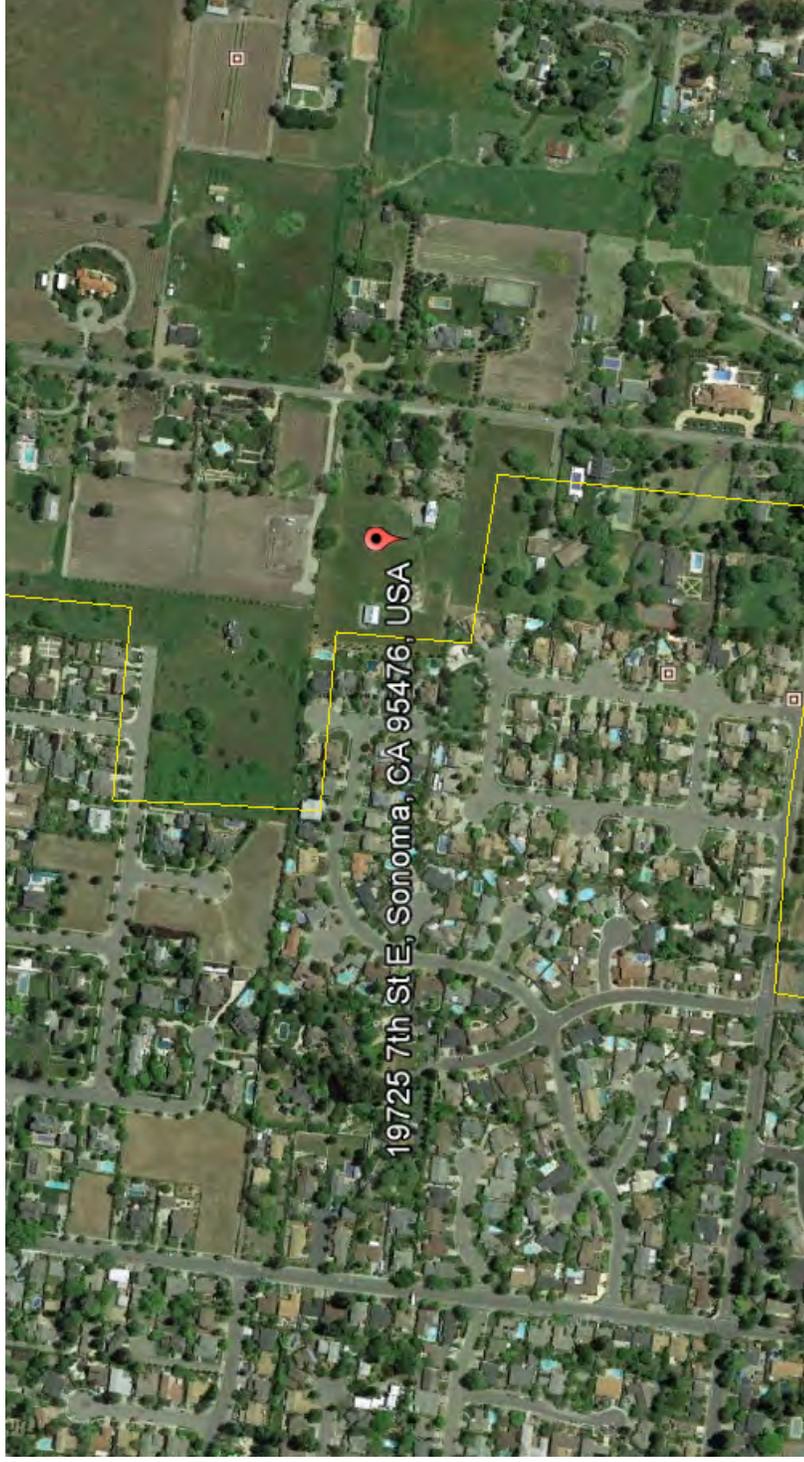
- The language of the easement is poor and again, the restrictions that it sought are prevented via Sonoma County guidelines. The easement indicates that no buildings may be put on the property that increase density. There is no further definition of what qualifies as increasing density. Does a guest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

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

Sincerely,

Selma Blanus

19725 7th St E



- Property is a historically significant farm – owned by 4 families over 150 years – located outside Sonoma City limits
- I purchased the property from the Dowd family in 2011 and began work to restore its beauty and retain its history...

Along the way... a Discovery...

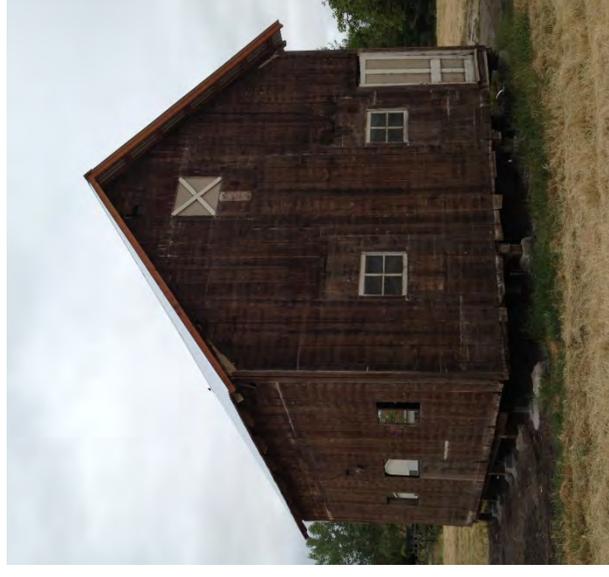


What was thought to be a barn...

Is not a barn after all...

It is the original homestead...

From 1865! It was built by OB Shaw, who purchased the property from Platon Vallejo. Being one of the oldest homes in all of Sonoma County, its value to the property and the community is best as a **home**. Sonoma County allows 2 additional dwellings and I could use a 2nd home for safety, for guests – Need to **clarify**: Does it fit within the easement?



Clarify...2nd Dwelling Allowed

Key Wording

Issue(s) with language

What is allowed...

remain free of dwelling houses and other structures designed or intended for human habitation for the control of building density
“**other than such improvements, buildings, structures or other things existing on the said property at time of this grant**” ...

- There was a **cottage** on property when the easement was written
- The Dowd family did not know that there was an **additional dwelling** - the ‘barn’ was the original homestead



... which by design or intent might be used for human habitation **in a manner which would increase the dwelling density**

- **Density is not defined** specifically... as there was a guest house already on property, density is assumed to be synonymous with ‘development’

County and City: 2nd dwelling units are allowed and specifically DO NOT increase density



not natural or compatible to the neighboring properties

- Both city and county neighboring properties have 2nd dwelling units

City and County: 2nd dwelling units are allowed

Summary: 2nd Dwelling units are allowed in the city and the county, are compatible with the neighboring properties, and specifically DO NOT INCREASE DENSITY, therefore, it is not a conflict with the easement

Can the easement be eliminated?

- Created in 1985 to manage density on the remainder property
- Reasons I ask for its elimination:
 - Antiquated... 1985 was a different landscape and pre-UGB clearly delineating the bounds of the City
 - Poorly written and inaccurate... allowing for multiple interpretations, significant conflict, and excessive administration with two governing bodies
 - Overlaps with Sonoma County guidelines...property cannot be subdivided
 - Unfair... no other property has anything similar

February 11, 2014

Dear City Council Members:

On October 21, 2013, I came forward to you regarding an easement on my property at 19725 7th St E.

I was seeking confirmation on the specific question of whether a second dwelling unit or guest unit would be allowable under the terms of the easement. Upon discussion, it was confirmed by the City Council that indeed a second dwelling unit or guest unit *did not* violate the easement.

Under the terms of the easement, in order to proceed, I need written confirmation from the city. Our choices for written confirmation are: rewriting the easement, amending the easement, or a resolution. In my view, a simple resolution appears to be the best course of action because it allows us to confirm agreement on this outstanding point while also not complicating the easement further with additional language or replacing it with potential errors or omissions. Although the City Attorney has suggested and prepared an amendment and replacement easement, my neighbors and I risk potentially significant, unintended consequences of any errors or omissions.

The resolution simply states support of what was agreed to in the meeting. With regards to buildings meant for human habitation, the easement specifically disallows dwellings which increase density. As a second dwelling unit or guest unit is allowed in both the city and the county regulations and specifically does not increase density, these buildings are allowable under the terms of the easement.

This resolution will be placed on the City Council Agenda on March 3. Between now and then, I will connect with each of you to review any questions you may have. I appreciate your help in confirming the resolution and allowing us all to move forward to more important matters.

Sincerely,

Selma Blanus

CITY OF SONOMA

RESOLUTION NO.

A RESOLUTION OF THE SONOMA CITY COUNCIL INTERPRETING THE TERMS OF A DEED OF EASEMENT RECORDED ON PROPERTY LOCATED AT 19725 SEVENTH STREET EAST

WHEREAS, on March 11, 1985, the City Council, pursuant to Resolution #15-85, accepted an easement on the property located at 19725 Seventh Street East entitled "Deed of Easement"; and,

WHEREAS, the Deed of Easement was required as a condition of approval for the Laurel Wood Subdivision, a 16-lot residential development approved for the western portion of the property located at 19725 Seventh Street East, leaving a 4.64-acre remainder portion that was not annexed to the City of Sonoma; and,

WHEREAS, the Deed of Easement, which remains in effect, provides, among other things, that the owners of the subject property and their successors in interest shall not (i) erect, permit or construct anything on the subject property for human habitation which would increase dwelling density, excluding the then existing structures, and (ii) grade or excavate the subject property without obtaining the prior written consent of the City of Sonoma in order to assure that limitations of the easement are enforced; and,

WHEREAS, some of the restrictions on the use of the subject property as set forth in the Deed of Easement are as follows:

- A. *“. . . the grantors [the Dowds] transfer to the public the right in perpetuity to have the said land remain free of dwelling houses and other structures designed or intended for human habitation, for control of building density in the immediate neighborhood pursuant to City of Sonoma approval issued to the grantor for subdivision development on adjacent property. Reference is made to the proceedings of the Planning Commission and City Council of the City of Sonoma for further particulars.” . . .*
- B. *“[no] building or structures [shall be erected] . . . which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by [the grantors] in the vicinity of the described property on the date of this deed, other than such improvements, buildings, structures or other things existing on the said property at the time of this grant.” . . .*
- C. *“Grantors also covenant for themselves and their successors and assigns that they will not use or permit the use of the subject property for any purpose inconsistent with the easement hereby granted and with the findings of the City Council of the City of Sonoma relative to the subject property. The said property shall not be used as a parking lot, storage area or dump site, or otherwise be utilized for the deposit of movable property upon the said property or of anything else that is not natural or compatible to the neighboring properties.” . . .*

and,

WHEREAS, the current property owner has requested clarification and interpretation of the terms of the easement, specifically with regard as to how or whether the easement restrictions apply to residential accessory structures and in particular whether the easement provisions prohibit the development of a second dwelling unit and/or guest house on the property; and,

WHEREAS, as the holder of the easement, the City Council has the authority to make interpretations of provisions that have been determined to be vague or incompletely defined, so long as any such interpretations are consistent with the language and expressed purposes of the easement; and

WHEREAS, the City Council considered this request for interpretation in a duly noticed public hearings held on X and X.

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

- A. A second dwelling unit constructed on the subject property in accordance with sections 65852.150 and 65852.2 of the California Government Code and in accordance with the applicable laws and regulations of Sonoma County shall not be considered to increase the "dwelling density" of the subject property because it would not and cannot be the primary structure on the subject property and because, as provided in section 65852.2 of the California Government Code, a second dwelling unit developed in conformance with that section shall not be considered to exceed the allowable density of the lot on which it is located.
- B. A guest house constructed on the subject property in accordance with the applicable laws and regulations of Sonoma County shall not be considered to increase the "dwelling density" of the subject property, because it would not and cannot have a kitchen, cooking, or refrigeration facilities, cannot be rented separately, cannot exceed 640 square feet in area, and cannot be authorized for use as a dwelling and cannot be used as a dwelling.
- C. Because the construction of a second dwelling unit and/or a guest house on the subject property would not increase its dwelling density, the allowance for a second unit and/or guest house on the subject property is determined to be consistent with the purposes and limitations of the Deed of Easement.

The foregoing Resolution was duly adopted this X day of XXX 2014, by the following roll call vote:

AYES:
NOES:
ABSENT:

Tom Rouse, Mayor

ATTEST:

Gay Johann, CMC
City Clerk

February 26, 2014

To Mr. Goodison and Members of the City Council,

At the upcoming City Council Meeting scheduled this coming Monday March 3rd there will be consideration of an amendment to a Deed Easement recorded in 1985 on 19725 7th Street East, the property bordering us to the East and directly behind us on Appleton Way. Requests for interpretations of this Document and changes within it have been made by the owner of the property on 7th Street East, Ms. Selma Blanusa, at two previous City Council Meetings. This will be the third time that this Easement has come before this Council as you may recall.

Historical points:

1. The original Easement from 1985 has been a legal document available at City Hall AND included with documents at the time of purchase of all the homes on Appleton Way bordering 19725 7th Street. This was the case for both original home owners and those that proceeded them. It was altered in 1999 when the Nathason Creek Bypass was abandoned. This was done without the knowledge of the owners protected by this Easement. Mr. and Mrs. Vince Parisi, still residents of Appleton Way, were original owners and were not notified of this significant alteration in the Easement.

2. The Easement was then interpreted by Staff as requested by Ms. Blanusa prior to her purchase of this property (we believe in 2012) without knowledge of the property owners who were only made aware of this very narrow interpretation as a result of planned changes being made on the property in early 2013. This interpretation ran counter to a much broader interpretation held by original, previous and present owners. This led to the first pass through City Council in Spring 2013.

This was a very difficult position to be in as we only learned of the Abandonment of the Nathanson Creek Bypass shortly before that first City Council Meeting AND we were not notified that there was an interpretation of the Easement made by Staff until that same time frame. Both the Abandonment of the Bypass and the Staff's Interpretation of the Easement, it seems, should have prompted notification of neighboring properties significantly impacted. We remain without explanation as to why in either case there was never appropriate notification although we have requested that the process be explained.

Both of these omissions placed us in a position of being unprepared for the detail of a very long, drawn out and difficult set of circumstances which took us through the first City Council meeting in the Spring of 2013. As you may or may not recall, Ms. Blanusa was granted her request to move a stable into a space originally protected as "structure free" as well as opening up the property to significant change, deviating from the protection of the original document under which we purchased and paid a premium for our properties.

At the second and most recent City Council Meeting October 21, 2013, Ms. Blanusa asked that the Easement be abandoned all together and left to County jurisdiction. To refresh everyone's memory as to the conclusion at this meeting, City Council did agree in a 5 - 0 vote that the Easement is still pertinent and deserved to remain in tact as it stood. There is also a clear statement within the Easement that no structure could be developed on the property that would increase population density. We did, however, agree to the renovation of a historic barn located in the Southwest corner of the property into a Guest House. This was an act of good faith as our intentions were to move forward amicably and in a less adversarial direction.

We would like to assume that the sole intention of revisiting City Council again is to amend the Easement very specifically to include that verbal agreement. We have unfortunately, however, since the last Council Meeting been placed in a position of not assuming anything. In review of the attached photos of our back properties, the current owner of the property chose to create a solid, barrier fence and forever alter our properties, forcing us to recreate at significant expense new borders so as to salvage property values. The alternative for a living fence was discussed multiple times. The alternatives are numerous and certainly within the financial range of the length of fencing she erected. (shown in the set of photos taken looking back at the fence from her property). Had we been asked to offset the cost if it were more we would likely have agreed if the alternative was what you see in the photographs. She had irrigation in place and other foliage that would have supported a living fence/alternative but chose to do as she did. Our property values are certainly altered and reconciling the damage done to our own properties expensive. It was certainly her right, this can not be argued. However in reviewing the photographs it could be argued that this is nothing short of a spite fence. We will not pursue that path as it could be argued that years ago as these homes were being developed there was a fence for livestock. It was apparently taken down at some point and the details of that are not available but the majority of us were not living here at that time. It was likely taken down as it no longer served a purpose when the properties were complete and secured that border for the livestock, thereby opening up the view for the Appleton properties which remained that way through the purchase of those homes for most of the current residence and several that preceded us.

As a result of this last development, we would like to make clear that we do not want in any way any alteration of what currently exists in the Easement other than that which we agreed to. The request was that the historic barn be transformed within guidelines as they exist for a historic structure, into a guest house, being moved somewhat closer to her primary residence. We do not have interest in agreeing to a second unit which is, in the Project Description eluded to as "consideration of an allowance for a second unit and/or guesthouse to be developed on the property located at 19725 7th St. East". We are now committed to the City maintaining control of the Easement and not relinquishing this control to the County, upholding nuisance uses, limitation on paving and grading or storage. There is verbiage as well that refers to the property NOT be used for anything else that is not natural or compatible to the neighboring properties. We would request that the Easement be strictly adhered to and that any further requests for interpretation include the property owners of Appleton Way that border the property on 7th Street East.

Thank you for reviewing carefully the content of this letter. It is very important to understand the history as it is presented in the body of this letter. The property on 7th Street was purchased with full knowledge and in spite of the limitations imposed by the Easement. We would request that the Easement as it stands is strictly adhered to allowing only for the historic barn renovation requested and agreed to at the last City Council Meeting. Our impression from Ms. Blanusa's comments at the meeting was that the barn was to be moved slightly closer to her primary residence. Please review the minutes from that meeting to be clear on her intention. Thank you for your time and contribution to the community of Sonoma as you serve on our City Council.

Thank you for considering,

The neighbors of Appleton Way

Marlene and John Ciatti
Vince and Jean Parisi
Lori and Mike Maggioncalda
Linda and Mike Anderson

708 Appleton Way



714 Appleton Way



720 Appleton Way



756 Appleton Way



trees along
fenceline of
Appleton Way



Planning Director Goodison provided a detailed description of the easement in question and explained that property owner Selma Blanusa had submitted a request that the easement be either modified or removed. Blanusa felt the circumstances that led to the easement were no longer relevant and that it unfairly restricted her use of the property.

Item 8B: Discussion, consideration, and possible action on the request of Selma Blanusa to remove or modify an easement pertaining to 19725 Seventh Street East, Continued

Cm. Rouse inquired why the easement was put in place. Director Goodison stated that it was his opinion that the easement was implemented to prevent further expansion of the residential component of the property.

Mayor Brown invited comments from the public. Selma Blanusa requested that council eliminate or clarify the easement. She would like to convert an old barn into a second dwelling unit on her property that would provide an increased sense of security for her family.

Mike and Linda Anderson stated that the open space was a reason they purchased their home and had been told that the easement would be there in perpetuity. They were not opposed to conversion of the old barn.

Additional neighboring property owners Laurie Maggioncalda and Vince Parisi also did not agree with abandonment of the easement. Neither were opposed to development of the old barn.

Cm. Barbose stated he felt the easement served a public purpose and did not feel it should be abandoned. He said he was willing to modify the easement to allow conversion of the historic barn as a second unit. All the other Councilmembers agreed.

City Attorney Walter recommended that the easement be clarified to the benefit of all involved. It was moved by Cm. Barbose, seconded by Cm. Gallian, to direct staff to come back with a recommendation for modification of the easement for better clarity and to allow conversion of the historic barn. The motion carried unanimously.

RECESS: The meeting recessed from 8:45 to 8:55 p.m.

Item 8C: Introduction of Ordinance repealing Chapter 14.10 of the Sonoma Municipal Code and reenacting a new Chapter 14.10 adopting and amending new construction codes.

Development Services Director Wirick explained that the California Building Standards Code, made up of twelve parts, were amended and published every three years by the State Building Standards Commission and the construction codes currently in place would expire January 1, 2014. He stated the local amendments suggested by staff were consistent with the existing policies and construction requirements previously adopted by the Council. Wirick provided a detailed description and explanation of the proposed codes and local amendments and stated that construction and permit costs would increase as a result of these codes.

The public comment period opened and closed with none received.

CITY OF SONOMA
DEED OF EASEMENT

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

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

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

A.P. 128-031-37 (Ptn.)

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

In consideration of the said approvals prior to this date authorized, and as consideration for acceptance of this grant, the grantors covenant and agree for themselves and their successors and assigns, singularly or in any combination, that they will not at any time erect, construct, place or maintain or permit the erection, construction, placement or maintenance of any improvement, building or structure or other thing whatsoever on the subject property which by design or intent might be used for human habitation in a manner which would increase the dwelling density of the lands owned by grantors in the vicinity of the described property on the date of this deed, other than such improvements, buildings, structures or other things existing on the said property at the time of this grant.

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

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

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

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

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

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

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

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

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

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

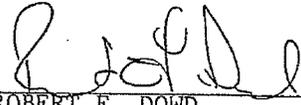
This easement shall not be rescinded, altered, amended or abandoned in whole or in part as to the entire property or any portion thereof or as to any term, condition, restriction or covenant of this instrument without the written approval of the City of Sonoma. The City of Sonoma may abandon this easement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

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

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

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

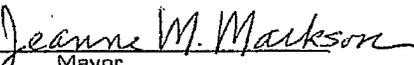
Dated: February 28, 1985


ROBERT F. DOWD


CAROL J. DOWD

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

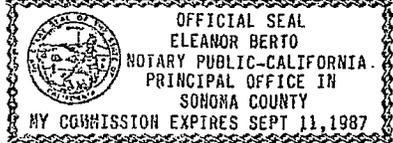
CITY OF SONOMA
A Municipal Corporation

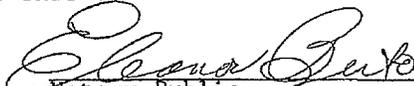
By 
Mayor
Dated: *March 28, 1985

STATE OF CALIFORNIA)
County of Sonoma) ss.

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

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




Notary Public
State of California

**Recording Requested By and Upon
Recordation Return to:**

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

/

Space Above for Recorder's Use Only

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT (“Agreement” or “Easement Agreement”) is dated as of _____, 2014, and is entered by and between the City of Sonoma (“Grantee”) and Selma Blanusa (“Grantor”).

RECITALS

WHEREAS, Grantor represents and warrants that she is the sole and only owner of the entire fee interests in the real property described in **Exhibit A** (“Real Property”), attached hereto and incorporated by this reference.

WHEREAS, by Deed of Easement (“Original Easement”) executed on February 28, 1985, and recorded on April 3, 1985, in the Official Records of the County of Sonoma as document number 85020284, Robert F. and Carol J. Dowd (“Dowds”) conveyed an easement to the Grantee covering the entire Real Property pursuant to which the Dowds, and all their successors and assigns, were precluded from developing and using the Real Property in certain ways specified in the Original Easement. Said Original Easement imposed its restrictions on the Real Property in perpetuity and granted the Grantee the exclusive right to enforce the Original Easement.

WHEREAS, Grantor is a successor in interest to the Dowds and, as stated above, represents and warrants to the Grantee that she is the sole and only fee owner of the Real Property. Grantee objects to the Original Easement and has requested that the Grantee interpret, amend and/or abandon the Original Easement in order to allow Grantor to improve the Real Property in ways desired by Grantor. The parties hereto agree and acknowledge that the Original Easement is vague and ambiguous and has lead to conflicting interpretations of its provisions. Thus, at a minimum, the Original Easement needs clarifying and simplification. This Easement Agreement seeks to simplify and to make clear the intentions of the parties in limiting development on the Real Property. Furthermore, the parties hereto agree that the intent of the Original Easement – to restrict development and limit the number of structures that can be used for human habitation on

the Real Property – is retained and promoted by the provisions of this Easement Agreement. To these ends, then, Grantor has requested that the Grantee agree to replace the Original Easement with this Easement Agreement. Grantee is amenable to replacing the Original Easement with this Easement Agreement under the terms and conditions specified herein.

Now, therefore, for the promises and covenants given and the consideration agreed to herein, the parties agree as follows:

AGREEMENT

1. Other than the “Existing House” and “Existing Barn” as shown as such on **Exhibit B** attached hereto and incorporated by this reference, Grantor shall not construct, build, remodel, make additions to, relocate, erect or modify any structure, building or improvement on the Real Property which is used or may be intended or is likely to be used as a habitable unit (as defined below); provided, however, (a) the Existing Barn may be relocated on the Real Property to a location no further west than where it is currently located (as shown on **Exhibit B**), (b) the Existing Barn may be remodeled and expanded consistent with applicable Sonoma County zoning code, general plan, building code and all other applicable local, State, federal and County of Sonoma requirements, and (c) the Existing House may be remodeled and expanded consistent with applicable Sonoma County zoning code, general plan, building code and all other applicable local, State, federal and County of Sonoma requirements.

A. “Habitable unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the Existing House is situated.

2. Grantor shall not subdivide or divide the Real Property. Grantor shall not adjust or modify the Real Property’s boundary lines so as to make the size of the Real Property smaller than its size as of the date of this Easement Agreement nor shall Grantor adjust the Real Property’s boundary lines so as to change those boundary lines in any way, direction or fashion. Grantor waives and surrenders any right to have the Real Property partitioned in kind.

3. Grantor shall not use the Real Property or any part thereof for any of the following purposes or reasons: (i) as a parking lot, except for parking that is incidental, necessary and subservient to the uses otherwise permitted hereunder, (ii) as a storage area or facility, except incidental, necessary and subservient to the uses otherwise permitted hereunder, and (iii) as a dump site.

4. Grantor shall not excavate or grade or permit excavation or grading of or on the Real Property without the written consent of the Grantee.

5. Except as provided in paragraphs 1, 2, 3 and 4 above, Grantor shall be permitted to use the Real Property and construct, install, erect, remodel, add to, or place any buildings, structures, or improvements thereon as is permitted under and subject to the Sonoma County zoning code, general plan, building code and all other applicable State, federal and County of Sonoma requirements.

6. Grantor covenants for herself and her successors and assigns, in perpetuity, that they will not use or permit the Real Property to be used for any purpose inconsistent with this Easement Agreement. Grantor and Grantee intend that Grantor's promises and covenants as set forth in this Easement Agreement be covenants running with the land as contemplated by Section 1468 of the California Civil Code. Therefore, Grantor's obligations and covenants shall run with the land and shall bind Grantor's successors and assigns as though those successors and assigns were original signatories to this Easement Agreement.

7. The parties agree that the stated purposes, terms, conditions, restrictions and covenants set forth herein and each and all of them may be specifically enforced or enjoined by appropriate proceedings in any court of competent jurisdiction upon application by the Grantee or Grantor, their successors or assigns. Grantee shall have the right, but not the obligation, to enforce the terms and conditions of this Easement Agreement against Grantor and to enter upon the Real Property for the purpose of removing any building, structure, improvement or other thing found in violation of the covenants and agreements contained in this Easement Agreement, and otherwise to enforce this Easement Agreement for the benefit of itself and the general public. Representatives of the Grantee shall have the right, from time to time, during business hours and business days and after giving reasonable prior written notice to Grantor, to enter upon the Real Property for the purpose of determining compliance with the terms and conditions of this Easement Agreement. It is understood that, in conjunction with any such entry, the Grantee shall seek to exercise due diligence to avoid any damage to the Real Property and/or improvements located thereon, and should any such damage occur, the Grantee shall be obligated to restore the thing damaged to its condition immediately preceding the incident causing the damage. It is expressly understood that the Grantee does not obtain or reserve any right by reason of this Agreement to open the Real Property for public recreation or any other use by members of the public generally.

8. In the event that the Real Property or any part thereof is sought to be condemned for public use, this Easement Agreement shall terminate as of the time of the taking in condemnation or taking under threat of condemnation only as to that portion of the Real Property taken for public use, but shall remain in effect relative to all other portions of the Real Property. The Grantor shall be entitled to such compensation for the taking as she would have been entitled had the Real Property not been burdened by this Easement Agreement; provided, however, that each and every stated term, condition, restriction and covenant of this Easement Agreement shall be observed by Grantor, her successors or assigns, during the pendency of such action and provided further that in the event such action is abandoned prior to the recordation of a final order of condemnation, or the Real Property or some portion thereof is not actually acquired for public use, the Real Property

shall, at the time of such abandonment, or at the time it is determined that such Real Property shall not be taken for public use, once again be subject to this Easement Agreement and to each and every stated purpose, term, condition, restriction and covenant of this Easement Agreement.

9. Should it be determined by any court of competent jurisdiction that any term of this Agreement is unenforceable, that term shall be deemed to be deleted, however, the validity and enforceability of the remaining terms shall not be affected by the deletion of the unenforceable term.

10. This Agreement may be amended only by a written instrument executed by all parties hereto and recorded.

11. This Agreement has been drafted by legal counsel representing the Grantee, but Grantor has fully participated in the negotiation of its terms. Grantor acknowledges she has had an opportunity to review each term of this Agreement, and, therefore, the rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Easement Agreement.

12. The parties to this Agreement declare and represent that no promise, inducement or agreement not herein discussed has been made between the parties, and that this Agreement contains the entire expression of agreement between the parties and the subjects addressed herein.

13. This Agreement may be executed in counterparts. The execution of a signature page of this Agreement shall constitute the execution of the Agreement, and the Agreement shall be binding on each party upon that party's signing of such a counterpart.

14. Grantor declares and represents that she obtained the advice of legal counsel with respect to the terms and conditions of this Easement Agreement and that she intends that this Agreement shall be complete and shall not be subject to any claim of mistake.

15. If either party to this Easement Agreement should bring any action or proceeding to enforce or interpret the terms hereof, the prevailing party in such action or proceeding shall be entitled to have its reasonable attorneys' fees, court costs and fees of expert witnesses reimbursed by the other party.

16. Upon the recordation of this Easement Agreement, the Original Agreement shall be cancelled and this Agreement shall completely supersede the Original Agreement, and neither the Grantor nor the Grantee shall have any rights under said Original Agreement.

17. The Grantee may abandon this Easement Agreement in any particular on its own motion if it finds that no public purpose will be served any longer by the keeping of it. Abandonment of this Easement Agreement or of any right hereunder at the request of the Grantor or Grantor's successors or assigns shall be had strictly according to the provisions of law for such abandonment.

IN WITNESS WHEREOF, Grantor and Grantee have executed this Easement Agreement as of the day and year first written above.

GRANTOR:

GRANTEE:

CITY OF SONOMA

SELMA BLANUSA

By: CAROL GIOVANATTO,
City Manager

ATTACH ACKNOWLEDGMENTS

**Recording Requested By and Upon
Recordation Return to:**

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

/

=====
Space Above For Recorder's Use
=====

**AMENDMENT TO
DEED OF EASEMENT**

This Amendment to Deed of Easement (“Amendment”) is dated as of _____, 2014, and is approved by the City of Sonoma (“City”) and Selma Blanusa (“Grantor”).

RECITALS

WHEREAS, Grantor represents and warrants that she is sole and only owner of the entire fee interest in the land described on page 1 of the City of Sonoma Deed of Easement executed on February 28, 1985, and recorded on April 3, 1985, in the Official Records of the County of Sonoma as Document No. 85020284, a true and correct copy of which is attached hereto as **Exhibit A** and incorporated herein by this reference (“Original Deed of Easement”).

WHEREAS, Grantor is a successor-in-interest to Robert F. and Carol J. Dowd (“Dowds”), the original Grantors under the Original Deed of Easement. Grantor objects to the Original Deed of Easement and has requested that the City Council of the City of Sonoma interpret, amend and/or abandon the Original Deed of Easement in order to allow Grantor to improve the land in ways desired by Grantor.

WHEREAS, the City of Sonoma is agreeable to amending the Original Deed of Easement as set forth herein below.

NOW, THEREFORE, for the promises and covenants given and the consideration agreed to herein, the parties agree as follows:

AGREEMENT

1. The first, second, third and fourth paragraphs on page 2 of the Original Deed of Easement are amended in their entirety to read as follows:

“By this present instrument, the Grantors transfer to the public, the right, in perpetuity, to use the subject property and/or to construct, install, erect, remodel, relocate, add to or place any buildings, structures, or improvements thereon except as is otherwise permitted under this

Deed of Easement. In consideration of the said approvals prior to this date authorized, and as consideration for acceptance of this Deed of Easement, the Grantors covenant and agree for themselves and their successors and assigns, singularly or in any combination, as follows:

“A. Other than the “Existing House” and “Existing Barn” as shown as such on **Exhibit A** attached hereto and incorporated by this reference, Grantor shall not construct, build, remodel, make additions to, relocate, erect or modify any structure, building or improvement on the subject property which is used or may be intended or is likely to be used as a habitable unit (as defined below); provided, however, (a) the Existing Barn may be relocated on the subject property to a location no further west than where it is currently located (as shown on **Exhibit A**), (b) the Existing Barn may be remodeled and expanded consistent with applicable Sonoma County zoning code, general plan, building code and all other applicable local, State, federal and County of Sonoma requirements, and (c) the Existing House may be remodeled and expanded consistent with applicable Sonoma County zoning code, general plan, building code and all other applicable local, State, federal and County of Sonoma requirements.

1. “Habitable unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the Existing House is situated.

“B. Grantors shall not adjust or modify the subject property’s boundary lines so as to make the size of the subject property smaller than its size as of April 3, 1985, nor shall Grantors adjust the subject property’s boundary lines so as to change those boundary lines in any way, direction or fashion.

“C. Grantors shall not use the subject property or any part thereof for any of the following purposes or reasons: (i) as a parking lot, except for parking that is incidental, necessary and subservient to the uses otherwise permitted hereunder, (ii) as a storage area or facility, except incidental, necessary and subservient to the uses otherwise permitted hereunder, and (iii) as a dump site.

“D. Except as provided in subparagraphs A, B and C above, Grantors shall be permitted to use the subject property and construct, install, erect, remodel, add to, or place any buildings, structures, or improvements thereon as is permitted under and subject to the Sonoma County zoning code, general plan, building code and all other applicable State, local, federal and County of Sonoma requirements.”

2. The following shall be added to the third full paragraph on page three of the Original Deed of Easement:

If either party to this instrument should bring any action or proceeding to enforce or interpret the terms hereof, the prevailing party in such action or proceeding shall be entitled to have its reasonable attorneys’ fees, court costs and fees of expert witnesses reimbursed by the other party.

3. This Amendment has been drafted by legal counsel representing the City, but Grantor has fully participated in the negotiation of its terms. Grantor acknowledges she has had an opportunity to review each term of this Amendment, and, therefore, the rule of construction to

the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Amendment.

4. The parties to this Amendment declare and represent that no promise, inducement or agreement not herein discussed has been made between the parties, and that this agreement contains the entire expression of agreement between the parties and the subjects addressed herein.

5. This Amendment may be executed in counterparts. The execution of a signature page of this Amendment shall constitute the execution of the Amendment, and the Amendment shall be binding on each party upon that party's signing of such a counterpart.

6. Grantor declares and represents that she obtained the advice of legal counsel with respect to the terms and conditions of this Amendment and that she intends that this Amendment shall be complete and shall not be subject to any claim of mistake.

7. Other than as expressly amended herein, the Original Deed of Easement shall remain unaffected by this Amendment and shall remain in full force and effect.

IN WITNESS WHEREOF, Grantor and the City have executed this Amendment as of the day and year first written above.

GRANTOR:

CITY OF SONOMA

SELMA BLANUSA

By: CAROL GIOVANATTO,
City Manager

ATTACH ACKNOWLEDGMENTS

Sec. 26C-325.1. Second dwelling units.

- (a) Purpose. This section implements the requirements of Government Code Section 65852.2 and the provisions of the general plan housing element that encourage the production of affordable housing by means of second dwelling units.
- (b) Applicability. Second dwelling units shall be permitted only in compliance with the requirements of this section, and all other requirements of the applicable zoning district, except as otherwise provided by this section, in the following agricultural and residential zoning districts: LIA (Land Intensive Agriculture), LEA (Land Extensive Agriculture), DA (Diverse Agriculture), RRD (Rural Resources & Development), RR (Rural Residential), AR (Agricultural Residential), R1 (Low Density Residential), R2 (Medium Density Residential) and R3 (High Density Residential). Second dwelling units are prohibited in the Z (second dwelling unit exclusion) combining district.
- (c) Permit Requirements. A zoning permit pursuant to [section 26C-330](#) shall be required for a second dwelling unit in all applicable zoning districts except LIA and LEA. A use permit shall be required for a second dwelling unit in LIA and LEA zoning districts. Additionally, second dwelling units must comply with all other applicable building codes and requirements, including evidence of adequate septic capacity and water yield. Any approval of any second dwelling unit must be supported by findings demonstrating consistency of the second dwelling unit development with the section design and development standards herein.
- (d) Use. Second dwelling units may not be sold separately from the main unit, and may be rented. Occupant(s) need not be related to the property owner. Units may not be rented on a transient occupancy basis (periods less than thirty (30) days) unless a use permit is first secured.
- (e) Unit Type. A second dwelling unit may be attached or detached from the primary dwelling on the site. A detached second dwelling unit may also be a manufactured home, in compliance with Sections [26-02-140](#) and [26C-325.4](#)
- (f) Timing. A second dwelling unit allowed by this section may be constructed prior to, concurrently with or after construction of the primary dwelling.
- (g) Density. As provided by government code section 65852.2(b)(5), second dwelling units in the DA, RRD, AR, RR, R1 and R2 zoning districts are exempt from the density limitations of the general plan. In all applicable zoning districts, no more than one second dwelling unit may be located on any parcel and a second dwelling unit may not be located on any parcel already containing a non-conforming dwelling with respect to land use or density, or developed with a duplex, triplex, apartment or condominium.
- (h) Site Requirements.
 - (1) Water Availability.
 - (i) Except as provided in subsection (h)(1)(ii) of this section, a second dwelling unit shall be permitted only in designated groundwater availability classification areas 1 or 2, or where public water is available.
 - (ii) A second dwelling unit in a Class 3 groundwater availability area shall be permitted only if:
 - (A) The domestic water source is located on the subject parcel, or a mutual water source is available; and
 - (B) Groundwater yield is sufficient for the existing and proposed use, pursuant to [Section 7-12](#) of this code.
 - (iii) Second dwelling units shall not be established within designated Class 4 groundwater availability classification areas except where both requirements for Class 3 areas,

above, are met and a hydro-geotechnical report determines that there is no long-term or cumulative impact to groundwater resources. All applications for a zoning permit to allow a second dwelling unit within a Class 4 area shall be accompanied by a hydro-geological report containing information and analysis as specified by the director. Said report shall be prepared and certified by an appropriate licensed professional, specific for the subject site and the existing and proposed use, and the report must find and determine that:

- (A) Water yield will be sufficient year-round to serve both the primary and the secondary residential use; and
- (B) The establishment and continuation of the use will not result in significant impacts to local groundwater availability or yield, nor is it expected to have significant long-term and/or cumulative impacts.

(2) Minimum Parcel Size.

(i) A second dwelling unit shall be permitted only on parcels with a minimum gross lot area of at least two (2) acres, except as provided for below:

- (A) An exception will be made to permit a second dwelling unit on a parcel with a minimum of 1.5 acres in gross lot area in designated Class 1 or 2 groundwater availability areas, provided that an affordable housing agreement pursuant to Sections [26-88-120](#) and [26C-326](#) is executed and recorded, restricting the occupancy and rent of the subject unit to low or very low income households for a period of at least thirty (30) years. The agreement shall be subject to review and approval of the county counsel and the executive director of the community development commission.
- (B) Where the parcel is served by both public sewer and water, second dwelling units shall be permitted only on parcels with a minimum gross lot area of at least six thousand (6,000) square feet without restriction as to tenancy or affordability.
- (C) Where the parcel is served by both public sewer and water, second dwelling units shall be permitted on parcels with a gross lot area of at least five thousand (5,000) square feet, provided that an affordable housing agreement pursuant to [Section 26-88-120](#) is executed and recorded restricting the occupancy and rent of the subject unit to low or very low income households for a period of at least thirty (30) years. The agreement shall be subject to review and approval of the county counsel and the executive director of the community development commission.

(i) Design and Development Standards.

- (1) Height. The second dwelling unit shall not exceed sixteen (16) feet in height except that where the unit is attached to the primary unit, or where the second dwelling unit is proposed to be located above a garage, carport or barn, the maximum height shall be that established for the underlying zoning district. In no case shall the provision of a second dwelling unit result in a substantial reduction in solar access to surrounding properties.
- (2) Design. The second dwelling unit shall be similar or compatible in character to the primary residence on the site and to the surrounding residences in terms of roof pitch, eaves, building materials, colors and landscaping, second dwelling units shall also meet all standards set forth in any applicable combining district, specific plan or area plan or local area development guidelines.
- (3) Size. A second dwelling unit shall not exceed eight hundred forty (840) square feet in floor

area. When the second dwelling unit is provided as an affordable rental unit, the size limit shall be one thousand (1,000) square feet so long as an affordable housing agreement pursuant to Sections [26-88-120](#) and 26C-26 is first executed and recorded, restricting the occupancy and rent for the subject unit to low or very low income households for a period of at least thirty (30) years. The agreement shall be subject to review and approval of the county counsel and the executive director of the community development commission.

- (i) **Calculating the Size of Second Dwelling Units.** Floor area shall be calculated by measuring the exterior perimeter of the second dwelling unit and the length of any common walls. In the case of straw bale or similar construction, floor area may be calculated using interior dimensions. Any storage space or enclosed areas attached to the second dwelling unit shall be included in the size calculation, except: a) a garage, as described below; or b) where the second dwelling unit is constructed over a barn or garage serving only the primary home.
 - (ii) **Allowable Garage Area.** A garage up to four hundred (400) square feet in unconditioned floor area shall be permitted for a second dwelling unit provided that all required setbacks are met. A garage up to five hundred (500) square feet shall be permitted if an affordable housing agreement pursuant to Sections [26-88-120](#) and [26C-326](#) is recorded restricting the rent to low or very low income households for a period of at least thirty (30) years. No conditioned space shall be allowed within the garage area. A deed restriction shall be recorded declaring that the garage or barn area is not to be utilized as a part of the conditioned residential space.
- (4) **Lot Coverage Limitation.** The total lot coverage for parcels developed with a second dwelling unit shall not exceed that allowed within the applicable zoning district in which the parcel is located.
- (5) **Setback and Location Requirements.**
- (i) A second dwelling unit and any attached or detached garage must comply with the setback requirements of the applicable zoning district in which the second dwelling unit is located, except that the rear yard setback for second dwelling unit located in urban service areas within zone districts RR, R1, R2 and R3 shall be reduced to five (5) feet. In the case of an existing legal structure that is nonconforming with respect to setbacks, yard requirements may be reduced through use permit approval in order to allow the legal conversion of the existing structure for use as a second dwelling unit.
 - (ii) In the case of a second dwelling unit in a rural zone district that is located more than one hundred (100) feet from the primary dwelling, the second dwelling unit shall maintain minimum front, rear and side setbacks of sixty (60) feet, unless otherwise provided through use permit.
- (6) **Access and Parking Requirements.**
- (i) **Driveway Access.** Both the primary unit and the second dwelling unit shall be served by one common, all-weather surface access driveway with a minimum width of twelve (12) feet, connecting the second dwelling unit to a public or private road. The requirement for a single driveway connection may be waived in each of the following instances if the director determines that the waiver of the requirement would not be detrimental to the public health, safety or general welfare:
 - (A) Where an applicant seeks to convert an existing structure to use as a second dwelling unit, and that structure was served by an access driveway separate from the primary dwelling; or

- (B) Where the applicant can show that there are already two (2) legally established access driveways to the parcel that are available to serve the primary and secondary dwelling units separately; or
 - (C) Where the parcel is split by a public or private road, or where the parcel has frontage on two (2) roads (public or private);
 - (D) Where the applicant demonstrates an alternative access design that provides an overall reduction in the expanse of driveway area is preferable.
- (ii) Parking Required. One (1) off-street parking space with an all-weather surface shall be provided for the exclusive use of the second dwelling unit, in addition to the parking that is required for the primary dwelling. (Ord. 5429 § 6, 2003.)
- (7) Conformance with certified LCP. All new second dwelling units when combined with all existing site development shall together conform to all applicable requirements for the Coastal Plan, Administrative Manual and this chapter.
 - (8) Public Access. Second dwelling units shall not obstruct public access to and along the coast, or public trails.
 - (9) Visual Resources. Second dwelling units shall not significantly obstruct public views from any public road, trail, or public recreation area to, and along the coast.
 - (10) Environmentally Sensitive Habitat Areas and Wetlands. All development associated with second dwelling units shall be located no closer than 100 feet from the outer edge of an environmentally sensitive habitat area or the average setback of existing development immediately adjacent as determined by the "string line method," which, for the purposes of this subsection, means the following: When circumstances do not allow a standard setback from, a bluff or natural resource, or when existing development encroaches nearer than the standard setback, a line may be drawn between the structures on either side of the parcel in question and that "string line" then defines the setback for that parcel.
 - (11) Agricultural Lands. All development associated with second dwelling units shall be prohibited on prime agricultural soils. Where there are no prime soils second dwelling units shall be sited so as to minimize impacts to ongoing agriculturally-related activities.
 - (12) Second dwelling units shall not be approved absent a finding of adequate water supply and wastewater treatment.

(Ord. No. 5829 § II, 2009; Ord. 5429 § 6, 2003.)

Sec. 26C-325.2. Recycling collection and processing facilities. 

The criteria and standards for recycling collection and processing facilities are as follows:

- (a) Permits Required.
 - (1) No person shall place or permit placement, construction, or operation of any recycling facility, including reverse vending machine, large or small collection facility, or light or heavy processing facility without first obtaining a use permit or design review approval pursuant to the provisions set forth in this section. Subject to the restrictions and requirements of this section, recycling collection and processing facilities may be permitted as set forth in the following table:

Type of Facility	Zones Permitted	Permit Required
Reverse Vending Machine	CS, CT, C2, CF, PF, PC, AS	Administrative Design Review
Small Collection Facility	CS, CT, C2, CF, PF, PC, AS	Administrative Design Review



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 8A

Meeting Date: 03/17/2014

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Discussion, Consideration and Possible Action to Issue a Letter of Support for the Sonoma Stompers Baseball League

Summary

The Sonoma Stompers Baseball organization is proceeding with the permitting process through the County Regional Parks for use of Arnold Field for their League games. Following their presentation to the City Council on February 19th, indication was that the Council was supportive of bringing semi-pro baseball to Sonoma and directed that the item be placed on the agenda to consider submitting a letter to the County in support of the use of Arnold Field by the Sonoma Stompers. The Stompers organizers have held three public meetings and have received positive support and comments from the community. This could be an exciting "hometown" family experience and an economic opportunity as well.

Recommended Council Action

Consider directing staff to submit a letter of support to the County for approval of the use of Arnold Field by the Sonoma Stompers League Baseball.

Alternative Actions

Council discretion

Financial Impact

N/A

Environmental Review

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

Status

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

Attachments: None

Alignment with Council Goals: Aligns with *Economic Development: Explore Economic Development Drivers* through the promotion of Sonoma.

cc: Theo Fightmaster via email



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 8B

Meeting Date: 03/17/14

Department

Planning and Community Services

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Continued discussion of options for establishing additional zoning regulations on wine tasting facilities, including draft amendments to the Development Code developed by the Planning Commission.

Summary

On February 24, 2014, the City Council conducted a study session with the Planning Commission to discuss options for the additional regulation of wine tasting facilities. The study session was the most recent step in a year-long review of this subject. As previously directed by the City Council, the Planning Commission had developed a set of draft amendments to the Development Code, which may be summarized as follows:

- Establish definitions in the Development Code for wine tasting facilities that clearly distinguish between tasting rooms and wine bar/tap rooms.
- Create a two-tiered permitting system in which tasting facilities of limited hours and size would continue to be classified as a permitted use in commercial zoning districts, while facilities with extended hours and/or a greater size would be subject to Use Permit review.
- Require Use Permit approval for wine bar/tap rooms.
- Establish operating standards for wine tasting facilities and wine bar/tap rooms.

Following public testimony and after the conclusion of its discussion with the Planning Commission, it was the consensus of the City Council to proceed with the basic framework suggested by the Planning Commission, but to first review and possibly modify the criteria used to distinguish between a tasting rooms that are considered to be a permitted use and tasting rooms that would be subject to Use Permit review. Staff was directed to return with additional background information on the suggested criteria for Use Permit review. As set forth in the attached supplemental report, this information has been developed and is presented for Council review and direction.

Recommended Council Action

Staff recommends that the City Council provide direction on the criteria used to distinguish between "Wine Tasting, Limited" and Wine Tasting, Extended", for purposes of determining when Use Permit review will be required. Based on this direction, staff will return with a draft ordinance for the Council's review at a subsequent meeting.

Alternative Actions

N.A.

Financial Impact

The development of updated regulations on wine tasting facilities is being accomplished as part of the normal workload. It is not expected that the adoption and implementation of such regulations will have any significant impact on City finances.

Environmental Review

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

Status

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

Alignment with Council Goals

The development and implementation of regulations on wine tasting facilities and wine bars may relate to the City Council's "Economic Development" goal, which reads as follows: *"Explore Economic Development Drivers to ensure preservation and long-term viability of Community Assets. Continue to develop strategies to address the loss of revenue to the City as a result of the elimination of redevelopment; continue to facilitate business retention, recruitment and expansion of the economic base; protect local historical infrastructure."* However, in staff's view, this goal does not seem to mandate any particular outcome on the subject, at least with respect to the regulatory options that are under discussion.

Attachments:

1. Updated inventory of wine tasting facilities
 2. Draft amendments to the Development Code
-

cc: Bret Sackett, Police Chief
Laurie Decker, Economic Development Coordinator
Jennifer Yankovich, Executive Director, Sonoma Valley Chamber of Commerce
Daniel Fay, Envolve
Richard Idell, Sonoma Valley Vintners and Growers

SUPPLEMENTAL REPORT

Continued discussion of options for establishing additional zoning regulations on wine tasting facilities, including draft amendments to the Development Code developed by the Planning Commission

For the City Council Meeting of March 17, 2014

Background

On February 24, 2014, the City Council conducted a study session with the Planning Commission to discuss options for the additional regulation of wine tasting facilities. The study session was the most recent step in a year-long review of this subject. As previously directed by the City Council, the Planning Commission had developed a set of draft amendments to the Development Code, which may be summarized as follows:

- Establish definitions in the Development Code for wine tasting facilities that clearly distinguish between tasting rooms and wine bar/tap rooms. A key distinction in this regard is that tasting rooms operate under a Type 2 License from the State Alcoholic Beverage Control Board, in contrast to wine bars and tap rooms, which operate under a Type 42 ABC License.)
- Create a two-tiered permitting system in which tasting facilities of limited hours and size would continue to be classified as a permitted use in commercial zoning districts, while facilities with extended hours and/or a greater size would be subject to Use Permit review.
- Require Use Permit approval for wine bars (which, again, would be defined as establishments operating under a Type 42 License from the ABC).
- Establish operating standards for wine tasting facilities and wine bar/tap rooms.

Before entering into a discussion of a specific ordinance, however, the City Council decided to conduct a study session with the Planning Commission in order to: 1) hear directly from the Planning Commission regarding its recommendations and the discussions that went into them; 2) discuss alternative approaches to regulating wine tasting facilities; and, 3) provide an additional opportunity for public comment on the subject. Following public testimony and after the conclusion of its discussion with the Planning Commission, it was the consensus of the City Council to proceed with the basic framework suggested by the Planning Commission, but to first review and possibly modify the criteria used to distinguish between a tasting room that may be permitted as of right and a tasting room that would be subject to Use Permit review. To this end, staff was directed to return with additional background information on the suggested criteria for Use Permit review. The Council further agreed on the direction that any facility proposed to operate under a Type 42 License should be subject to use permit review.

Thresholds for Use Permit Review

Under the approach developed by the Planning Commission, tasting facilities would be defined as either “Wine Tasting, Limited”, a permitted use, and Wine Tasting, Extended”, a conditionally permitted use. To distinguish between these two types of facilities, the Planning Commission has suggested the following thresholds:

“Wine Tasting, Limited” (Permitted Use)	“Wine Tasting Extended” (Subject to Use Permit Review)
Hours of operation for service to the general public not to exceed 11 a.m. to 7 p.m. for the period of November 1 to March 30 and 11 a.m. to 9 p.m. for the period of April 1 to October 31. In this regard, the Planning Commission also considered the option of a year-around closing time of 7 p.m., but a majority of the Commission supported the seasonal approach.	Anything greater.
Size of tenant space not to exceed 1,000 sq. ft.	Tenant space (or subspace) of ≥1,000 sq. ft.
Private marketing and promotional events (e.g., wine club tastings) would be limited no more than 26 such events per calendar year and no more than two per week. (Note: this limitation implies a reporting requirement.)	Anything greater.
Common Requirements	
Limited to a Type 2 ABC license.	
Limits on food preparation and food service (no “restaurant” use).	
No third-party special events (e.g., weddings).	
Live music requires a Music license or a separate temporary Use Permit.	

As noted above, the City Council directed staff to prepare additional information on these criteria, in particular with respect to the size and hours of operation of existing tasting rooms in the downtown area. In accordance with this direction, staff has updated its inventory of downtown tasting rooms (attached) and developed the following summary information:

1. *Hours.* Of the 26 tasting rooms in the downtown area, 18 close by 6:00 p.m., two close by 7:00 p.m., another two close by 8:00 p.m., and only three are open later than 8:30 p.m.
2. *Size.* Three wine tasting rooms occupy spaces of less than 500 square feet, fourteen occupy tenant spaces of between 500 and 999 square feet, and nine occupy spaces of greater than 1,000 square feet.
3. *After-hour Tasting Events.* Staff does not have much information as to how many tasting facilities offer after-hour events (e.g., a wine-maker dinner) to their members or patrons. While this practice does not seem to be common, it would be useful to hear from tasting room owners on this subject. (Note: the Erik James tasting room applied for and received a music license for its Friday evening music series. Staff is not aware of any tasting rooms that offer a similar experience.)

Based on this review, it appears that the thresholds suggested by the Planning Commission would result in a relatively few facilities that would be subject to Use Permit review, assuming that the current pattern of hours and tenant space sizes holds. However, this is now the City Council’s opportunity to discuss the Use Permit Review criteria and to provide direction to staff that would be used to prepare a revised set of draft amendments to the Development Code.

Recommendation

Staff recommends that the City Council provide direction on the criteria used to distinguish between “Wine Tasting, Limited” and Wine Tasting, Extended”, for purposes of determining when Use Permit review will be required. Based on this direction, staff will return with a draft ordinance for the Council’s review at a subsequent meeting.

Winery Name/Street Address	Hours of Operation	Food Service	Number of Seats?	Seating: Inside or Outside?	ABC License Type	Start Date	Sq Ft (range)	Notes
Adobe Road Winery 481 First Street West	11:00 a.m. to 6:30 p.m., daily	No--Serves crackers only	10	Inside	2	2010	900	
Charles Creek Vineyards 483 First Street West	11:00 a.m. to 6:00 p.m., daily	No--serves prepackaged food	0		2	2004	>1000	
JAQK Wine Cellars 134 Church	Outdoor seating closes by 7:00 p.m.	No	22 11	Inside Outside	2	Not yet open	1200	In process; not yet open. Use permit approved for limited outdoor seating.
Three Sticks Wines 143 West Spain Street	8-6, M-F 3, Saturday Tastings by appointment only.	No			2	Not yet open	2400 (includes admin offices)	In process; not yet open. Use permit approved for adaptive re-use. Tastings allowed by appointment only.
Erik James Tasting Room 452 First Street East, Suite G	12:00 p.m. to 7:00 p.m., Monday and Thursday; 12:00 p.m. to 10:00 p.m. Friday through Sunday.	No	25	Inside	2	2012	500-750	Multiple type 2 licenses.
Hawkes Winery 383 First Street West	11:00 a.m. to 6:00 p.m., daily	No--Serves crackers only	12 9 11	Outside (front yard) Outside (back yard) Inside	2	2010	1250	Outside of POZ. Use permit approved for outdoor seating.
Haywood Estate Winery 25 East Napa Street, Suite C	10:30 a.m. to 6:00 p.m., daily	No--Serves prepackaged food only	13 4	Inside Outside	2	2011	500-600	
Highway 12 498 First Street East	11 a.m. to 5:30 p.m., daily	No--Serves prepackaged food only			2	2008	<500	Located within larger retail establishment.
Sonoma Wine Hardware 536 Broadway	12 p.m. to 5:00 p.m. Thursday through Monday	No--Serves crackers only	1	Inside	2		<500	Located within larger retail establishment.
R2 Wine Company 654 Broadway	11:00 a.m. to 6:00 p.m., Wednesday and Thursday; 11:00 a.m. to 8:30 p.m. Friday; 11 a.m. to 8:30 p.m. Saturday; 12:00 p.m. to 4:00 p.m. Sunday; by appointment only Monday and Tuesday	No	4 18	Outside Inside	2	2005	1000-1250	Outside of POZ.
Auteur/Roessler 373 First Street West	By appointment only	No--Serves crackers only	12	Outside	2	2005	1160	Outside of POZ

Winery Name/Street Address	Hours of Operation	Food Service	Number of Seats?	Seating: Inside or Outside?	ABC License Type	Start Date	Sq Ft (range)	Notes
Roche Winery 122 West Spain Street	11:00 a.m. to 6:00 p.m., daily	No--Serves prepackaged food only	44 12	Outside Inside	2	2009	1430	
WALT Wines 380 First Street West	11:00 a.m. to 6:00 p.m., daily	No--serves prepackaged food only	18 14	Outside Inside	2	2011	1300	
Sojourn Cellars 141 East Napa Street	10:00 a.m. to 5:00 p.m., by appointment	No--Serves crackers only	8	Inside	2	2008	<1000	
Enoteca Della Santina 127 East Napa Street	4:00 p.m. to 10:00 p.m. Wednesday and Thursday; 2:00 p.m. to 11:00 p.m. Friday and Saturday	No--Serves prepackaged food only	20	Inside	42	2007	800-900	
Spann Vineyards 111 A East Napa Street	12:00 p.m. to 6:00 p.m. daily	No	0		2	2011	<500	Part of a larger retail use.
Kamen Wines 111 B East Napa Street	12:00 p.m. to 6:00 p.m. Monday through Thursday; 11 a.m. to 6 p.m. Friday and Saturday	No	2	Inside	2	2012	<1000	
Westwood Winery 11 East Napa Street, Suite 3	11:00 a.m. to 5:00 p.m., daily	No--Serves prepackaged food only	9 13	Outside Inside	2	2004	800-900	
Bryfer Estates 25 East Napa Street, Suite E	11 a.m. 6 p.m. Saturday and Sunday' Monday through Friday 12:00 p.m. to 6:00 p.m.	No	8	Inside	2	2011	500-600	
Glen Lyon Winery/ Two Amigos 25 East Napa Street, Suite D	11:00 a.m. to 6:00 p.m., daily	No--Serves prepackaged food only	4 2	Inside Outside	2	2011	600-700	
Maclaren Tasting Lounge 27 East Napa Street, Suite E	12 p.m. to 5 p.m. Monday to Thursday; 12 p.m. to 6 p.m. Friday and Saturday	No	12	Inside	2	2013	700-800	
Sonoma Enoteca 35 East Napa Street	11:00 a.m. to 6:00 p.m. daily	No--Serves prepackaged food only	0		2	2003	3000+	(Multiple Type 2 Licenses)

Winery Name/Street Address	Hours of Operation	Food Service	Number of Seats?	Seating: Inside or Outside?	ABC License Type	Start Date	Sq Ft (range)	Notes
Sonoma Wine Shop 412 First Street East	11:00 a.m. to 6:00 p.m., daily	Yes-It was previously a sausage company that served food	10 6	Inside Outside	42	2000	720	Not on Winewalk Map.
Bump Wines 521 Broadway	1 p.m. to 6:00 p.m. Thursday through Tuesday.	No	20	Inside	2	2013	1200	Not yet open.
Envolve Wine Tasting 27 East Napa Street, Suite A	12:00 p.m. to 7:00 p.m. Monday through Thursday; 11:00 a.m. to 8:00 p.m. Saturday; 12 p.m. to 7 p.m. Sunday (Summer hours)	No	20 16	Inside Outside	2	2012	800-900	
Sigh Sparkling Wine 25 East Napa Street, Suite C	12:00 p.m. to 8:00 p.m. daily	No	16	Inside	42	2012	600-700	Champagne bar.

Draft Code Changes Establishing Definitions and Regulations for Wine Tasting Facilities and Wine Bars/ Tap Rooms

Changes to Article VIII (Definitions)

19.92.020 Definitions, “W”

Wine Tasting Facilities. “Wine Tasting Facilities” encompass “Wine Tasting Rooms, Limited” and “Wine Tasting Rooms, Extended”, as set forth in section 19.50.XXX. A “Wine Tasting Facility” means an establishment licensed under a Winegrower Type 2 License issued by the California Department of Alcohol Beverage Control that sells wine and related products and enables customers to taste wine (with and without charge) on behalf of a single winery or, as a cooperative venture, multiple wineries, as a regular part of the sales process of the winery’s products, either as the sole occupant of a tenant space or as part of a larger retail establishment engaged in the sale of products other than wine. Food may be provided if it is pre-prepared off-premises, or prepared by a caterer under the caterer’s license either off premises or on-premises in facilities approved by the Sonoma County Department of Health Services. Food provided to the general public shall be subject to the following limitations: 1) food items are made off-premises; 2) food items provided for consumption on-site shall be pre-packaged items made available strictly in conjunction with and ancillary to the wine tasting experience; and, 3) the establishment is not a restaurant. Nothing in this definition or elsewhere in the Development Code pertaining thereto is intended to limit the rights and obligations imposed by the Alcohol Beverage Control with regard to issuance of a Winegrower Type 2 license. Additional standards and regulations applicable to this use are found in Section 19.50.120.

Wine Bar/Tap Room. “Wine Bar/Tap Room” means an establishment operating with a Type 42 License issued by the California Department of Alcoholic Beverage Control Board devoted to the sampling and sale of wine and/or beer produced by one or multiple wineries or breweries for consumption on- or off-premises. Food may be served provided that: 1) food items are made off-premises; 2) the facilities are approved by Sonoma County Department of Health Services; 3) food items provided for consumption on-site limited to cheeses, crackers, charcuterie and similar items made available strictly in conjunction with and ancillary to the wine tasting experience; and, 3) the establishment is not a restaurant. Nothing in this definition or elsewhere in the Development Code pertaining thereto is intended to limit the rights and obligations imposed by the Alcohol Beverage Control with regard to issuance of a Type 42 license. Additional standards and regulations applicable to this use are found in Section 19.50.120.

Changes to Article 19.50 (Special Use Standards)

Operating Standards and Additional Use Permit Findings

19.50.120—Wine Tasting Facilities. This Section sets forth requirements for the establishment and operation of Wine Tasting Facilities (Wine Tasting Rooms, and Wine Tasting Rooms, Limited) in zoning districts where they are allowed by Section 19.10.050 (Allowable Land Uses and Permit Requirements).

A. *General requirements.* All Wine Tasting Facilities shall be subject to the following requirements:

1. For use permit and building permit applications for any wine tasting facility, the description of the premises shall match that provided to and approved by the California Department of Alcoholic Beverage Control.
2. On-going compliance with applicable requirements and licensing of the California Department of Alcoholic Beverage Control and the Sonoma County Health Department is required.
3. Hours for visits by appointment and by invitation only wine functions (e.g., wine club events, marketing lunches, and wine-maker dinners) shall not exceed 8:00 a.m. to 10:00 p.m.

B. Wine Tasting Rooms, Limited. Wine Tasting Rooms, Limited shall be subject to the following requirements:

1. Wine tasting service is limited to a single winery.
2. Hours of operation for general public access shall not exceed 11 a.m. to 7 p.m. for the period of November 1 to March 30 and 11 a.m. to 9 p.m. for the period of April 1st to October 31st.
3. Invitation-only functions shall be limited to no more than 26 per year and no more than two times per week.
4. If operated as a stand-alone use, the size of the premises shall not exceed 1,000 square feet.
5. If operated as an accessory use located within a larger retail establishment, the area devoted to the use shall not exceed 33% of the gross area of the tenant space or 1,000 square feet, whichever is smaller.
6. Any proposal to exceed the thresholds set forth above shall constitute a change to “Wine Tasting Room, Extended” and shall be subject to use permit review pursuant to section 19.54.040 of the Development Code.

C. Wine Tasting Rooms, Extended. Wine Tasting Rooms, Extended shall be subject to the following allowances and requirements:

1. Hours of operation for general public access shall not exceed 11 a.m. to 10 p.m., although more restrictive hours may be imposed through the use permit review process.
2. Issuance of a use permit by the Planning Commission pursuant to section 19.54.040 of the Development Code.

19.50.130—Wine Bars/Tap Rooms. This Section sets forth requirements for the establishment and operation of Wine Bars/Tap Rooms in zoning districts where they are allowed by Section 19.10.050 (Allowable Land Uses and Permit Requirements).

A. General requirements. All Wine Bar/Tap Rooms shall be subject to the following requirements:

1. For use permit and building permit applications for any Wine Bar/Tap Room, the description of the premises shall match that provided to and approved by the California Department of Alcoholic Beverage Control.
2. On-going compliance with applicable requirements and licensing of the California Department of Alcoholic Beverage Control and the Sonoma County Health Department is required.
3. Hours of operation for general public access shall not exceed 11 a.m. to 10 p.m., although more restrictive hours may be imposed through the use permit review process.

B. Additional Use Permit Findings. In addition to the findings set forth in section 19.54.040, the approval of a use permit for a Wine Bar/Tap Room shall be subject to the following additional findings by the Planning Commission:

1. The proposed use will not adversely affect the welfare of the area residents, or result in an undue concentration of establishments dispensing alcoholic beverages in the area.
2. The proposed use is located at an appropriate distance from:
 - a. Potentially sensitive or incompatible uses such as religious facilities, schools, public parks and playgrounds, and other similar uses; and
 - b. The size and proposed activity level of the use will be compatible with the uses in and/or character of, the surrounding area.
3. The proposed use would provide a service not currently available in the area that it would serve; or, unique or unusual circumstances justify a new Wine Bar/Tap Room in a location where there are similar uses nearby.



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 8C

Meeting Date: 03/17/14

Department

Planning and Community Services

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion, consideration, and possible action with regard to options for the disposition of the Marcy House (205 First Street West).

Summary

The Marcy House is a historically-significant structure, located on the City-owned Police Station property, that has been leased to the Sonoma Sister Cities Association (SSCA) for 25 years. It was relocated to its current site in 1989, from its original location at 20245 Broadway, at the request of the Association as a means of preserving it from demolition. The City Council authorized the relocation and a Use Permit was obtained to allow the building to be used as the SSCA's administrative offices. The SSCA entered into a 25-year lease for the building and grounds. In light of the significant investment made by the Association in relocating and rehabilitating the building, no rent was required. However, the SSCA was responsible for all utility costs and all costs associated with building maintenance. Over the term of the lease the SSCA estimates that it has spent approximately \$25,000 on building maintenance. In recent years, their ability to fund building maintenance was only possible through income from the sublease of the property. The lease was due to expire on March 1st of this year, but the City Manager has administratively granted a 90-day extension. In light of the impending expiration of the lease, the Facilities Committee has been discussing options for the future use or disposition of the property, including and amended lease with the SSCA, in which the City would take responsibility for the immediate and on-going maintenance needs of the building and the possible sale of the building to be used as a private, following a lot split enabling its separate sale. Further details are provided in the attached supplemental report.

Recommended Council Action

The Facilities Committee did not make a recommendation, except to forward the item to the full City Council for discussion and direction. The staff recommendation, based on the anticipated costs associated with keeping the building in City ownership, is to direct that steps be taken to implement a minor subdivision and ultimately sell the Marcy House as a residence.

Alternative Actions

Council discretion.

Financial Impact

As detailed in the supplemental report, each of the known options available for the use or disposition of the Marcy House likely involves costs to the City, although under the lot-split/sale scenario those costs could be recouped. To continue with the current use of the building, immediate maintenance needs amount to approximately \$15,000. Because, under the current lease, the SSCA was responsible for all building maintenance, no funding has been set aside for the Marcy House in the City's Long-term Building Maintenance Fund.

Environmental Review

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

Status

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

Alignment with Council Goals

This discussion relates to the City Council's goal regarding "Budget Strategy and Fiscal Stability", which reads as follows: *"Focus on a budget strategy that will promote and maintain long-term fiscal sustainability in the General and Enterprise Funds through the continued application of sound budgetary policies; continue solid fiscal management to insure and maintain stable reserve level; develop a financial model which dedicates funding for Capital Infrastructure Projects; continue to ensure efficient public safety services."* In staff's view, while this goal does not seem to mandate any particular outcome on the subject, it does all upon the City Council to carefully consider the long-term budget implications of the various options under review.

Attachments:

1. Memo from the Building Official
 2. Letter from the SSCA
 3. Letter from Sonoma Valley Historical Society
-

cc: Farrel Beddome, President, SSCA
Barbara Wimmer, SLHP
Patricia Cullinan, Sonoma Valley Historical Society

SUPPLEMENTAL REPORT

Discussion, consideration and possible action with regard to options for the disposition of the City-owned Marcy House, located at 205 First Street West

For the City Council meeting of March 17, 2014

Background

The Marcy House is a historically-significant structure, located on the City-owned Police Station property, that has been leased to the Sonoma Sister Cities Association (SSCA) for 25 years. It was relocated to its current site in 1989, from its original location at 20245 Broadway, at the request of the Association as a means of preserving it from demolition. The City Council authorized the relocation and a Use Permit was obtained to allow the building to be used for administrative offices. The Sister Cities Association entered into a 25-year lease for the building and grounds. In light of the significant investment made by the Association in relocating and rehabilitating the building, no rent was required. However, the SSCA was responsible for all utility costs and all costs associated with building maintenance. Over the term of the lease the SSCA estimates that it has spent approximately \$25,000 on building maintenance. In recent years, their ability to fund building maintenance was only possible through income from the sublease of the property. The lease was due to expire on March 1st of this year, but the City Manager has administratively granted a 90-day extension.

Facilities Committee Review

Starting in 2012, in light of the impending expiration of the lease, the Facilities Committee began discussing options for the future use or disposition of the property. Based on initial outreach to the SSCA, it appeared that they did not wish to submit a proposal for the renewal of the lease. Accordingly, the Facilities Committee directed staff to prepare information on anticipated maintenance and upgrade costs if the building were to remain in public ownership and to investigate the feasibility of splitting off the portion of property encompassing the Marcy House, rezoning it, and selling it as a residence. In February of 2014, the SSCA did submit a proposal for the renewal of the lease, which the Facilities Committee discussed at its meeting of February 24, 2014. These issues and options are summarized below.

Upgrade Costs. The Building Official has prepared preliminary cost estimates addressing two scenarios: 1) the use of the building consistent with the SSCA's level of activity and the use of the building as an office for a club or organization that is not a public accommodation or a commercial use. (See attached memo.) In order to continue to use the Marcy House at its current level of intensity, maintenance and upgrades in the amount of approximately \$15,000 would be necessary. Staff would emphasize that this represents a very low level of intensity, which is defined in the Americans with Disabilities Act as a "Private Club". This level of intensity does not allow for use as an office with regular public access or any commercial activities. Because (with the City Council's permission), the SSCA had subleased the building to a low intensity commercial office tenant, the Building Official also looked at the costs of renovating the building to allow for that level of intensity, coming up with a preliminary estimate of \$60,000. Although the memo from the Building Official does not specifically address an option of using

the building for a “public program” designed for use by the general public, that type of use would trigger renovation costs at least equal to and potentially greater than the \$60,000 associated with the commercial use of the building.

Lot Split. The Marcy House is located on a rectangular strip of land, approximately 80 feet wide and 150 feet deep, which connects to the larger Police Station/Playing Field complex at the rear. It would be feasible, in staff’s view, to subdivide that portion of the property from the larger complex, rezone it as residential, and sell the resulting parcel as a private residence. As a very preliminary estimate, planning staff believes that it would cost approximately \$50,000 to implement a lot split. Presumably, this cost would be fully recouped from the sale of the property. (Because of the historic significance of the Marcy House, it could not be demolished or significantly expanded, so it would not command the same price as a property not subject to those restrictions.)

SSCA Lease Proposal. The SSCA has made a proposal for the renewal of the lease based on the following terms:

- One dollar per year.
- City is responsible for “the structural integrity of the building, external maintenance including the roof and the grounds, and ADA compliance.
- Approval for the SSCA to sub-let the building. They are proposing to sublet to the City Historian. It is not clear to staff what level of activity is associated with this concept, but as discussed above, if it amounted to a commercial use or a public use, substantial upgrade costs would be triggered.

The letter discussing these terms is attached. No particular term is mentioned, but their preference would be for a long-term lease.

Other Considerations. Pursuant to a citizen initiative adopted in 1979, the Police Station property cannot be used for municipal offices (except for the existing Police Station) without a vote of the people. This restriction applies to the Marcy House.

When the Facilities Committee discussed this matter at its meeting of February 24, 2014, it did not reach agreement on a specific recommendation, except to refer the matter to the City Council. Councilmember Rouse favored splitting off and selling the property, due to the long-term maintenance costs associated with retaining it. Councilmember Cook wanted to hear additional discussion from the Council as a whole, because, in his view, the SSCA is affiliated with the City of Sonoma and helps carry out City policies with respect to relations with its Sister Cities and, for that reason, there may be a public purpose in funding the maintenance of the Marcy House.

Financial Impacts

As summarized below, each of the known options available for the use or disposition of the Marcy House likely involves costs to the City, although under the lot-split scenario those costs could be recouped:

1. *Updated Lease with SSCA.* If the City were to enter into a new lease with the SSCA, it would take on approximately \$15,000 in immediate maintenance/upgrade costs as well as the long-term cost of maintaining the building and grounds. The ongoing annual maintenance cost is estimated to be approximately \$5,000 per year. If a commercial use were necessary in order to allow for the sublease of the building, the immediate maintenance/upgrade cost to be funded by the City would increase to approximately \$60,000. However, the building and the property would remain in public ownership and the building would continue to fulfill a quasi-public purpose.
2. *Lot Split and Sale.* Implementing a minor subdivision to split off the area encompassing the Marcy House in order to allow for it to be sold as a single-family residence would cost approximately \$50,000 (preliminary estimate). However, this up-front cost could be recouped from the proceeds of the sale of the property.
3. *Other Non-Profit Use?* It is possible that some other local non-profit would have an interest in using the Marcy House as well as the means to support its immediate and on-going maintenance needs. However, given the small size of the building (1,000 square feet) and the fact that any use that was available to the general public would trigger \$60,000 or more in upgrade costs, this seems somewhat unlikely. Note: In this regard, the Sonoma Valley Historical Society has written to express interest in the Marcy House, although few details are provided. (See attached.) Because this letter was received after the Facilities Committee meeting, it was not discussed as part of the Committee's review.

The only funding source available to support any of these costs is the General Fund. Because the lease for the Marcy House placed the responsibility for maintenance on the SSCA, the City has not set aside any money in its Long-term Building Maintenance Fund for the Marcy House.

Recommendation

As discussed above, the Facilities Committee did not make a recommendation, except to forward the item to the full City Council for discussion and direction. The staff recommendation, based on the anticipated costs associated with keeping the building in City ownership, is to direct that steps be taken to implement a minor subdivision and ultimately sell the Marcy House as a residence.

Memo

To: City Manager Giovanatto
From: Development Services Director / Building Official Wirick
Date: February 11, 2014
Subject: Marcy House Background and Issues for Consideration



Per your request the following provides some background information and issues for consideration regarding the Marcy House.

Background

The subject property is owned by the City and was purchased in 1964 from the Montini family.

Pursuant to a ballot measure passed in 1979 the premises (i.e. the Marcy House and the property on which it exists) may not be used as a civic center which, in conformance with City of Sonoma Resolution #67-79-A is defined as "any building of offices containing 1) City Hall; or 2) Council Chambers; or 3) hearing rooms; or 4) municipal offices; or 5) court house; or 6) police station; or 7) jail; or 8) holding cells, unless first submitted to the electorate of the City of Sonoma for voter approval.

In 1989 the Marcy House was an historical building located on Broadway that was moved by the Sister Cities Association to its current location at 205 First Street West. The property is located on one of two parcels that make up the Field of Dreams/Police Station/ Community Meeting Room complex (See Parcel 2 on Attachment – A).

Existing Lease

The Marcy House is currently leased to the Sister Cities Association for \$1.00 per year (see Attachment – B). The existing lease is a 25-year lease which will expire on February 28, 2014. The current lease indicates that the tenant is responsible for all costs associated with the continued operation and maintenance of the building as an office for the Association. No subletting of the building is currently allowed without the prior written authorization of the City.

In December of 2012, the City was notified that the Sister Cities Association will not renew the lease.

Existing Condition of the Building

The Marcy House building currently is configured as an office and meeting place for a private club. Commercial activities, public accommodations or public offices (i.e. including services programs or activities offered by a public agency) should not be allowed because the building does not meet the requirements of the Americans with Disabilities Act (ADA).

Any change of use of the building would require upgrades to meet the code requirements of the proposed use.

Existing Pine Trees

Several existing pine trees exist on the north side of the building. Some of these trees have caused damage to the existing ramp and walkways serving the building while others impair solar access to the roof mounted solar panels on the Community Meeting Room. It is recommended that these pine trees be removed and replaced with native species trees with a lower canopy and less invasive root systems.

Cultural and Historical Resource Evaluation

Recently Planning Department staff commissioned a Cultural and Historical Resource Evaluation of the building, the report of which is due by the second week in February. This report will determine the extent by which other requirements or restrictions for the building may apply.

Issues for Consideration

Given that the Sister Cities Association will not be renewing the lease, the City Council will need to make a decision regarding the ongoing use and operation of the building. Some options that come to mind are as follows:

Option 1 - Lease the building to some other private club or organization that does not provide commercial activities or public accommodations. This option is the least expensive to implement since upgrades would be very limited (i.e. correction of existing hazardous ramp and minor repairs and maintenance). No Use Permit is required.

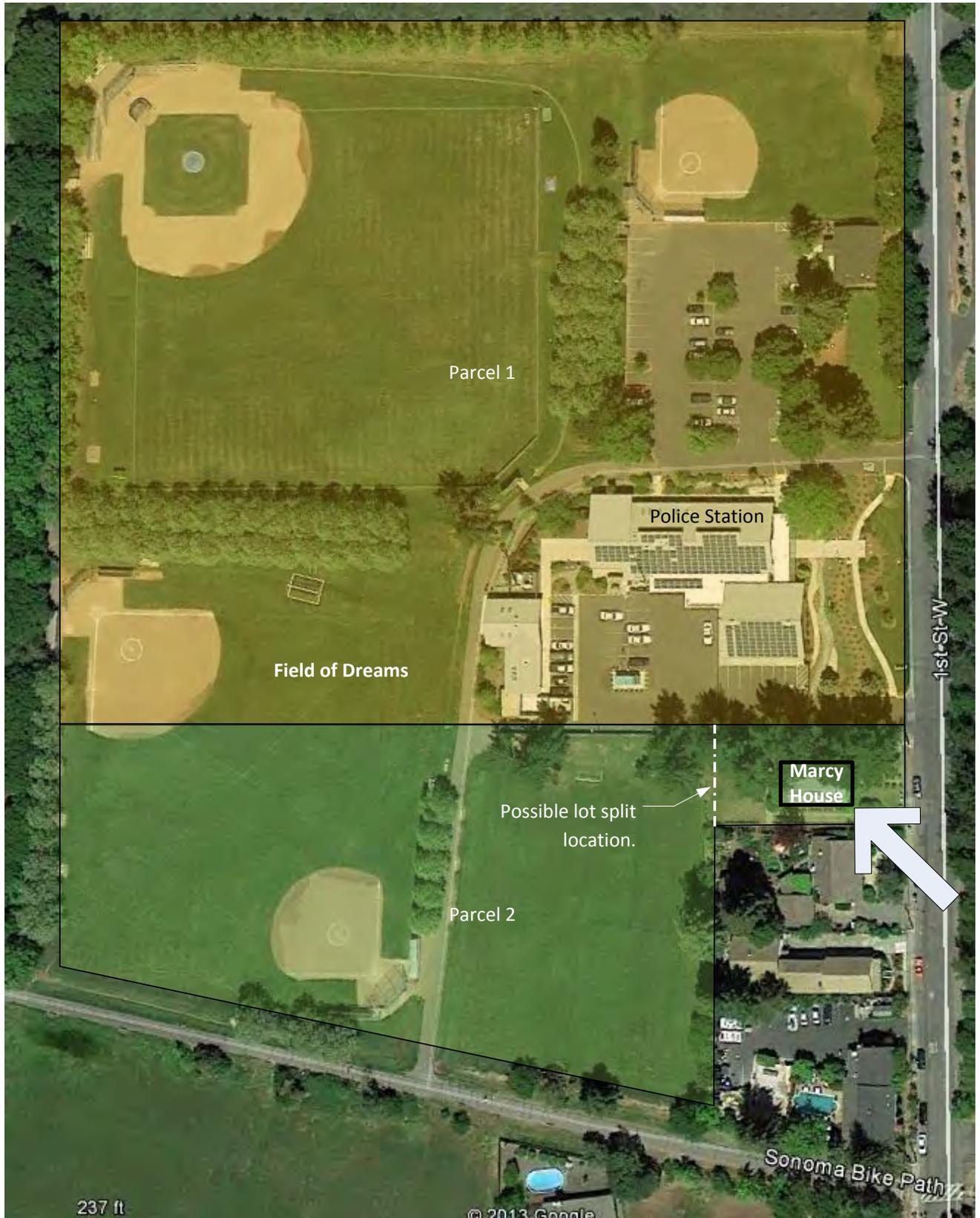
Rough Estimate of Probable Costs for Option 1
Up to \$15,000

Option 2 – Remodel and lease the building for commercial office use. This would require significant ADA improvements and possible parking lot improvements as well as minor repairs and maintenance. A Use Permit would be required.

Rough Estimate of Probable Costs for Option 2
Up to \$60,000

Option 3 – Subdivide and re-zone the property and sell the building for use as a single family dwelling or some other use appropriate for the re-zoned property. The new buyer would be required to make code upgrades depending on the eventual use of the building. This use is not allowed in the “Public” zoning designation, therefore a Development Code and General Plan Amendment would need to occur before this option could be exercised. In addition the City Council (as owner) and the Planning Commission would need to approve the lot split.

**Rough Estimate of Probable Costs for Option 3
Unknown but recoverable from the sale of the property.**



DATE: February 21, 2014

TO: City of Sonoma Council Facilities Committee

FROM: Farrel Beddome, President, Board of Directors, Sonoma Sister Cities Association (SSCA)

RE: Marcy House lease

BACKGROUND

SSCA has enjoyed a 25-year lease of Marcy House through the City of Sonoma for consideration of \$1/year, with responsibility for maintenance of the building, inside and out, including the grounds. During that time, SSCA has spent close to \$25,000 for maintenance of the building and premises. Operational and maintenance expenses have been covered primarily by rental income received through a sub-tenant and a one time gift from funds raised during the first Sonoma Valley Film Festival.

Rental income is essential for routine operational expenses and setting aside reserves for long-term maintenance of the building interior, but are inadequate for anything else. SSCA membership fees and revenue generated through fund raising are specifically dedicated to the activities of the Sister City committees in fulfilling the mission of SSCA. As of this date, Marcy House is in reasonable repair and the grounds are being maintained. The roof is at the end of its useful life but there are no known problems. The City will find Marcy House to be in the same general condition as it was when SSCA took responsibility for its maintenance back in 1989.

The lease between The City of Sonoma and SSCA expires on March 1, 2014. On January 2, 2014, the President of the Board of Directors of SSCA, Farrel Beddome, advised City Manager, Carol Giovanatto, that SSCA's Board of Directors voted to not renew our lease under the existing terms and conditions. SSCA would like to consider an arrangement more typical of a Lessor/Lessee, one in which The City assumes responsibility for ADA compliance, structural repairs and external building maintenance.

We welcome the opportunity to meet with the Facilities Committee to discuss lease issues and options and potential revisions of the lease.

In anticipating the end of SSCA's lease, our current sub-tenant, Tonnellerie Remond, who was under a month-to-month rental arrangement, has given notice and will be vacating the building by February 28, 2014. Should SSCA not be able to negotiate a new lease, we would appreciate a short extension or grace period so that we have more time to vacate Marcy House.

PROPOSED DISCUSSION

In the spirit of Sonoma being our partner in supporting our mission with our Sister Cities throughout the world, we respectfully propose dialog around the following:

1. A new lease arrangement
With The City taking on responsibilities for the structural integrity of the building,

external maintenance including grounds, the roof, and ADA compliance;

With SSCA continuing as lessee for consideration of \$1/year with responsibility for internal maintenance of the building including operating expenses such as water, garbage, PG& E, and insurance, assuming continued approval of a sub-tenant. Generating income for maintaining Marcy House would require a sub-tenant paying \$800/month rent.

New tenant

We have identified a new prospective tenant, George McKale, who has agreed to be our sub-tenant under the same terms as our present tenant, Tonnellerie Remond. Mr. McKale's business would be characterized in exactly the same way as Tonnellerie, with no public or customer traffic, no unusual wear and tear on the building or grounds, and no additional liability.

Since SSCA has had only minimal use of Marcy House for monthly Board meetings, occasional committee meetings and twice a year social events, it would be beneficial to have the building occupied by George McKale, who would be amenable to having SSCA Committees use the building during office hours. Additionally, having an occupied building lessens the possibility of building deterioration and vandalism. This speaks to the value of not have a long period of vacancy should SSCA move out.

2. Term of lease

We are open to a long-term lease if a new lease agreement can be negotiated.

WHY WE VALUE MARCY HOUSE

We value Marcy House, not as a location where we conduct monthly meetings, but because it provides SSCA a sense of place. Marcy House provides an image of international diplomacy just as Sonoma's City Hall symbolizes our City's profound heritage. SSCA has been located at the same location for 25 years - - so long that we are identified with Marcy House. We believe that SSCA, in and of itself, is now part of the City's profound heritage. Together, as partners, we are fulfilling Sister Cities International (SCI) mission of "promoting peace through mutual understanding and cooperation, one individual, one community at a time."

MUTUAL VALUE

SSCA is a partner with the City of Sonoma. We have a shared mission. The City signs an Agreement with our foreign Sister Cities to officially establish these relationships. In the eyes of the world, this is an important connection. When SSCA members travel to our respective Sister Cities, we represent Sonoma. We are truly ambassadors.

SSCA is a very special organization. It is not simply a social organization designed for travel and fun. SSCA represents the good will of Sonoma overseas and with California-based consulates as we jointly fulfill our mission. When our member's visit other sister cities, we are greeted by dignitaries. When we are visited by foreign delegates, they are officially received by

Sonoma's City officials. We fly the flag of Sister City visitors. Sister Cities is a source of pride. Being able to entertain and meet with visiting delegates at a location dedicated to the development of fostering our relationships is an important concept.

From our perspective, it is in The City's interest to maintain Marcy House as a symbol of international diplomacy.

“Soft Assets”

Sister City relationships are a “soft asset” of Sonoma:

- The gifts of foreign visitors from our Sister Cities are assets that belong to The City of Sonoma, not SSCA.
- SSCA is linked to the Sonoma City website and to Sister Cities International (SCI).
- Gateway SSCA signage gives Sonoma an international image. We want to restore gateway signs north and south of the city and erect a mileage sign at the horseshoe similar to winery signs. (SSCA bears the cost of signs and City bears the cost of installation).
- As Sonoma becomes more internationalized and globalized, higher value accrues to Sonoma as a tourist destination.
- SSCA carries the flag of Sonoma around the world to Tokaj, Penglai, Aswan, Greve in Chianti, Patzcuaro and Kaniv, extending goodwill.
- Official gifts from our global Sister Cities to Sonoma are assets that belong to The City of Sonoma, not SSCA.

Most importantly, the incoming chair of the Washington D.C. based Sister Cities International (SCI) Board of Directors is Bill Boerum. SCI is the institution for 1,800 connections around the world and all of the 500+ Sister Cities in the US. Our prominence on the world stage will be magnified because of Bill's role. Informally his position will have a tremendous impact on Sonoma tourism and friendship, attracting visitors to Sonoma who recognize the prominence of Sister City relationships. Additionally, we cannot underestimate the impact of Jack Ding, who is the appointee of The City to the Sonoma Valley Citizen Advisory Commission. Beyond this, SSCA greets international visitors at the weekly Farmer's Market where we have had an exhibit table for two years.

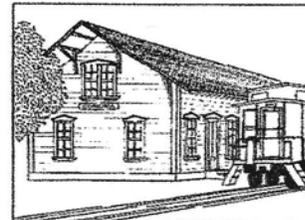
SUMMARY

In summary, we depend on your advocacy. The City gives us encouragement and support by giving us use of Marcy House for \$1/year. In exchange, we will continue the tradition of using and maintaining this building with respect for it as an historic landmark. We bring value, “soft assets,” beyond merely managing Marcy House. But we are not in this alone. We respectfully ask you to consider our proposal in configuring a new lease that is less burdensome to a SSCA, a not-for-profit organization and partner with the City of Sonoma.

Respectfully submitted by,
Farrel Beddome
President, Board of Directors, Sonoma Sister Cities Association



Sonoma Valley Historical Society and Depot Park Museum



270 First St West, Sonoma, CA

Mail: PO Box 861 95476-0861 Telephone: (707) 938-1762

email: sonomavalleyhistoricalsociety@gmail.com

Web site: www.depotparkmuseum.org

The mission of the Sonoma Valley Historical Society is to provide a forum and a resource for the study and dissemination of Sonoma Valley history for present and future generations by identifying collecting, preserving and sharing artifacts, documents and images. for the study and dissemination of Sonoma Valley history for present and future generations by identifying collecting, preserving and sharing

City Council
City of Sonoma
#1 Sonoma Plaza
Sonoma CA 95476

March 10, 2014

RE: Letter of Interest for:
The Marcy House
205 First Street West

Dear Council members,

The Board of the Sonoma Valley Historical Society (SVHS) wishes to submit a proposal to lease the 'Marcy House' at 205 First Street West. We understand the necessity of proceed with negotiations in a timely way.

As a longstanding partner with the City of Sonoma – and as senior custodian of the history of Sonoma -- the SVHS is well positioned to lease the Marcy House. Our organization has a 35-year history of successful partnership with the City as tenants at the Depot Park Museum. We have a well established record of responsible maintenance of the Museum: including recently painting of the structure; upgrading lighting, and removing the train platform in a timely manner (when requested to do so by the City) and we have undertaken numerous other projects to maintain the Depot Park Museum building.

Currently the SVHS organization has a need for more space to process its archival extensive collections. The Marcy House, near to the Depot Park Museum, would be an ideal location.

The SVHS looks forward to discussing possibilities for a lease with the Council.

Please feel free to contact us with any questions.

Steve Marshall
President
Sonoma Valley Historical Society



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 8D

Meeting Date: 2/3/14

Department

Police

Staff Contact

Bret Sackett, Chief of Police

Agenda Item Title

Consideration and possible action on the introduction of an ordinance amending Section 10.74.010 of the Sonoma Municipal Code pertaining to the operation of bicycles and similar conveyances on public sidewalks. Repeal SMC 10.56.070 and adopt 10.74.011.

Summary

The City Attorney is proposing an update to the city's municipal code pertaining to the operation of bicycles and other conveyances on public sidewalks and pedestrian or bicycle paths.

On February 3, 2014, the City Council heard this item and requested clarification to the ordinance as it pertains to potential bicycle and pedestrian conflicts on city sidewalks. The Council directed city staff to provide clarifying language that when a bicyclist riding upon the sidewalk approaches a pedestrian, the intent of the ordinance is for the bicyclist to yield the right of way to said pedestrian when reasonable and prudent.

After consulting with the City Attorney, clarifying language was added to subsection B of the ordinance to capture the intent of the Council. The Police Chief believes this language is sufficient to instill the intent of the ordinance to the reader and to properly enforce violations.

We are also recommending SMC 10.56.070, which pertains to motorized bicycles/scooters on the public pedestrian/bike path, be repealed and readopted as SMC 10.74.011 for ease of reference and consistency in the municipal code.

Recommended Council Action

Introduce and hold first reading of the ordinance amending Section 10.74.010 of the Sonoma Municipal Code pertaining to the operation of bicycles and other conveyances on public sidewalks. Repeal SMC 10.56.070 and readopt as SMC 10.74.011

Alternative Actions

Council discretion

Financial Impact

None

Environmental Review

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

Status

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

Attachments:

- Staff report
 - Proposed ordinance amending Section 10.74.010 of the Sonoma Municipal Code
-

Alignment with Council Goals:

This item is not directly related to any stated in Council Goal.

STAFF REPORT
Prepared by Bret Sackett, Chief of Police

Amendment to SMC 10.74.010 – Operation of Bicycles and similar conveyances on public sidewalks

In response to a bicycle v pedestrian accident and subsequent legal action, the City Attorney is proposing an update to the city’s municipal code pertaining to the operation of bicycles and other similar conveyances on public sidewalks and pedestrian or bicycle paths.

Per the vehicle code, a bicycle is considered a vehicle and must adhere to the same rules of the road that pertain to vehicles. However, 21100 CVC allows local agencies to adopt rules and regulations by ordinance or resolution regarding the “operation of bicycles...on the public sidewalk.” Pursuant to this authority, a local agency may adopt an ordinance or resolution that reflects the community norms and standards. For instance, some municipalities may allow bicycles to be operated on all public sidewalks, while others may prohibit riding them on all public sidewalks or the prohibition may apply only in certain locations.

Our current ordinance, which was adopted in 1999, allows for the operation of bicycles on all public sidewalks. However, the ordinance states it shall not be “at such speed or in such manner as evidences willful, wanton or reckless disregard of the safety of other pedestrians in the vicinity.” As written, the threshold for a violation – willful, wanton or reckless disregard – is difficult to prove in court and, therefore, does not truly regulate the operation of a bicycle on a public sidewalk.

In addition, when pedestrians and bicycles share the public sidewalk, there is a safety concern about potential conflicts between the two modes of transportation. Obviously, this potential conflict is greater in areas that have high pedestrian use.

In conferring with the City Attorney, we are proposing two notable changes to the ordinance to address these areas of concern. First, we are recommending the ordinance language state that no person shall ride, use, or operate a bicycle or other conveyance on a public sidewalk “at a speed greater than is reasonable or prudent having due regard for weather, visibility, traffic, width of sidewalk or path, or at a speed or in such a manner which endangers the safety of persons or property.” This language is nearly identical to the basic speed law found in the section 22350 of the California Vehicle Code, which requires the rider to exercise a greater degree of caution.

We are also proposing to prohibit bicycle riding on the sidewalks in the downtown Plaza area, which includes the sidewalks on either side of First Street East, First Street West, Napa Street, and Spain Street (bicycles are not allowed on the sidewalks in Plaza Park per the park ordinance). Since the Plaza area

has the great number of pedestrians, this change will substantially address the safety concerns about pedestrian and bicycle conflicts.

We are also recommending SMC 10.56.070, which pertains to motorized bicycles/scooters on the public pedestrian/bike path, be repealed and readopted as SMC 10.74.011 for ease of reference and consistency in the municipal code.

Here is a summary of the new ordinance:

- Bicycles or similar conveyances are allowed on all public sidewalks and the public bike/pedestrian path with the exception of the sidewalks around the Plaza
- Bicycles or similar conveyances must be ridden at a reasonable and prudent speed for prevailing conditions on all public sidewalks and the public bike/pedestrian path
- Motorized bicycles or similar conveyances are prohibited on all public sidewalks and the public bike/pedestrian path. However, battery powered bicycles and scooters are allowed on the bike/pedestrian path. This exemption, which was found in SMC 10.56.070, was moved to this chapter for ease of reference and consistency.

CITY OF SONOMA
ORDINANCE NO. ____ - 2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING
SECTION 10.74.010 OF THE SONOMA MUNICIPAL CODE PERTAINING TO THE
OPERATION OF BICYCLES AND OTHER CONVEYANCES ON PUBLIC SIDEWALKS.

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

SECTION 1.

Section 10.74.010 of the Sonoma Municipal Code is amended to read as follows:

10.74.010 Operation of bicycles and other conveyances on public sidewalks, or bicycle or pedestrian paths

A. Except as is otherwise provided in this code, it shall be lawful for a person to ride, use or operate a bicycle propelled by human power or other means of conveyance propelled by human power, including roller skates, a skateboard, coaster, scooter, or tricycle, any place in the city upon a public sidewalk or public pedestrian or bicycle path.

B. It is unlawful for any person to ride, use, or operate a bicycle or other conveyance propelled by human or motor power, including roller skates, a skateboard, coaster, scooter, tricycle, or other similar device any place in the city upon a sidewalk, or pedestrian or bicycle path, at a speed greater than is reasonable or prudent having due regard for weather, visibility, traffic, width of sidewalk or path, or at a speed or in such a manner which endangers the safety of persons or property. When a person riding, using, or operating a bicycle or similar conveyance identified above encounters a pedestrian upon a sidewalk, they should yield the right of way to the pedestrian when reasonable and prudent given the totality of the circumstances.

C. It is unlawful for any person to ride, use, or operate a bicycle or other conveyance propelled by human or motor power identified in subsection B, upon the sidewalks in the downtown Plaza area, specifically the public sidewalks on both sides of First Street West between Spain Street and Napa Street, First Street East between Spain Street and Napa Street, Napa Street between First Street East and First Street West, and Spain Street between First Street East and First Street West.

D. Except as is otherwise provided in section 10.74.011 SMC, it is unlawful for any person to ride, use, or operate a bicycle propelled by motor power or other conveyance propelled by motor power any place in the city upon a sidewalk, or pedestrian or bicycle path. This subsection does not apply to (i) self-propelled wheelchairs, motorized tricycles or motorized quadricycles operated by persons who, by reason of physical disability, are otherwise unable to move about as a pedestrian and (ii) means of conveyances that are solely powered by battery, are manufactured for use by children and are commonly considered toys.

E. Any person who violates any provision of this section is guilty of an infraction, and the operation of any conveyance in any manner prohibited by this section by any person or by any

group of persons in company with another, is declared a public nuisance which may be summarily abated by any peace officer retained by the city by seizure and impoundment of the conveyance or conveyances used in the offense. Any conveyance seized and impounded under this section shall be held for disposition as may be ordered by the court which hears and disposes of the infraction charge against the offender, or any other court of competent jurisdiction.

F. This section shall not apply to city personnel who are authorized to ride, use or operate a bicycle propelled by human or motor power or other means of conveyance propelled by human or motor power any place in the city upon a sidewalk, or pedestrian or bicycle path.

SECTION 2.

Section 10.56.070 is hereby repealed.

SECTION 3.

Section 10.74.011 is hereby added and reads as follows:

10.74.011 Motor-driven vehicles prohibited on bicycle paths.

Except for authorized city personnel, no person shall operate any motor-driven vehicle, including a motor-driven bicycle, scooter, skateboard or similar device onto or along any city bicycle path, except those defined as follows:

A. A “motorized bicycle”, which is a device that has fully operative pedals for propulsion by human power and has an electric motor that meets all of the following requirements: has a power output of not more than 1,000 watts; is incapable of propelling the device at a speed of more than 20 miles per hour on level ground; is incapable of further increasing the speed of the device when human power is used to propel the motorized bicycle faster than 20 miles per hour.

B. A “motorized scooter”, which is any two-wheeled device that has handlebars, is designed to be stood or sat upon by the operator, and is powered by human propulsion and electrical energy with a motor that has a power output of not more than 1,000 watts and is capable of propelling the device at a maximum speed of not more than 15 miles per hour on level ground.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective 30 days after the date of adoption.

SECTION 6. POSTING. This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in the Sonoma Index Tribune, a newspaper of general circulation, published in the City of Sonoma, within fifteen (15) days after its passage and adoption; or

publishing the title or appropriate summary in the Sonoma Index Tribune at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Sonoma City Council on the ____ day of _____, 2014, and was passed and adopted at a regular meeting of the Sonoma City Council on the ____ day of _____, 2014, by the following vote:

AYES: Councilmembers

NOES: Councilmembers

ABSENT: Councilmembers

ABSTAIN: Councilmembers

Mayor of the City of Sonoma

Attest:

City Clerk of the City of Sonoma

Approved as to form:

City Attorney of the City of Sonoma



CITY OF SONOMA
 City Council
 Agenda Item Summary

Agenda Item: 10A
Meeting Date: 03/17/2014

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

Agenda Item Title

Councilmembers' Reports on Committee Activities.

Summary

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

MAYOR ROUSE	MPT COOK	CLM. BARBOSE	CLM. BROWN	CLM. GALLIAN
ABAG Alternate	AB939 Local Task Force	Cittaslow Sonoma Valley Advisory Council, Alt.	Oversight Board to the Dissolved CDA	ABAG Delegate
City Audit Committee	City Facilities Committee	North Bay Watershed Association	Sonoma County Health Action	Cittaslow Sonoma Valley Advisory Council
City Facilities Committee	LOCC North Bay Division Liaison	Sonoma Clean Power	S. V. Citizens Advisory Commission	City Audit Committee
Sonoma County Mayors & Clm. Assoc. BOD	Oversight Board to the Dissolved CDA, Alt.	Sonoma County Transportation Authority & Regional Climate Protection Authority, Alternate	S.V. Economic Development Steering Committee	LOCC North Bay Division Liaison, Alternate
Sonoma County M & C Assoc. Legislative Committee, Alt.	Sonoma Clean Power Alt.	Sonoma County Waste Management Agency	S. V. Library Advisory Committee, Alternate	Sonoma County Transportation Authority & Regional Climate Protection Authority
Sonoma Disaster Council	Sonoma County Mayors & Clm. Assoc. BOD	VOM Water District Ad Hoc Committee, Alternate	Substance Abuse Prevention Coalition	LOCC North Bay Division, LOCC E-Board, Alternate (M & C Appointment)
Sonoma Housing Corporation	Sonoma County M & C Assoc. Legislative Committee	Water Advisory Committee, Alternate	Mobilehome Park Rent Control Ad Hoc Committee (1/8/14)	Sonoma County Ag Preservation and Open Space Advisory Committee (M & C Appointment)
Sonoma Valley Citizens Advisory Comm. Alt.	Sonoma Disaster Council, Alternate			VOM Water District Ad Hoc Committee
S.V.C. Sanitation District BOD	Sonoma Housing Corporation			Water Advisory Committee
S.V. Fire & Rescue Authority Oversight Committee	S.V.C. Sanitation District BOD, Alt.			Mobilehome Park Rent Control Ad Hoc Committee (1/8/14)
	S.V. Economic Development Steering Committee, Alt.			
	S. V. Library Advisory Committee			
	S.V. Fire & Rescue Authority Oversight Committee			

Recommended Council Action – Receive Reports

Attachments: None