

**SPECIAL AND 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*

**Monday, June 2, 2014
5:45 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.

5:45 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-EXISTING LITIGATION, pursuant to Paragraph (1) of subdivision (d) of Cal. Gov't. Code 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 AGENDA

RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL (Brown, Gallian, Barbose, Cook, 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: Recognition of Lynn Clary's service on the Community Services and Environment Commission

4. PRESENTATIONS, Continued

Item 4B: Bear Flag Day 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 May 19, 2014 City Council meeting.
Staff Recommendation: Approve the minutes.

Item 5C: Approval and ratification of the appointment of Cameron Stuckey to the Community Services and Environment Commission for a two-year term.
Staff Recommendation: Ratify the nomination.

Item 5D: Approve the use of City streets by the Sonoma Community Center for the City Party on Tuesday, July 29, 2014.
Staff Recommendation: Approve the application subject to conditions recommended by staff.

Item 5E: Adoption of Plans and Specifications and Authorize the City Manager to Approve a Contract to the lowest responsible bidder, for the 2014 City-wide Slurry Seal Project, if the low bid and a 10% contingency are within the Construction Budget of \$200,000.
Staff Recommendation: Adopt the Plans and Specifications for the 2014 City-wide Slurry Seal Project, and Authorize the City Manager to Approve and sign a Contract to the lowest responsible bidder, if the low bid and a 10% contingency are within the Construction Budget of \$200,000.

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 May 19, 2014 City Council meeting pertaining to the Successor Agency.
Staff Recommendation: Approve the minutes.

7. PUBLIC HEARINGS

Item 7A: Discussion, consideration and possible action on: (1) Settlement Agreement between AT&T and the City of Sonoma pertaining to the lawsuit filed by AT&T against the City of Sonoma for the Council's denial of a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site, (2) rescinding the City Council's previous decision to deny the application of AT&T for a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site, (3) AT&T's Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site, featuring an 80-foot tall redwood monopine tower and fenced equipment shelter, including an updated coverage analysis and enhanced landscaping, and (4) findings under the California Environmental Quality Act (CEQA) that the project is exempt under CEQA Guidelines section 15303 (New construction or conversion of small structures). (Planning Director)

Staff Recommendation:

1. Approve a Settlement Agreement between AT&T and the City of Sonoma pertaining to the lawsuit filed by AT&T against the City of Sonoma for the Council's denial of a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site.
2. Rescind the City Council's previous decision to deny the application of AT&T for a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site.
3. Approve a Use Permit allowing AT&T to install a wireless telecommunications facility on the Sebastiani Winery site, featuring an 80-foot tall redwood monopine tower and fenced equipment shelter, enhanced landscaping, based on findings and subject to conditions.
4. Adopt findings under the California Environmental Quality Act (CEQA) that the project is exempt pursuant to CEQA Guidelines section 15303 (new construction or conversion).

Item 7B: Discussion, consideration and possible action on the introduction of an ordinance establishing additional zoning regulations on wine tasting facilities and wine bars/taprooms. (Planning Director)

Staff Recommendation: Introduce ordinance implementing amendments to the Development Code establishing definitions and regulations.

Item 7C: Discussion, consideration and possible action on the introduction of an ordinance amending the Development Code to implement Housing Element programs and comply with State law. (Planning Director)

Staff Recommendation: Introduce the ordinance.

8. REGULAR CALENDAR – CITY COUNCIL

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

Item 8A: Discussion, Consideration and Possible Action to Approve the 2014-15 City Council Goals. (City Manager)

Staff Recommendation: Receive report and approve the 2014-15 Council goals

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 May 29, 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: 06/02/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Recognition of Lynn Clary's service on the Community Services and Environment Commission.

Summary

The City Council desires to publicly recognize the volunteers who so selflessly serve on the various City commissions.

Lynn Clary has served on the Community Services and Environment Commission since November 2012.

Recommended Council Action

Mayor Rouse to present a certificate of appreciation to Mr. Clary.

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:

Certificate of Appreciation

cc:

Lynn Clary via email

CITY OF SONOMA

Certificate of Appreciation

PRESENTED TO

Lynn Clary

FOR SERVICE ON THE

COMMUNITY SERVICES & ENVIRONMENT COMMISSION



PRESENTED THIS 2ND DAY OF JUNE 2014


Tom Rouse, Mayor



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4B

Meeting Date: 06/02/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Bear Flag Day Proclamation

Summary

This proclamation recognizes the Native Sons of the Golden West and their annual Flag Day celebration. It also recognizes the 100th anniversary of the official unveiling and dedication of the Bear Flag monument in the Sonoma Plaza.

Pat Stevens, NSGW Flag Day Chair will be present to receive the proclamation. In keeping with City practice, he 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.

Alternative Actions

N/A

Financial Impact

N/A

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Proclamation

Alignment with Council Goals:

N/A

cc: Pat Stevens via email

City of Sonoma



Proclamation

BEAR FLAG DAY

WHEREAS, a revolt took place on June 14, 1846 in which a group of immigrants took over the pueblo of Sonoma and then created and raised a flag bearing the image of a bear and the phrase "California Republic"; and

WHEREAS, from thereafter that flag has been known as the Bear Flag, the men of the revolt have been called the Bear Flaggers, and the revolt has been called the Bear Flag Revolt. And since that time the Bear Flag, adopted as the State Flag of California in 1911, has served as a proud symbol of the spirit of independence and courage of the people of California; and

WHEREAS, since their establishment in 1875 the Native Sons of the Golden West and thereafter the Native Daughters of the Golden West have proudly promoted the use and symbolism of the California Bear Flag and in September 1908, during Admission Day celebrations, members of the Sonoma Parlor #111 of the Native Sons of the Golden West decided to dedicate themselves to the creation of a monument to the men of the Bear Flag Revolt and their Bear Flag; and

WHEREAS, in 1913, the California State Legislature appropriated \$5,000 to assist with the expense of creation of the Bear Flag Monument in Sonoma Plaza near the location of the original hoisting of the Bear Flag; and

WHEREAS, utilizing funds they had raised and \$5,000 from the State of California, the Native Sons of the Golden West secured the services of renowned San Francisco sculptor John MacQuarrie to create a bronze sculpture of a Bear Flagger proudly carrying the Bear Flag; and

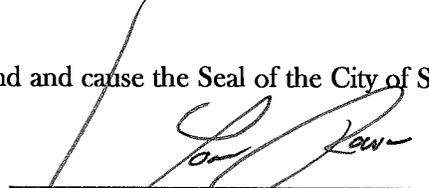
WHEREAS, the sculpture was installed in October 1913 in the Sonoma Plaza near the location of the original hoisting of the Bear Flag by members of the Native Sons. It was unveiled and dedicated at 2:00 p.m. June 14, 1914 before an immense crowd including the Governor of the State of California Hiram Johnson; and

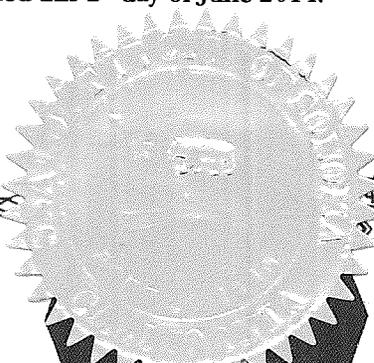
WHEREAS, one hundred years has elapsed since the Bear Flag Monument was unveiled and the monument has proudly stood in the Sonoma Plaza for all these years; and

WHEREAS, Sonoma Parlor # 111 the Native Sons and Daughters of the Golden West, the People of Sonoma, and the People of the State of California have for a century proudly acknowledged the Bear Flag Monument.

NOW, THEREFORE, I, Tom Rouse, Mayor of the City of Sonoma, do hereby proclaim June 14, 2014 Bear Flag Day in the City of Sonoma and do extend appreciation on behalf of the entire City Council to the Native Sons and Daughters of the Golden West for their hard work and intensity of spirit in keeping the history of the Bear Flag alive.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Sonoma to be affixed this 2nd day of June 2014.


TOM ROUSE, MAYOR





CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 5B

Meeting Date: 06/02/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the Minutes of the May 19, 2014 City Council meeting.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

- 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

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

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



Monday, May 19, 2014

6:00 p.m.

MINUTES

City Council

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

OPENING

Mayor Rouse called the meeting to order at 6:00 p.m. Several Police Department Volunteers 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, Planning Director Goodison, Finance Director Hilbrants, and Police Chief Sackett.

1. COMMENTS FROM THE PUBLIC

Jack Wagner stated that he would like to propose that the City plant fruit trees along the bike paths. He added the trees could be planted with water boxes for irrigation purposes and a non-profit group could maintain them in exchange for the fruit collected from the trees.

Jennifer Hainstock announced the Sonoma Valley Education Foundation's Red and White Ball would be held September 6, 2014 in the Plaza.

Rachel Hundley stated that the Valley of the Moon Certified Farmers Market was a wonderful venue for Sonomans to enjoy and she commended their Board for doing a fine job of organizing all the market vendors.

2. COUNCILMEMBERS' COMMENTS AND ANNOUNCEMENTS

Item 2A: Councilmembers' Comments and Announcements

Clm. Brown dedicated the meeting in the memory of Bob Sessions.

Clm. Barbose stated he had received word that former Councilmember and Mayor Gerald Tuller was very ill. He extended thoughts and best wishes to Mr. Tuller.

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

City Manager Giovanatto reported that one application for the vacancy on the Traffic Safety Committee and three applications for the Library Commission had been received. The deadline to submit applications was Wednesday May 21. She also reported that the consultant hired to monitor unregistered vacation rental properties had identified forty-six who had subsequently registered and remitted approximately \$47,000 in transient occupancy taxes. Giovanatto alerted property owners that if their tenant sublet the property out, that their property insurance could be canceled.

CIm. Barbose stated that he and CIm. Brown would like to have the topic of unregistered vacation rentals on a future agenda.

4. PRESENTATIONS

Item 4A: Presentation of the Police Department’s 2013 Annual Report

Police Chief Bret Sackett presented the annual Police Department report and introduced members of the Volunteers in Police Service (VIPS). He said the VIPS assist with office work, parking enforcement, security checks, Plaza patrol, and traffic control for parades. Sackett also introduced Administrative Assistant Darcy Proctor and described her as invaluable to the department.

Chief Sackett stated that, for the first time in several years, the City experienced an increase in its overall crime rate and he stated that he felt the City was feeling the impact of AB 109, the State’s Prison Realignment Program. He also reported that the department received a \$70,000 grant for the traffic enforcement program and the funds had been used to purchase a new motorcycle and send several officers to traffic related training.

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 May 5, 2014 City Council goal setting meeting and the May 5, 2014 regular meeting.

Item 5C: Authorization for City Manager to Execute a Purchase Agreement to Purchase a New (Replacement) Public Works Department Flatbed Truck.
Removed from consent, see below.

Item 5D: Acceptance of the City of Sonoma Annual Financial Audit for the fiscal year ending June 30, 2013 as prepared in accordance with GASB Statement 34.

Item 5E: Approve Indemnity Agreement between the City and the Sonoma County Waste Management Authority (SCWMA) indemnifying the City for Liabilities and Claims Arising out of the SCWMA’s adoption of an ordinance banning the use of plastic bags in the City of Sonoma.

CIm. Cook removed Consent Item 5C. The public comment period opened and closed with none received. It was moved by CIm. Barbose, seconded by CIm. Gallian, to approve all the items on the Consent Calendar except for Item 5C. The motion carried unanimously.

Item 5C: Authorization for City Manager to Execute a Purchase Agreement to Purchase a New (Replacement) Public Works Department Flatbed Truck.

Clm. Cook stated that he wanted the public to know that the City did its due diligence in the purchase of the vehicle. City Manager Giovanatto explained that the vehicle was being purchased from a Sacramento dealer through a state bid contract and that Sonoma Chevrolet had declined to submit a proposal because they did not handle this type of specialty vehicles.

The public comment period was opened and closed with none received. It was moved by Clm. Cook, seconded by Clm. Brown, to approve Item 5C. The motion carried unanimously.

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

Item 6A: Approval of the portions of the Minutes of the May 5, 2014 City Council goal setting meeting and the May 5, 2014 regular meeting pertaining to the Successor Agency.

The public comment period opened and closed with none received. 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: Discussion, consideration and possible action to take a position regarding the Economic Development and State Historic Tax Credit Act, AB 1999, requested by Mayor Pro Tem Cook.

City Manager Giovanatto reported that Mayor Pro Tem Cook placed this item on the agenda for City Council consideration upon receiving a request by Patricia Cullinan at the May 5 Council meeting. She stated that AB 1999, the “Economic Development and State Historic Tax Credit Act” had been introduced during the 2014 legislative session by incoming Speaker of the Assembly, Toni Atkins of San Diego. If enacted it would provide a California Historic Rehabilitation Tax Credit said to benefit economic development of properties on or eligible for the State or Federal Register of Historic Places.

Mayor Rouse invited comments from the public. Patricia Cullinan, Karla Noyes, and Jack Wagner spoke in favor of supporting the bill. It was moved by Clm. Barbose, seconded by Clm. Brown, to authorize the City Manager to send a letter of support for AB 1999. The motion carried unanimously.

Item 8B: Discussion, consideration and possible action to amend Sonoma Municipal Code to Increase Current Regulations Related to Smoking, Smoking Locations and/or Smoking Products in the City of Sonoma.

City Manager Giovanatto reported that following a presentation by the American Lung Association at the March 3, 2014 meeting the City Council directed staff to research the potential options and impacts related to the regulation of smoking in Sonoma. Mayor Rouse

and members of staff subsequently met with members of the public health community including the American Cancer Society, American Lung Association, Public Health Policy Services and the Sonoma County Health Department to discuss the issues. Giovanatto stated that the options to address the issue were very extensive and she explained the strategies and approaches the Council had available and then described the second hand smoke policy areas covering outdoors, multi-unit housing, retail, daycare and hotels.

CIm. Barbose asked the City Attorney if there were any preemption issues involved. City Attorney Walter stated that he would want to look into the issues related to restricting the sale of tobacco but he did not see any issues with the other areas of regulation.

Elizabeth Emerson, Public Health Policy Services, stated that communities typically divide the areas of control into two categories and deal with them that way. They do one ordinance addressing multi-unit housing and outdoors and another ordinance dealing with the sale of tobacco. She said that 80% of the effort involved in putting the ordinances and programs together would be provided by outside agencies. She also stated that Change Lab Solutions, consisting of attorneys specializing in public health, could provide legal interpretations. She added that they had determined that ordinances restricting the sale of tobacco did not preempt State law.

Jay Macedo, Sonoma County Health Services, described the services and resources they would provide. He said they would provide business notification kits, signs and decals. Their department would be the first in line to receive complaints. Macedo stated that of the one hundred and ten cities that had passed retail licensing ordinances, only two had been challenged in court and they had been upheld.

Jill Weido expressed support for tobacco controls stating there was no safe level of exposure to second hand smoke. The number of youth smokers also concerned her.

Lori Bremner, American Cancer Society, stated that an informal survey recently conducted in Sonoma concluded that 87% would support stricter controls. She stated that tobacco was the leading cause of preventable deaths and encouraged the Council to adopt comprehensive ordinances and deal with all the issues at the same time.

Madolyn Agrimonti, Jack Wagner, Jennifer Hainstock, and Armando Zimmerman expressed support for adoption of tobacco regulations. Rachel Hundley stated her support for a gradual approach beginning with regulation of the Plaza, multi-unit residential and childcare facilities.

Mayor Rouse stated that he brought the issue to Council after meeting with Ms. Emerson and learning that the City had been given an F on the American Lung Association's report card. He said the issue was about public health and not about a grade on a report card. Mayor Rouse stated that some had said that Sonoma did not have a problem and that enforcement would be difficult; but he felt that if there was no problem then there was no issue and no enforcement problems. He said he would like to tackle all the areas of control if there was support from the Council to do so.

CIm. Barbose stated he would support an ordinance regulating outdoor and multi-unit housing but wanted to take a deeper look at the areas of retail control and he would like input from the City Attorney on that.

Clm. Cook stated that moving ahead with regulations would take a lot of staff's time. He did not support moving ahead because he did not feel that existing regulations were being enforced and all that would be accomplished was to raise the City's grade.

Clms. Gallian and Brown agreed with Clm. Barbose. The Council went through the smoke-free living checklist that had been included in the agenda packet. It was moved by Clm. Barbose, seconded by Clm. Brown, to direct staff to draft an ordinance regulating smoking as follows: 1) Smoke-Free Outdoors: Dining areas, entryways, public events, recreation areas, service areas, sidewalks, and worksites; 2) Smoke-Free Multi-unit Housing (2+ units): Indoor common areas, outdoor common areas, 100% new and existing units, declare second hand smoke a nuisance, and require a phase in period; 3) Retail Considerations: Prohibit sampling of tobacco products and require a conditional use permit for new retail tobacco outlets under; and 4) Other: 25 foot minimum distance from anywhere smoking prohibited; restricting smoking in residences used for child care at all times; requiring appropriate signs and no ash cans in protected areas; declare violations based on illegal smoking to be infractions with a fixed fine amount. The motion carried four to one, Clm. Cook dissented.

RECESS: The meeting recessed from 7:50 to 8:00 p.m.

Item 8C: Discussion, consideration, and possible action on a draft amendment to the Management Plan for the Montini Preserve to allow leashed dogs on trails and related matters, including direction to circulate a draft initial study/mitigated negative declaration for review and comment.

Planning Director Goodison reported that, pursuant to Council's prior direction, staff prepared a draft amendment to the Management Plan for the Montini Preserve that would allow leashed dogs on trails. He further explained that the City and the Sonoma County Agricultural Preservation and Open Space District (District) entered into an agreement that would result in the City taking ownership of the Preserve later this year. The Transfer Agreement implemented a number of restrictions that the City would be required to abide by, as set forth in a Conservation Easement and a Recreation Covenant. The restrictions provided that the City administer the Preserve in conformance with a Management Plan previously adopted by the District. That plan prohibited pets within the Montini Preserve; however, section 6.1.1 of the Conservation Easement provided for amending the Management Plan, subject to the review and approval of the District.

Goodison stated that an environmental review was required and staff had prepared a draft initial study, which would need to be circulated for comment before it could be adopted. The initial study suggested that the potential environmental effects of the amendment could be reduced to less-than-significant levels though identified mitigation measures. He explained that following the close of the 30-day comment period, the City Council would hold a public hearing on the initial study/mitigated negative declaration and decide whether to approve it. Assuming that a negative declaration was adopted, the amendment would then be forwarded to the District for their review. He stated that the amendment process was separate from the ultimate action that the Council would need to take to authorize dogs on trails within the preserve. The amendment of the Management Plan would give the Council the option, but would not in itself institute that change, which could only occur through an amendment to the Municipal Code. Goodison added that the issue of western access could become a complicating factor, since a portion of the trail crosses the Vallejo Home State Park, as allowed by a revocable license. Under State law, dogs were prohibited on trails within State Parks and the District Superintendent had expressed concern about this issue. The amendment to the Management Plan proposed to

address this problem by prohibiting dogs on the trail segment south of vista point some distance from the State Parks property. The Recreation Covenant between the Open Space District and the City required that, in the event the connection through the State Parks property was lost, the City was required to design and implement an alternative western access route within 5 years.

Clm. Barbose questioned the provision in the amendment requiring the City to submit annual reports to the District. Goodison responded that Council could modify that provision to limit the reporting to the three-year period that the District is funding the project.

Mayor Rouse invited comments from the public. Bill Wilson recited the following excerpt from the biological evaluation prepared by Prunuske Chatham, Inc. *“Overall, introduction of dogs to the Preserve would be likely to have widespread and long-lasting effects on natural resources, although it is possible that such effects could be reduced if effective controls are implemented that minimize off-leash/off-trail use, the incidence of dog waste, and other undesirable behaviors.”* He stated that enforcement of the on-leash rule would be an issue because big dogs need exercise and need to run.

Katie Byrn stated that not allowing dogs would set a negative tone for the City. She maintained that signage could address any issues and maintain the area.

Jennifer Hainstock suggested modifying the reporting period to three years and to include an exclusion for service dogs on State park land. She added that the District should reimburse the City for all expenses incurred as a result of this process and that she felt the biological report was extremely biased.

Armando Zimmerman said it was a preserve, not a dog park and he did not support allowing dogs on the trails.

Joanna Kemper relayed the following message from Sonoma Ecology Center’s Executive Director Richard Dale: Council should proceed with caution. The biological report was pretty clear about the impacts of allowing dogs; however if the City moved ahead with allowing dogs he requested a three month trial period and that dogs be limited seasonally. Ms. Kemper stated that the Overlook Trail Stewards’ position was that they supported preservation of biodiversity but they were not sure the proposed mitigation measures would allow the existing wildlife to remain on the property.

Bob Edwards commended staff for their efforts and stated his disagreement with the biological report. He stated that dogs were allowed on Taylor Mountain and at the Healdsburg park with no ill effects and added that the Dog Association agreed that dogs should not be allowed on the Overlook Trail.

Lynn Clary stated that they had experienced a lot more dogs on the Overlook Trail since the Montini trails opened. He said that laws would not work without enforcement.

Rachel Hundley stated that Council needed take into consideration that the preserve needed to be protected while at the same time encouraging people to be active. Council should take the mitigation measures seriously.

Patricia Cullinan pointed out that the regional parks allow dogs off leash and said that the City needed to encourage better dog stewardship.

CIm. Cook stated he would support this because of his belief of local control. This was not about dogs but maintaining control of the Montini Preserve and the Council may want to consider making the issue of dogs a ballot measure.

CIm. Barbose reiterated the fact that tonight's issue was not about dogs on Montini but about moving in a direction that would allow the City Council to make that decision. He stated that dogs had always been on the property and he did not agree with the biological report. It was moved by CIm. Barbose, seconded by CIm. Cook, to direct staff to circulate the draft initial study and change the draft amendment section listing restrictions and requirements, item j) to restrict the reporting period to three years.

CIm. Brown stated his support for moving forward and said people need to be given a chance. CIm. Gallian stated she always felt this was a missing element and wanted to move ahead. Mayor Rouse stated he had never supported this and had not changed his mind. The motion carried four to one, Mayor Rouse dissented.

9. REGULAR CALENDAR – CITY COUNCIL AS THE SUCCESSOR AGENCY

10. COUNCILMEMBERS' REPORTS AND FINAL REMARKS

Item 10A: Reports Regarding Committee Activities.

CIm. Gallian reported on the Sonoma County Transportation Authority meeting.

Mayor Rouse reported on the Facilities and Audit Committee meetings.

Item 10B: Final Councilmembers' Remarks.

CIm. Brown and Cook announced their office hours.

CIm. Gallian wished all a Happy Memorial Day and congratulated all the graduates.

11. COMMENTS FROM THE PUBLIC

Pat Cullinan reported that the Blue Wing Adobe Trust had submitted application for historical designation of the Blue Wing Inn.

Jack Wagner suggested that the Council take a position regarding AB 2145. He stated that Napa County was joining Marin Clean Power. CIm. Gallian stated that the Regional Climate Protection Authority had issued a letter in opposition on behalf of all its member cities. CIm. Barbose requested it be placed on the June 23 Council agenda.

12. ADJOURNMENT

The meeting was adjourned at 8:37 p.m. in the memory of Bob Sessions.

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: 06/02/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval and ratification of the appointment of Cameron Stuckey to the Community Services and Environment Commission for a two-year term.

Summary

The Community Services and Environment Commission (CSEC) consists of nine members and one alternate who serve at the pleasure of the City Council. Of the nine members, one is designated as a representative of the youth in the community. Five of the members and the alternate must be City residents.

This appointment will be to fill the vacancy created by the resignation of Lynn Clary. Cameron Stuckey has served as the CSEC Alternate since January 8, 2014 and Mayor Rouse has nominated him for appointment as a regular member of the Commission for a two-year term.

Recommended Council Action

Ratify the nomination.

Alternative Actions

Council discretion.

Financial Impact

N/A.

Environmental Review

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

Status

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

Attachments:

None

Alignment with Council Goals: N/A

cc: Cameron Stuckey, via email



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5D

Meeting Date: June 2, 2014

Department

Public Works

Staff Contact

Debra Rogers, Management Analyst

Agenda Item Title

Approve the use of City streets by the Sonoma Community Center for the City Party on Tuesday, July 29, 2014.

Summary

Special event permit applications that include requests for the closure of City streets in conjunction with the event must obtain City Council approval of the related street closure.

The Sonoma Community Center has requested temporary closure of Spain Street from First Street West to First Street East in conjunction with the City Party and Farmers Market on Tuesday July 29, 2014 from 5:00 to 10:00 p.m. This arrangement worked well in 2012-2013: reduced impact on the Plaza: crowds used the Plaza lawn and Spain Street; dancing occurred on Spain Street where the band was located; avoided disrupting the Farmers' Market vendors now using the back parking lot.

Recommended Council Action

Approve the use of City streets subject to the following conditions:

1. Applicant shall contact the Fire and Police Department as soon as possible to review traffic control plan and contract for services as needed.
 2. Applicant shall provide a written request for special barricading to the Public Works Department at least two weeks prior to the event.
 3. Applicant shall comply with City of Sonoma standard insurance requirements.
 4. Street closures are contingent upon the approval of Plaza Use/Special Events permit approvals by the CSEC, along with any conditions that may be imposed at that time.
-

Alternative Actions

1. Approve the request with specified modifications
2. Deny the request

Financial Impact

The Sonoma Community Center coordinates this event on behalf of the City as part of their service agreement and are not required to pay Plaza or Street Use fees. They contract with the Sheriff's Department for implementation of the street closure.

Environmental Review

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

Status

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

Attachments:

1. City Party Use of City Streets application
-

cc:

Toni Castrone (via email)
Mary Catherine Cutcliffe(via email)



**City of Sonoma
No. 1 The Plaza
Sonoma CA 95476**



**PERMIT APPLICATION
FOR USE OF CITY STREETS**

**Application Fee: \$373.00
(Encro 100 30203)**

Note: Events utilizing any portion of Highway 12 must also obtain permission from Caltrans, District 4, 111 Grand Avenue, Oakland 94612, (510) 286-4404.

Name of Applicant: Toni Castrone

Name of Sponsoring Organization: Sonoma Community Center

Address: 276 E Napa Street,

Telephone Numbers: Day: _____ Night: _____ Fax: _____ Email: _____

Name of Event: _____

Type of Event – Mark Appropriate Box

- Run or Walk Rally or Assembly Parade
- Other Concert

Date(s) of Event: 7/29/12

Street Closure(s) Requested:
Spain St between 1st West and 1st East from 4 am/pm to 10 am/pm
 _____ between _____ and _____ from _____ am/pm to _____ am/pm
 _____ between _____ and _____ from _____ am/pm to _____ am/pm

Complete Description of Event. Using additional sheets if necessary, describe the number of participants; duration of the event; the number, type, size and material of all entries including any floats or banners; the number and type of animals and a plan for cleaning up after them; any seating being provided; and Judges Tables. Attach a map of the route to be used and indicating the location of the staging area, announcer's stand, barricade placement, vendors, banners, signs and booths, etc.:

City Party is a free annual event in the Plaza, open to the public.

Estimated Daily Attendance: 5000

If a Sound Amplification is be used, describe the type, location, purpose and hours of use: Sound for band performing.

General Conditions of Approval:

Applicant is responsible for obtaining permission from Caltrans for use of any portion of Highway 12. All facilities placed upon a City street are subject to continuing safety approval and inspection by the appropriate City departments. A clear path of a minimum width of 20 feet through the length of the portion of roadway being used must be maintained for emergency vehicle access. Obstructions shall not be placed along the curb or the roadway within 10 feet of any fire hydrant. All facilities used for the event shall be removed from City streets immediately after the close of the event. All costs for barricading, traffic control, street sweeping and clean up shall be borne by the applicant. Applicant will be required to submit a deposit equal to the amount estimated by the City for services performed by City personnel in relation to the event. The deposit is due no later than two weeks before the first day of the event. If actual costs exceed the amount of the deposit, applicant will be required to pay the difference. If actual costs are less than the deposit, the excess will be returned to applicant or applied to any other fees or charges owed to the City. Applicant must provide a certificate of insurance and a policy endorsement naming the City of Sonoma as additional insured as described in the City of Sonoma Facility Use Insurance Requirements.

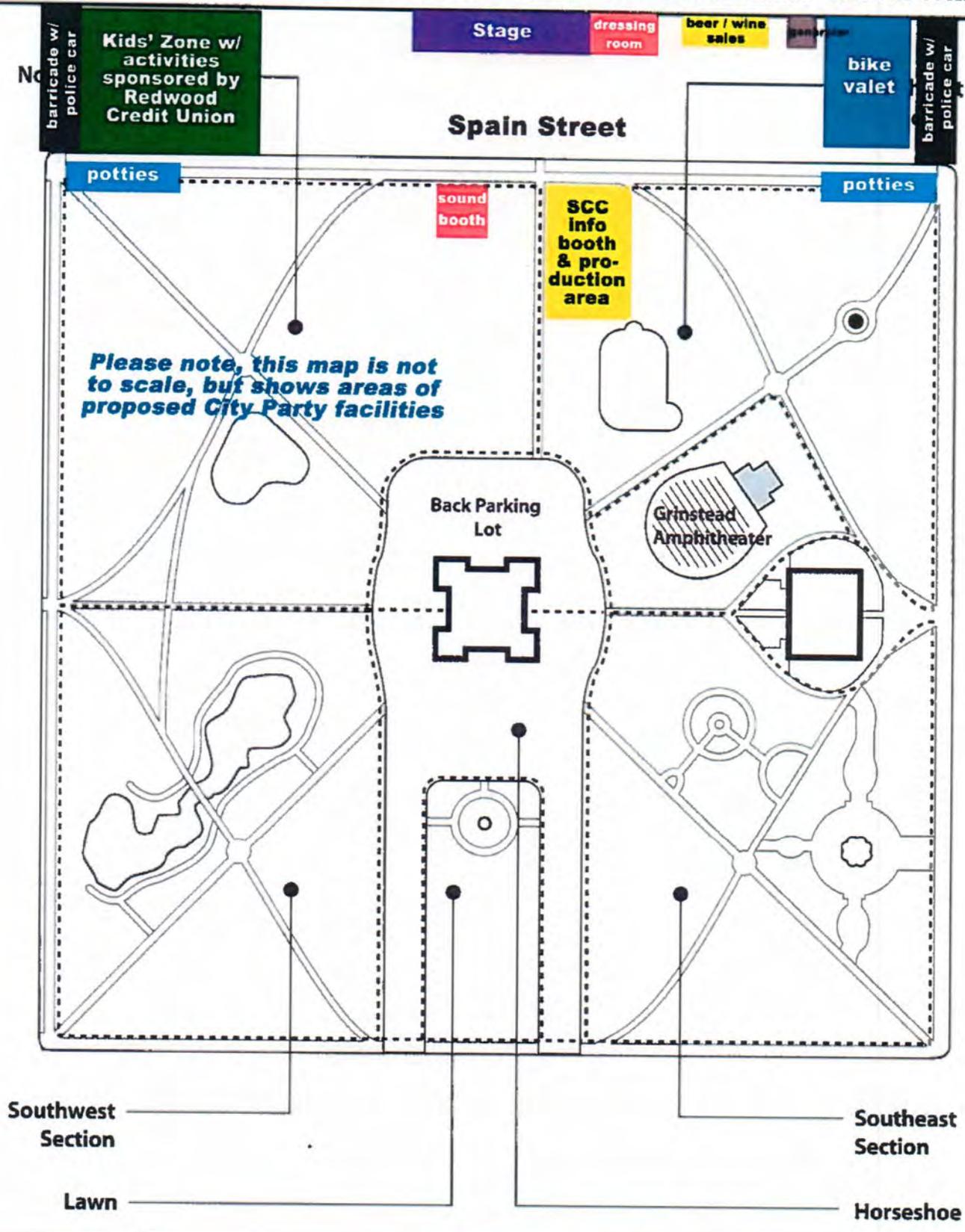
I do hereby acknowledge and affirm that all information contained herein is accurate to the best of my knowledge and agree to assume full responsibility and liability for and indemnify, and suits for or by reason of injury to any person or damages to any property of the parties hereto or of the third persons for any and all cause or causes whatsoever on in any way connected with the holding of said event or any act or omission or thing in any manner related to said event and its operation irrespective of negligence, actual or claimed, upon the part of the City, its agents or employees.

Tom Castrone
Applicant's Signature

12/20/13
Date

For City Use Only	
POLICE DEPARTMENT RECOMMENDATION: <input type="checkbox"/> Approve <input type="checkbox"/> Deny	
Amount of Deposit Required _____	
COMMENTS:	
_____	_____
Authorized Signature	Date
PUBLIC WORKS DEPARTMENT RECOMMENDATION: <input type="checkbox"/> Approve <input type="checkbox"/> Deny	
Amount of Deposit Required _____	
COMMENTS:	
_____	_____
Authorized Signature	Date
Date Approved by CSEC <u>6/</u>	
Date Approved by City Council _____	

Please indicate the location of all major features and activities associated with this event.



Plaza Event Map 



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 5E

Meeting Date: 06/02/2014

Department

Public Works

Staff Contact

Dan Takasugi, Public Works Director/City Engineer

Agenda Item Title

Adoption of Plans and Specifications and Authorize the City Manager to Approve a Contract to the lowest responsible bidder, for the 2014 City-wide Slurry Seal Project, if the low bid and a 10% contingency are within the Construction Budget of \$200,000.

Summary

Proposed work includes the street surface treatment (slurry seal) for various streets throughout the City, including: surface preparation; crack seal; slurry seal; removal and replacement of pavement striping and markings; protection of existing utility structures, curb and gutter and cross gutter; traffic control; and other related work. 26 street segments are planned for slurry seal treatment in the base bid. Another 3 street segments could be included as potential additional streets if construction budget allows at the time of contract award. Plans and Specifications may be viewed on the City's online plan room at:

www.blueprintexpress.com/public

The currently scheduled bid opening for this project is on June 3, 2014. Because the June 16, 2014 Council meeting was cancelled, it may take until the next scheduled Council meeting on June 23, 2014 for this project to be awarded, delaying the project by almost 3 weeks. In order not to delay the start of this project, Staff recommends that Council authorize the City Manager to approve and sign a contract with the lowest responsible bidder, if the low bid and a 10% contingency are within the construction budget of \$200,000. The Contract Award would be ratified by Council at the June 23, 2014 meeting.

Recommended Council Action

It is recommended that Council: a) Adopt the Plans and Specifications for the 2014 City-wide Slurry Seal Project, and b) Authorize the City Manager to Approve and sign a Contract to the lowest responsible bidder, if the low bid and a 10% contingency are within the Construction Budget of \$200,000.

Alternative Actions

Council discretion.

Financial Impact

The Council approved a mid-year budget adjustment of \$600,000 for certain street rehabilitation projects in the FY 2013/14 Streets CIP budget. Of this amount, \$200,000 is proposed for a City-wide slurry seal project in the summer of 2014.

Environmental Review

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

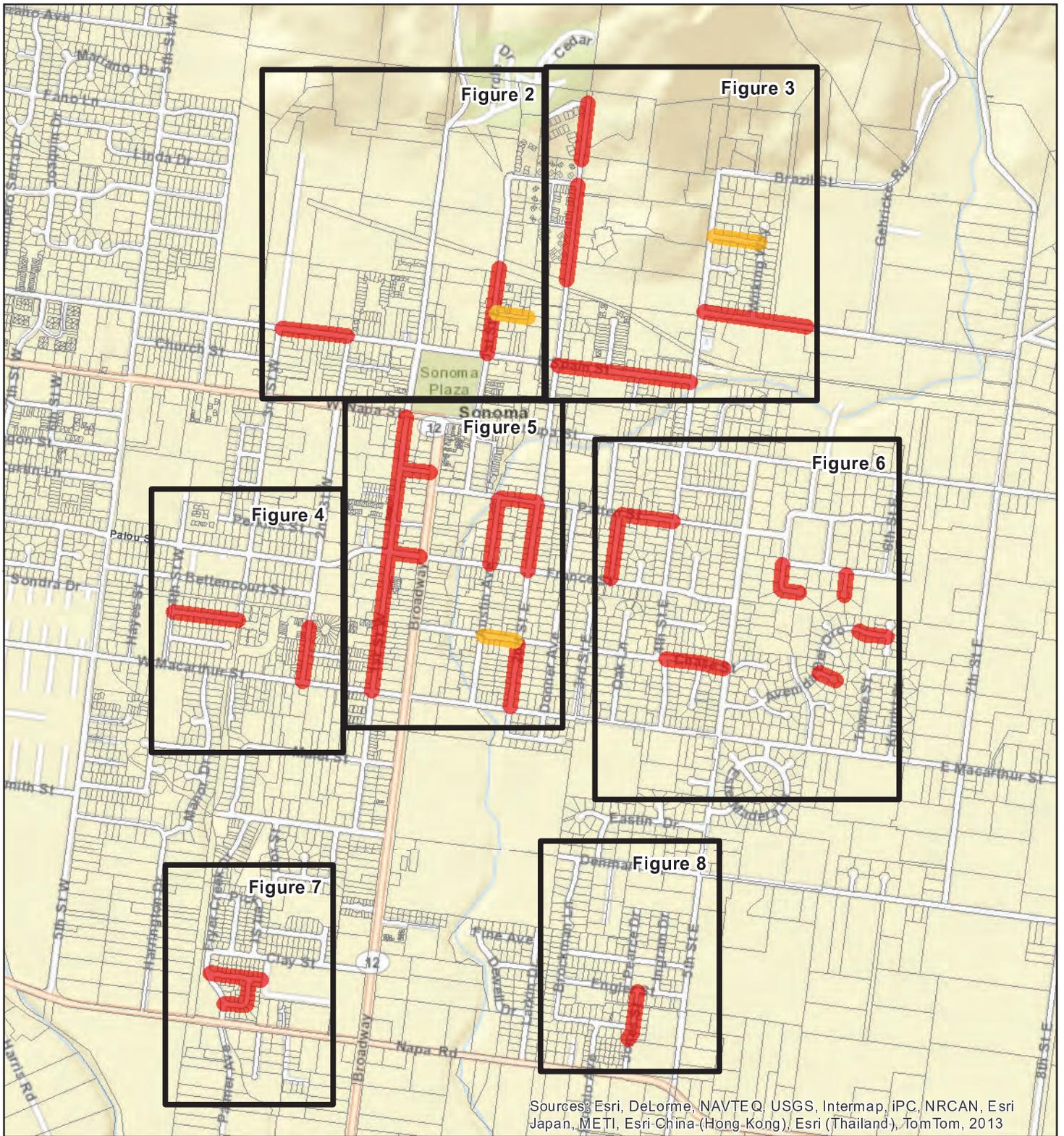
Status

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

Alignment with Council Goals:

Supports the Council Water & Infrastructure Goal to Initiate Capital Infrastructure Replacements and Upgrades

Attachments: Figure 1 Project Location



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

□ Parcels

Slurry Limits of Work

■ Base Bid Streets Slurry Seal Limits

■ Potential Additional Streets

Paper Size 8.5" x 11" (ANSI A)

0 325 650 975 1,300

Feet

Map Projection: Lambert Conformal Conic
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane California II FIPS 0402 Feet



City of Sonoma
2014 Road Rehab Project
Project Number 1403

Job Number	8411160
Revision	1
Date	15 May 2014

Location and Limits of Slurry Seal Figure 1

2235 Mercury Way Suite 150 Santa Rosa CA 95407 USA T 707 523 1010 F 707 527 8679 E santarosa@ghd.com W www.ghd.com

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Data source: Sonoma County, Parcels, 2012; GHD, Limits of Slurry Seal, 2014. Created by:afisher2



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

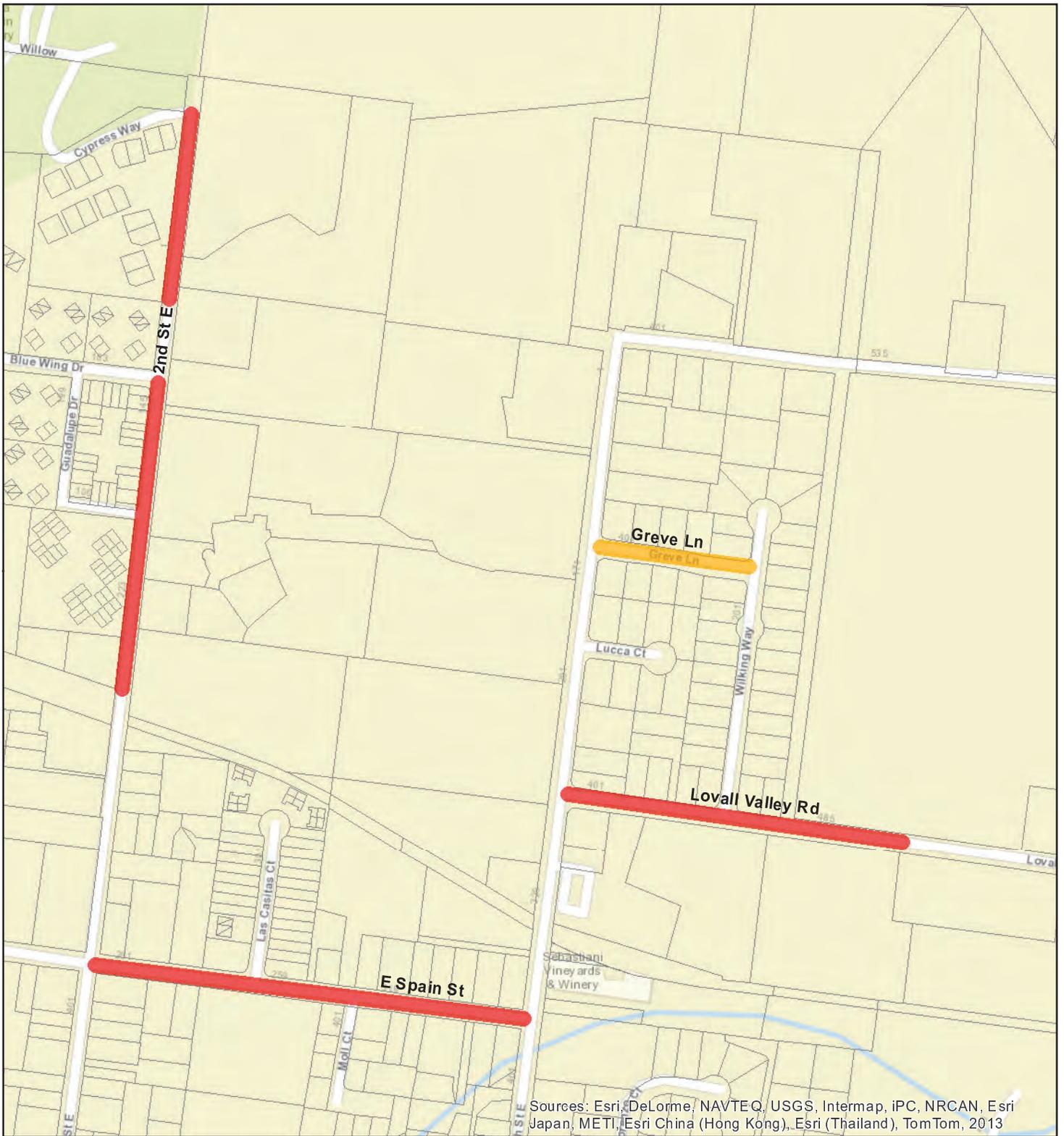
- Parcels
- Slurry Limits of Work**
- Base Bid Streets Slurry Seal Limits
- Potential Additional Streets

<p>Paper Size 8.5" x 11" (ANSI A)</p> <p>0 100 200 300 400</p> <p>Feet</p> <p>Map Projection: Lambert Conformal Conic Horizontal Datum: North American 1983 Grid: NAD 1983 StatePlane California II FIPS 0402 Feet</p>				<p>City of Sonoma 2014 Road Rehab Project Project Number 1403</p>	<table border="0"> <tr> <td>Job Number</td> <td>8411160</td> </tr> <tr> <td>Revision</td> <td>1</td> </tr> <tr> <td>Date</td> <td>15 May 2014</td> </tr> </table>	Job Number	8411160	Revision	1	Date	15 May 2014
Job Number	8411160										
Revision	1										
Date	15 May 2014										

Location and Limits of Slurry Seal Figure 2

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Data source: Sonoma County, Parcels, 2012; GHD, Limits of Slurry Seal, 2014. Created by:afisher2



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

□ Parcels

Slurry Limits of Work

■ Base Bid Streets Slurry Seal Limits

■ Potential Additional Streets

<p>Paper Size 8.5" x 11" (ANSI A)</p> <p>0 100 200 300 400</p> <p>Feet</p> <p>Map Projection: Lambert Conformal Conic Horizontal Datum: North American 1983 Grid: NAD 1983 StatePlane California II FIPS 0402 Feet</p>				<p>City of Sonoma 2014 Road Rehab Project Project Number 1403</p>	<p>Job Number 8411160 Revision 1 Date 15 May 2014</p>
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Location and Limits of Slurry Seal **Figure 3**

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Data source: Sonoma County, Parcels, 2012; GHD, Limits of Slurry Seal, 2014. Created by:afisher2



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

□ Parcels

Slurry Limits of Work

- Base Bid Streets Slurry Seal Limits
- Potential Additional Streets

Paper Size 8.5" x 11" (ANSI A)

0 50 100 150 200

Feet

Map Projection: Lambert Conformal Conic
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane California II FIPS 0402 Feet



City of Sonoma
2014 Road Rehab Project
Project Number 1403

Job Number	8411160
Revision	1
Date	15 May 2014

Location and Limits of Slurry Seal Figure 4

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Data source: Sonoma County, Parcels, 2012; GHD, Limits of Slurry Seal, 2014. Created by:afisher2



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

□ Parcels

Slurry Limits of Work

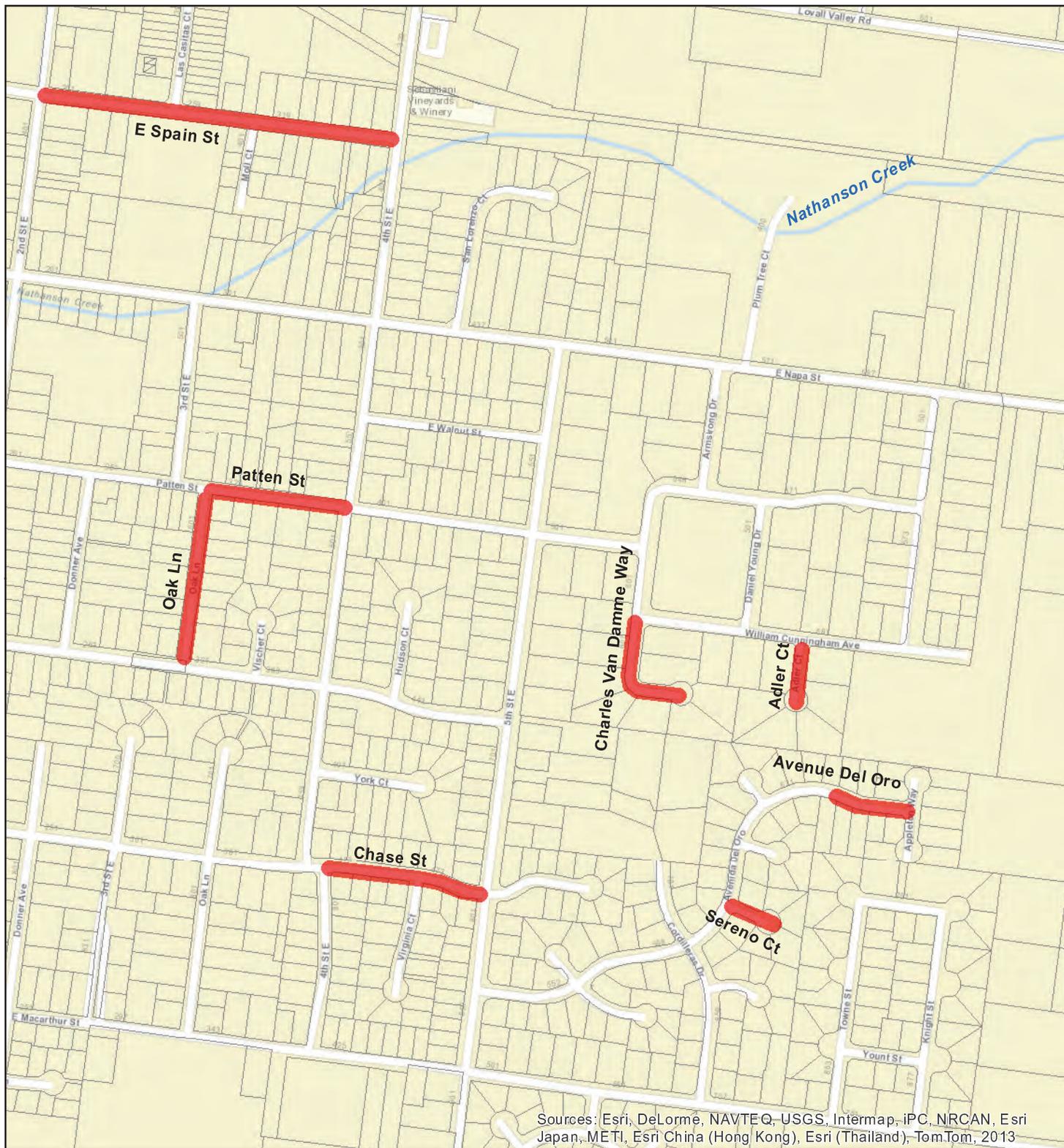
- Base Bid Streets Slurry Seal Limits
- Potential Additional Streets

<p>Paper Size 8.5" x 11" (ANSI A)</p> <p>0 100 200 300 400</p> <p style="text-align: center;">Feet</p> <p>Map Projection: Lambert Conformal Conic Horizontal Datum: North American 1983 Grid: NAD 1983 StatePlane California II FIPS 0402 Feet</p>				<p>City of Sonoma 2014 Road Rehab Project Project Number 1403</p>	<table border="0"> <tr> <td>Job Number</td> <td>8411160</td> </tr> <tr> <td>Revision</td> <td>1</td> </tr> <tr> <td>Date</td> <td>15 May 2014</td> </tr> </table>	Job Number	8411160	Revision	1	Date	15 May 2014
Job Number	8411160										
Revision	1										
Date	15 May 2014										

Location and Limits of Slurry Seal Figure 5

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Data source: Sonoma County, Parcels, 2012; GHD, Limits of Slurry Seal, 2014. Created by:afisher2



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

□ Parcels

Slurry Limits of Work

■ Base Bid Streets Slurry Seal Limits

■ Potential Additional Streets

Paper Size 8.5" x 11" (ANSI A)

0 125 250 375 500

Feet

Map Projection: Lambert Conformal Conic
Horizontal Datum: North American 1983
Grid: NAD 1983 StatePlane California II FIPS 0402 Feet



City of Sonoma
2014 Road Rehab Project
Project Number 1403

Job Number	8411160
Revision	1
Date	15 May 2014

Location and Limits of Slurry Seal Figure 6

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Data source: Sonoma County, Parcels, 2012; GHD, Limits of Slurry Seal, 2014. Created by:afisher2



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong-Kong), Esri (Thailand), TomTom, 2013

□ Parcels

Slurry Limits of Work

- Base Bid Streets Slurry Seal Limits
- Potential Additional Streets

<p>Paper Size 8.5" x 11" (ANSI A)</p> <p>0 50 100 150 200</p> <p style="text-align: center;">Feet</p> <p>Map Projection: Lambert Conformal Conic Horizontal Datum: North American 1983 Grid: NAD 1983 StatePlane California II FIPS 0402 Feet</p>				<p>City of Sonoma 2014 Road Rehab Project Project Number 1403</p>	<table border="0"> <tr> <td>Job Number</td> <td>8411160</td> </tr> <tr> <td>Revision</td> <td>1</td> </tr> <tr> <td>Date</td> <td>15 May 2014</td> </tr> </table>	Job Number	8411160	Revision	1	Date	15 May 2014
Job Number	8411160										
Revision	1										
Date	15 May 2014										

Location and Limits of Slurry Seal Figure 7

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Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

- Parcels
- Slurry Limits of Work**
- Base Bid Streets Slurry Seal Limits
- Potential Additional Streets

<p>Paper Size 8.5" x 11" (ANSI A)</p> <p>0 50 100 150 200</p> <p style="text-align: center;">Feet</p> <p>Map Projection: Lambert Conformal Conic Horizontal Datum: North American 1983 Grid: NAD 1983 StatePlane California II FIPS 0402 Feet</p>				<p>City of Sonoma 2014 Road Rehab Project Project Number 1403</p>	<p>Job Number 8410781 Revision 1 Date 15 May 2014</p>
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Location and Limits of Slurry Seal Figure 8

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CITY OF SONOMA
City Council/Successor Agency
Agenda Item Summary

City Council Agenda Item: 6A

Meeting Date: 06/02/2014

Department

Administration

Staff Contact

Gay Johann, Assistant City Manager/City Clerk

Agenda Item Title

Approval of the portions of the Minutes of the May 19, 2014 City Council meeting pertaining to the Successor Agency.

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

See Agenda Item 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: 06/02/14

Department

Planning

Staff Contact

Planning Director Goodison

Agenda Item Title

Discussion, consideration and possible action on: (1) Settlement Agreement between AT&T and the City of Sonoma pertaining to the lawsuit filed by AT&T against the City of Sonoma for the Council's denial of a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site, (2) rescinding the City Council's previous decision to deny the application of AT&T for a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site, (3) AT&T's Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site, featuring an 80-foot tall redwood monopine tower and fenced equipment shelter, including an updated coverage analysis and enhanced landscaping, and (4) findings under the California Environmental Quality Act (CEQA) that the project is exempt under CEQA Guidelines section 15303 (New construction or conversion of small structures).

Summary

In October 2013, the Planning Commission voted 7-0 to approve a revised application made by AT&T for the placement of a monopine-style cell tower and related facilities on the Foley/Sebastiani Winery property, subject to conditions. This decision was subsequently appealed by several neighboring property owners. The City Council heard the appeal at its meeting of December 16, 2013. Following a lengthy public hearing, the Council voted 4-1 (Mayor Rouse dissenting) to uphold the appeal, thereby denying the application. The Council later declined to reconsider its decision and on February 13, 2014, AT&T filed a federal lawsuit against the City seeking an order compelling the City to grant AT&T its use permit. As discussed in the attached memo from the City Attorney, Federal law substantially limits the authority of local jurisdictions to deny applications for cellular facilities when the applicant is able to demonstrate that the facility is necessary to address a significant gap in coverage and that the proposed location is the least intrusive means to close that gap. Courts have previously determined that poor interior reception (whether in a residence or commercial building) may constitute a substantial gap in coverage. Federal law also holds that when it is demonstrated that a proposed facility complies with federally-established thresholds, NEIR exposure may not be used a basis for denying an application for a cellular facility.

In light of the City Attorney's advice that defending the denial of the application could cost \$50,000 to \$75,000 and that the chance of a successful outcome was remote, it was proposed to AT&T that it revise its project by, at minimum, providing improved visual screening of the facility. AT&T responded by revising its project to include the planting of six Italian Cypress trees adjoining the tower, three on the east and three on the west. (These locations were chosen because views of the tower from the south would be limited and views from the north would be partially screened by a large berm that is already planted with trees.) In addition, the applicant has provided an updated analysis of the coverage gap that would be addressed by the facility.

Recommended Council Action

Staff recommends that the City Council adopt the attached resolution(s), which would implement the following actions:

1. Approve a Settlement Agreement between AT&T and the City of Sonoma pertaining to the lawsuit filed by AT&T against the City of Sonoma for the Council's denial of a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site.
2. Rescind the City Council's previous decision to deny the application of AT&T for a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site.

3. Approve a Use Permit allowing AT&T to install a wireless telecommunications facility on the Sebastiani Winery site, featuring an 80-foot tall redwood monopine tower and fenced equipment shelter, enhanced landscaping, based on findings and subject to conditions.
 4. Adopt findings under the California Environmental Quality Act (CEQA) that the project is exempt pursuant to CEQA Guidelines section 15303 (new construction or conversion).
-

Alternative Actions

Council discretion.

Financial Impact

The City Attorney has estimated that defending the lawsuit brought by ATT could cost as much as \$50,000 to \$75,000.

Environmental Review

Status

- | | |
|--|--|
| <input type="checkbox"/> Environmental Impact Report | <input checked="" type="checkbox"/> Approved/Certified |
| <input type="checkbox"/> Negative Declaration | <input type="checkbox"/> No Action Required |
| <input checked="" type="checkbox"/> Exempt | <input type="checkbox"/> Action Requested |
| <input type="checkbox"/> Not Applicable | |
-

Attachments:

1. Supplemental Report
 2. Memo from the City Attorney
 3. Draft resolution approving settlement agreement
 4. Draft resolution rescinding previous decision and approving Use Permit
 5. Photographs of 21003 Broadway monopine
 6. Revised project plans and specifications (also marked as exhibit to appropriate resolution)
 7. Propagation Maps (dated Aug. 15, 2013 and May 29, 2014)
 8. Coverage gap supplement (Statement of Alex Kerrigan, ATT Radio Frequency Engineer, with attached propagation maps)
 9. Alternative sites analysis
 10. Photo-simulations
 11. NEIR Study
 12. Conditions of Approval (also marked as exhibit to appropriate resolution)
 13. Settlement Agreement (also marked as exhibit to appropriate resolution)
-

Alignment with Council Goals:

N/A

cc: AT&T Use Permit mailing list

SUPPLEMENTAL REPORT

Discussion, consideration and possible action on: (1) Settlement Agreement between AT&T and the City of Sonoma pertaining to the lawsuit filed by AT&T against the City of Sonoma for the Council's denial of a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site, (2) rescinding the City Council's previous decision to deny the application of AT&T for a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site, (3) AT&T's Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site, featuring an 80-foot tall redwood monopine tower and fenced equipment shelter, including an updated coverage gap analysis and proposed landscaping, and (4) findings under the California Environmental Quality Act (CEQA) that the project is exempt under CEQA Guidelines section 15303 (New construction or conversion of small structures).

For the City Council meeting of June 2, 2014

Background

ATT originally filed an application for the placement of a monopine-style cell tower facility on the Foley/Sebastiani Winery property on April 21, 2013. In that application, which was reviewed by the Planning Commission at its meeting of June 13, 2013, the proposed tower height was 95 feet. After discussing the proposal, the Planning Commission voted to table the item, directing the applicant to provide additional information on possible alternative locations, the justification for the height of the facility, and NEIR (nonionizing electromagnetic radiation) exposure levels. This information was subsequently developed by the applicant and they returned to the Planning Commission with an updated proposal that included a reduction of the tower height to 80 feet, as well as a more detailed alternative site analysis, and additional information on compliance with NEIR standards. The Planning Commission reviewed the updated proposal at its meeting of October 10, 2013, at which time it voted 7-0 to approve the application, subject to conditions. This decision was subsequently appealed by several neighboring property owners. The City Council heard the appeal at its meeting of December 16, 2013. Following a lengthy public hearing, the Council voted 4-1 (Mayor Rouse dissenting) to uphold the appeal, thereby denying the application. At its January 8, 2014, meeting, the City Council declined AT&T's request to reconsider the Council's earlier decision denying AT&T's application. On February 13, 2014, AT&T filed a lawsuit against the City in federal court asserting the City's denial of its use permit application violated the Federal Telecommunications Act of 1996 (TCA) and asking that the Court to order the Council to grant AT&T's use permit.

As discussed in the attached memo from the City Attorney, Federal law substantially limits the authority of local jurisdictions to deny applications for cellular facilities when the applicant is able to demonstrate that the facility is necessary to address a significant gap in coverage and that the proposed location is the best available (the "least intrusive") option in that regard. Courts have previously determined that poor interior reception (whether in a residence or commercial building) may constitute a substantial gap in coverage. Federal law also holds that when it is demonstrated that a proposed facility will not exceed federally-established thresholds, NEIR exposure may not be used as a basis for denying an application for a cellular facility.

Here, the evidence in the record shows that the proposed wireless communications facility (WCF) will not exceed federally-established thresholds applicable to NEIR. Furthermore, as part of the Council's consideration of this agenda item, AT&T has submitted evidence that there exist significant gaps in in-building service in the downtown and eastern regions of the City, covering hundreds of homes, offices and other buildings. In addition, AT&T has conducted a study of nineteen other sites to ascertain whether the City's land use regulations would permit siting the proposed WCF on those properties. Included in

that comparative analysis were an examination of whether a WCF located on each of the nineteen sites would fill the gap in service identified by AT&T, whether or not each property owner would be amenable to allowing his/her/its property to be used for a WCF and whether or not constructing a WCF on each site would be less intrusive in terms of its aesthetic and other impacts on neighboring properties and their owners and users. Based on its alternative sites analysis, AT&T concluded that the Sebastiani winery site is the least intrusive, while at the same time meeting the technological specifications required to fill the significant gap in coverage identified by AT&T.

No expert or other reliable evidence has been supplied contrary to that offered by AT&T. Consequently, without retaining the necessary experts to analyze the data submitted by AT&T, were the City to continue its position in denying AT&T's WCF use permit, the likelihood of the City being compelled to approve AT&T's use permit by the federal courts remains high.

In light of the City Attorney's advice that defending the denial of the application could cost \$50,000 – \$75,000 and that, based on the evidence thus far submitted, the chance of a successful outcome for the City is remote, staff has communicated with AT&T suggesting that its proposal be conditioned such that it would, at minimum, provide improved visual screening of the proposed facility. The applicant has responded by submitting revised plans and specifications that include the planting of six Italian Cypress trees adjoining the tower, three to the east and three to the west (these locations were chosen because views of the tower from the south would be limited by existing structures and site distances and views from the north would be partially screened by a large berm that is already planted with trees). In addition, the applicant has provided an updated analysis of the coverage gap that would be addressed by the facility.

Property Description

The subject property is a 3.96-acre parcel that is one of several parcels that make up the Sebastiani Winery complex, located at 389 Fourth Street East. The subject parcel (APN 127-161-007), which is on the north side of the winery, adjoining Lovall Valley Road, is largely undeveloped, but serves as the secondary access and loading area of the adjacent tasting room building and other winery facilities to the west. The site has a General Plan land use designation of "Agriculture" and a corresponding "A" zoning through the Development Code. (The project site lies outside of the Historic Overlay zone.)

Adjoining uses are as follows:

- *North:* A vineyard is located to the north, across Lovell Valley Road. (Note: this property is located in Sonoma County and zoned Land Intensive Agriculture District).
- *South:* A winery production building is located to the south.
- *East:* Two single family homes and open fields (agriculture) are located east of the project site.
- *West:* A winery warehouse building is located to the west.

Under the City's Telecommunication Ordinance (SMC 5.32), telecommunication facilities that are readily visible from any public place or residential use immediately adjacent to the proposed location are subject to Use Permit review.

Project Description

The project involves installing and operating a wireless telecommunications facility on the Sebastiani Winery property on Fourth Street East and Lovall Valley Road, consisting of an 80-foot tall redwood monopine tree tower, twelve six-inch panel antennas, fifteen remote radio units, three surge protectors,

and an associated equipment building enclosed within a chain-link fence at its base that will house an AT&T emergency generator. The facility would be located on an unimproved portion of the property, 35 feet from the west property line and 135 feet from the north property line. (Note: on the west, a group of Winery-owned parcels provide an additional 600 feet of separation between the project site and Fourth Street East.) The equipment building would have an area of 230 square feet, consisting of prefabricated equipment shelter, with an exterior concrete aggregate finish, and a non-reflective roof measuring 12 feet in height at the peak. In total, AT&T would lease a 1,296-square foot area from the Sebastiani property. As noted above, the revised project includes the planting of six Italian Cypress trees adjoining the tower, three to the east and three to the west. A site plan and construction details are attached.

Requirements of the Telecommunication Ordinance

Telecommunications Ordinance: The most significant sections of the Telecommunications Ordinance that apply to this proposal are listed below, along with an analysis of project consistency:

1. *§5.32.100.A. Co-located and multiple-user facilities. Alternatives Analysis. Except for exempt facilities as defined in SMC 5.32.040, an analysis shall be prepared by or on behalf of the applicant, subject to the approval of the appropriate decision making authority, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunication service.*

The applicant has submitted such an analysis, examining nineteen alternative sites in terms of whether they could accommodate a WCF based upon the City's zoning requirements, the property owners' willingness to allow a WCF to be constructed on his/her/its property, the technological feasibility of constructing a WCF on each site (in other words, if a WCF were installed on the site under scrutiny, would signals sent from that WCF close the identified coverage gap), and the aesthetic and other impacts a WCF located on each of the examined sites would have on neighboring properties. This analysis appears adequate.

2. *§5.32.110.B. All telecommunications facilities shall be designed to blend into the surrounding environment to the greatest extent feasible.*

The monopine design is intended to reduce the visual impact of the facility. Included in the agenda packet are photographs of a monopine WCF recently constructed at 21003 Broadway, near the Sonoma Veterinary Clinic. This approximates the physical appearance of the monopine WCF proposed by AT&T. The faux-tree design of this existing monopine goes a long way in reducing the potential adverse aesthetic impacts a cell tower structure can produce. It is staff's view that such a WCF has less than significant aesthetic impacts where, as here, it is designed to be located in and among existing tall vegetation, and partially screened by large, tall structures. The physical appearance of the completed monopine at 21003 Broadway is to be contrasted with photographic evidence previously presented to the Council showing a partially completed monopine which did not possess all of the artificial limbs and foliage which makes up a completed monopine: the uncompleted monopine appearing metallic and stark, revealing the antennae and mechanical features in a visually unpleasing way. The design of the proposed monopine shows the antennae and other mechanical features to blend among the tower's artificial limbs and foliage, substantially reducing its visual impacts.

The proposed location of the monopine also helps in this regard, as it would be located in the northwest corner of a 3.96-acre property, allowing for a 135-foot setback from the northern property line. Public and private views of the monopine would be distant and at least partially obscured by existing trees and winery buildings (including a 45-foot tall warehouse structure to the

southwest), as well a large 15-foot high berm located to the north of the facility that is planted with mature trees. The 15-foot reduction in height obtained in the review of the original application has further reduced the prominence of the facility. As noted above, the revised application includes the planting of six Italian Cypress trees adjoining the tower, three to the east and three to the west. These trees, which are of a fast-growing variety, will be 9-12 feet tall when installed, and will reach a height of 40-60 in maturity. The equipment building would only be visible from within the winery property and would not be evident from surrounding public or private views. Views of the proposed facility are illustrated in the attached visual simulations.

3. *§5.32.110.B.4. Telecommunications support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only).*

As required in the conditions of project approval, the monopine, antennas, and accessory building would be painted with neutral, non-reflective colors.

4. *§5.32.110B.5. Telecommunications support facilities shall be no taller than one-story (15 feet in height), and shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.*

The equipment building would have an area of 230 square feet and would be designed with a concrete aggregate finish, and a non-reflective roof measuring 12 feet in height at the peak. Based on the size and location of this structure, it would not be visible from any public view.

5. *§5.32.110.C.4. Proposed telecommunication towers shall be set back at least 20 percent of the tower height from all property lines and at least 100 feet from any public park or outdoor recreation area. Guy wire anchors shall be set back at least 20 feet from any property line.*

The telecommunications ordinance does not specify a maximum height limit for this type of facility. The minimum setback requirement is met, as the monopole will be 35 feet from the west property line and 135 feet from the north property line.

6. *§5.32.110.E. All telecommunications facilities shall be unlit except when authorized personnel are actually present at night.*

This limitation is addressed in the conditions of project approval.

7. *§5.32.110.G.1 Vegetation Protection and Facility Screening. Except exempt facilities as defined in SMC 5.32.040, all telecommunications facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and shall include suitable mature landscaping to screen the facility, where necessary. For purposes of this section, "mature landscaping" shall mean trees, shrubs or other vegetation of a size that will provide the appropriate level of visual screening immediately upon installation.*

The Lovall Valley Road frontage of the site (north of the proposed facility) has been planted with mature trees and a large berm, also planted with mature trees, is located immediately north of the facility, and extends approximately 100 feet to the east and west of the monopine site. To the west, the tree planting associated with the berm extends southward, in line with the monopine site, which helps obscure views from the west. In addition, there are a number of relatively large trees located along the eastern and southern edges of the site. Lastly, as noted above, the revised project includes the planting of six Italian Cypress trees adjoining the tower, three to the east and three to the west.

8. **§5.32.110.K. Visual Compatibility.** *Facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings, as well as any existing supporting structures, so as to reduce visual impacts to the extent feasible.*

See responses #1, #2, and #3, above.

9. **§5.32.120.A. NIER exposure. Public Health.** *No telecommunication facility shall be located or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC-adopted standard for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.*

As required by the telecommunications ordinance, an NEIR study was prepared to determine whether the facility would comply with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields. The results from the study found that for a person anywhere on the ground immediately adjacent to the facility, the maximum RF exposure level resulting from the proposed AT&T facility is calculated to be 0.011 mW/cm² (milliWatt per square centimeter per micrometer), which represents 1.2% of the applicable public exposure limit (1.00 mW/cm²). The maximum calculated level at the second-floor elevation of any nearby residence (located at least 250 feet away from the site) is 0.79% of the public exposure limit. Based on the study, the proposed facility would operate well below radio frequency exposure standards and for this reason would not cause a significant impact on the environment or pose a threat to public health. The Telecommunications Act of 1996 [47 U.S.C. § 332 (c) (7) (iv)] states that “No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”

In summary, it is staff’s view that the proposed project complies with the standards set forth in the Telecommunications Ordinance.

Environmental Review

Pursuant to Section of 15303 of the State CEQA Guidelines, construction and location of limited new facilities or structures, and installation of equipment and facilities in small structures is considered Categorically Exempt from the provisions of CEQA (Class 3 – New Construction).

Recommendation

Staff recommends that the City Council adopt the attached resolutions, which would implement the following actions:

1. Approve a Settlement Agreement between AT&T and the City of Sonoma pertaining to the lawsuit filed by AT&T against the City of Sonoma for the Council's denial of a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site.
2. Rescind the City Council's previous decision to deny the application of AT&T for a Use Permit to install a wireless telecommunications facility on the Sebastiani Winery site.
3. Approve the newly conditioned Use Permit allowing AT&T to install a wireless telecommunications facility on the Sebastiani Winery site, featuring an 80-foot tall redwood

monopine tower and fenced equipment shelter, enhanced landscaping, based on findings and subject to conditions.

4. Adopt findings under the California Environmental Quality Act (CEQA) that the project is exempt pursuant to CEQA Guidelines section 15303 (new construction or conversion of small structures).

MEMORANDUM

TO: The Hon. Tom Rouse, Mayor, and Councilmembers

CC: Carol Giovanatto, City Manager
David Goodison, Planning Director

FROM: Jeff Walter, City Attorney

RE: Proposed AT&T Settlement Agreement

DATE: May 20, 2014

FOR: Council Meeting of June 2, 2014

I. Introduction

In considering whether or not to approve the Settlement Agreement and AT&T's cell tower that will be before the Council at its meeting on June 2, 2014, it may assist the Council in making those decisions to be apprised of the legal standards that govern (i) its decision-making regarding wireless communications facilities (WCF) such as the one proposed by AT&T for the Sebastiani winery site and (ii) the federal courts' review of local agency decisions in the context of litigation brought in federal court by wireless carriers against cities and other municipalities which have declined to approve the construction of those carriers' WCF's.

II. The Effect and Purpose of the Federal Telecommunications Act of 1996

1. The Federal Telecommunications Act (TCA) of 1996 restricts the exercise of local zoning authority in the context of a WCF application.

“Resolution of this [matter] requires some appreciation of the purposes behind the Telecommunications Act of 1996 . . . and our efforts to discern and effectuate those purposes. When enacting the TCA, Congress expressed two sometimes contradictory purposes. First, it expressed its intent “to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies.” 110 Stat. at 56. . . .¹

¹ “The TCA was intended, in the words of the Conference Committee: ‘to provide for a pro-competitive, de-regulatory national policy framework designed to accelerate rapidly private sector deployment of advanced

“Second, Congress was determined “to preserve the authority of State and local governments over zoning and land use matters except in the limited circumstances set forth in the conference agreement.” *Sprint II*, 543 F.3d at 576 (internal punctuation and citations omitted). This legislative purpose was reflected in the enactment of 47 U.S.C. § 332(c)(7). “Section 332(c)(7)(A) preserves the authority of local governments over zoning decisions regarding the placement and construction of wireless service facilities, subject to enumerated limitations in § 332(c)(7)(B). One such limitation is that local regulations ‘shall not prohibit or have the effect of prohibiting the provision of personal wireless services.’ *Sprint II*, 543 F.3d at 576.” [emphasis added]

T-Mobile USA, Inc. v. City of Anacortes (9th Cir. 2009) 572 F.3d 987, 996.

2. Under the TCA, in order to deny an application by a wireless carrier for the installation of a new WCF, the Council, based on substantial evidence in the record, must find: (a) that the WCF does not comply with local land use requirements, *and* (b) that the carrier has failed to establish that (1) there is a “significant gap” in wireless service and/or (2) the proposed WCF, when compared to other potential available and feasible sites and/or facilities, is the least intrusive means to close that gap. Finding that the proposed WCF is inconsistent with local land use regulations and/or general plan requirements is not enough.

III. The Procedures to be Followed in Determining Whether a City, in Denying Permission to Erect a WCF, has Impermissibly Prohibited or Has the Effect of Prohibiting the Provision of Personal Wireless Service

A. Denying Tower Based on Aesthetic Impacts

3. The first question to be answered is whether there is substantial evidence to support a decision to deny AT&T’s WCF use permit based on the City’s zoning and land use regulations. The principal reasons advanced to support denial are adverse aesthetic impacts and adverse impacts on neighboring land values.

4. The courts recognize that aesthetics are a valid basis upon which to deny a WCF. However, the weight the courts place on such evidence varies with its specificity and applicability to the circumstances under consideration. It is conceded that “few people would argue that telecommunication towers are aesthetically pleasing.” *City of Rancho Palos Verdes v. Abrams* (2002) 101 Cal.App.4th 367, 381. That, in itself,

telecommunications and information technologies and services ... by opening all telecommunications markets to competition....”

Cellular Telephone Co. v. Town of Oyster Bay (2d Cir. 1999) 166 F.3d 490, 493.

however, is an inadequate basis upon which to deny a cell tower application on aesthetic grounds.

“According to at least one court, “[residents] generalized concerns about aesthetics are insufficient to constitute substantial evidence upon which the [city] could rely [to deny a permit]. Aesthetic concerns may be a valid basis for denial of a permit *if* substantial evidence of the visual impact of the tower is before the [city].... Mere generalized concerns regarding aesthetics, however, are insufficient to create substantial evidence justifying the denial of a permit under the [TCA].” [citations omitted]

“In assessing the visual impact of [a] proposed tower, [a city is] entitled to make an aesthetic judgment about whether that impact [is] minimal, without justifying that judgment by reference to an economic or other quantifiable impact. Nonetheless, that aesthetic judgment must be grounded in the specifics of the case. Few people would argue that telecommunication towers are aesthetically pleasing. Some of the disapproving comments in the cases about generalized aesthetic concerns refer to negative comments that are applicable to any tower, regardless of location.... In other cases, the aesthetic objections were demonstrably without substance because of evidence that the towers and transmitters were either difficult to see or were aesthetically compatible with the character of the area.” [citation omitted]

City of Rancho Palos Verdes v. Abrams (2002) 101 Cal.App.4th 367, 381.²

² See also,

“The court notes, however, that much of the evidence concerning visual blight consisted solely of non-admissible generalized aesthetic concerns. *Todd*, 244 F.3d at 61 (generalized complaints applicable to any installation and that do not note the installer's attempts to mask the structure may be disregarded); *see, e.g.*, G214, G236 (describing antennas generally as “an eyesore,” without noting that antennas would be camouflaged). The specific concerns raised appeared mistakenly to be based on the belief that MetroPCS would be installing a 50 foot antenna on top of the 40 foot garage. Tr. at 112:1–5; *see also* 113:13–16 (“The 50–foot–tall antennas on top of a 40–foot high building are an undesirable eyesore, and it is totally out of ... character with the neighborhood.”); *see also* G226, G233. Concerns that misunderstand the visual impact of the installation may not be relied upon as substantial evidence. *Oyster Bay*, 166 F.3d at 495; *New Par*, 301 F.3d at 398.”

MetroPCS, Inc. v. City of San Francisco (N.D. Cal. 2003) 259 F.Supp.2d 1004, 1011 n. 6, *aff'd in part, rev'd in part and remanded sub nom. MetroPCS, Inc. v. City and County of San Francisco* (9th Cir. 2005) 400 F.3d 715.

5. On the other hand, a different court treated citizen testimony regarding aesthetic impacts with greater deference:

“A number of residents claimed that the monopole would have a detrimental impact on the surrounding residential property, that the pole would not be completely screened, and that it would interfere with residents' views of the Cascade Mountains and other scenic views. This evidence is “more than a scintilla of evidence,” and accordingly the district court should have deferred to the City's determination that the evidence was adequate to support its denial of the application under the [city's regulations]. *See MetroPCS*, 400 F.3d at 725 (stating that “this Court may not overturn the Board's decision on ‘substantial evidence’ grounds if that decision is authorized by applicable local regulations and supported by a reasonable amount of evidence”).”

T-Mobile USA, Inc. v. City of Anacortes (9th Cir. 2009) 572 F.3d 987, 996-99.

6. Here, Sonoma's Telecommunications Ordinance requires that WCF's be designed to blend into the surrounding environments “so as to reduce visual impacts to the extent feasible.” SMC sec. 5.32.110K.

7. Here, there was testimony from residents that the tower would negatively impact views of the neighboring landscapes, that it was out of character with its bucolic surroundings, that it was not sufficiently screened and that its effect violated the agricultural values sought to be preserved in the area. Arrayed against this testimony is evidence that the original height of the tower was reduced from 95 to 80 feet. Photo simulations showed the tower to blend into its surroundings (albeit, these photos were challenged as having been taken from cherry-picked locations in order to minimize the tower's visual effects). A similar WCF tower has been constructed along Broadway and its appearance can be compared to that of the tower being proposed by AT&T at the Sebastiani site. Moreover, requiring the planting of 6 Italian Cypress trees around the WCF will operate to further screen the tower.

B. Does Denial of AT&T's WCF Prohibit or Have the Effect of Prohibiting Provision of Personal Wireless Service?

8. Even if the denial of AT&T's tower application based on the City's land use regulations and telecommunications ordinance was supported by substantial evidence, it would still violate the TCA if AT&T can show that (1) there is a significant gap in service, and (2) locating the tower at the Sebastiani winery site is the least intrusive means of closing that gap.

9. The 9th Circuit Court of Appeals summarized the analytical steps that must be taken in order to determine whether a municipality, although justified in denying a wireless provider's application for a tower under that municipality's own laws, may have violated the TCA:

The TCA requires that courts, when reviewing a locality's denial of an application to a wireless communications facility, balance local concerns over the specific locations of such facilities with the national purpose of providing telecommunication services to all consumers. Following the procedure we set out in [a previous 9th Circuit decision], we first considered whether there was substantial evidence to support the City's denial of the special use permit under the applicable state and local laws. Because we concluded that there was substantial evidence to support the denial under the [City's own laws], we then considered whether the denial violates [the TCA] by prohibiting or having the effect of prohibiting the provision of personal wireless services. [citation omitted] T-Mobile made a prima facie showing that its proposed location was the least intrusive means to close the admitted significant gap in coverage by including in its application an analysis of eighteen alternative sites. Although the City was not required to accept the provider's representations, in order to avoid violating [the TCA], the City was required to show the existence of some potentially available and technologically feasible alternative to the proposed location. Because the City has failed to do so, the district court's grant of summary judgment in favor of T-Mobile is **AFFIRMED**.

T-Mobile USA, Inc. v. City of Anacortes (9th Cir. 2009) 572 F.3d 987, 996-99.

10. Applied to the facts of the present case, the *Anacortes* holding would yield the following analysis: If, in its presentations of evidence submitted to the City Council, AT&T made a “prima facie” case³ showing a significant gap in coverage and that there are no other available (in terms of zoning and property owners’ willingness to allow the tower on their properties) and feasible (in terms of technological efficacy or constructability) alternatives that can close this gap, then, the burden shifts to the City to present expert testimony and evidence to the contrary, giving AT&T the right to respond to the City’s contrary, expert opinions. Given that neither the opponents nor the City provided counter-vailing expert evidence or evidence that other alternative sites would work as well as the proposed WCF, if AT&T made such a “prima facie” case, then the City Council’s denial decision would be subject to invalidation and the court would have the power to issue an injunction forcing the Council to approve AT&T’s application.

11. The lack of in-building service is considered a service gap. The larger the area covered by the lack of such service, the more likely a court will find it “significant.” The more houses and buildings in which there exists such a lack of service, the more likely a court will find the gap “significant.” Given that AT&T has provided evidence that the gap in in-building service affects hundreds of homes, offices, churches and other edifices, over a large area of the City, it is likely that AT&T has and can establish its gap in service is significant.

³ “Prima facie” means such evidence to support a certain finding if evidence to the contrary is disregarded.

12. AT&T provided comparative analysis of nineteen other potential WCF sites and explained how they were either not available or technologically infeasible.⁴ This shifted the burden to the City to show that there are, in fact, less aesthetically intrusive, available and technologically feasible alternatives. Obviously, whether AT&T's evidence constitutes a *prima facie* showing that (a) it is experiencing a gap in its service and that gap is significant, and (b) there are less intrusive, available, and feasible alternative sites, are technical questions requiring expert analysis and opinion. Expert opinions were not obtained to respond to AT&T's evidentiary presentation.

IV. Cost of Pursuing Litigation and Likelihood of Prevailing With Present Record

13. Based on the record evidence that is currently available in this matter, irrespective whether the Council was correct in denying AT&T's WCF application for aesthetic reasons, there is no relevant, expert evidence that rebuts AT&T's findings that it is experiencing a significant gap in service and that erecting the WCF at the Sebastiani winery site is the least intrusive means to close that gap. Were this matter to proceed to trial in the federal court, the City would be well advised to retain experts to analyze and respond to the evidentiary claims being made by AT&T in these regards. Without that expert assistance, the City's likelihood of succeeding at trial is remote, at best. And even if such experts were retained, it is uncertain whether their opinions would significantly differ from those of AT&T.

14. The costs of litigating this matter through trial is estimated to range between \$35,000-50,000, and should experts be retained, it is estimated that an additional \$25,000 (approximate) would need to be incurred.

⁴ Even if it is arguable that the evidence submitted by AT&T at the Council's Dec. 16, 2013, meeting on the issue of significant gap and the availability of feasible alternatives did not constitute a *prima facie* presentation, in the federal lawsuit currently pending, AT&T will likely be permitted to introduce additional and supplemental evidence in support of its coverage claims and site-comparative analysis.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA APPROVING A SETTLEMENT AGREEMENT BETWEEN AT&T AND THE CITY OF SONOMA PERTAINING TO THE LAWSUIT FILED BY AT&T AGAINST THE CITY OF SONOMA FOR THE COUNCIL'S DENIAL OF A USE PERMIT TO INSTALL A WIRELESS TELECOMMUNICATIONS FACILITY ON THE SEBASTIANI WINERY SITE

WHEREAS, on April 22, 2013, AT&T applied for a use permit to construct a 95-foot high faux redwood monopine tower and related facilities in the northeast quadrant of the Sebastiani winery site located at 379 Fourth Street East.

WHEREAS, on June 13, 2013, the Sonoma Planning Commission ("Commission") held a hearing to consider AT&T's application, at the conclusion of which the Commission requested that, among other things, AT&T supply the following additional information: (a) a map of all wireless facilities within 5 miles of the proposed site; (b) a rationale justifying the need to construct a 95-foot high tower, rather than a tower of lesser height; (c) an analysis of the feasibility of locating the wireless facility on the City-owned Mountain Cemetery property; and (d) identification of potential alternative sites for the facility, explaining why they might be inferior to the proposed site. The Commission continued its hearing to a date by when AT&T could assemble the requested information and submit it to the City for further consideration.

WHEREAS, AT&T agreed to provide this additional information, but due to the length of time it took AT&T to develop and deliver this information to the City, the earliest the City could re-schedule the Planning Commission's consideration of same was October 10, 2013.

WHEREAS, on October 10, 2013, the Planning Commission conducted its second hearing on AT&T's application. AT&T amended its application to reduce the height of the tower to 80 feet and submitted additional information, including radio frequency propagation maps and an identification of some new candidate sites for the tower. At the close of the hearing, the Planning Commission voted to approve the use permit. That decision was timely appealed to the City Council.

WHEREAS, on December 16, 2013, the City Council conducted a public hearing on the appeal of the Planning Commission's decision to approve AT&T's use permit application and voted 4-1 to deny the application based on findings that the project could have visual impacts and that the applicant did not provide sufficient evidence that the facility was needed to address a significant gap in coverage. Thereafter, the Council declined to accept AT&T's request that the Council's decision be reconsidered.

WHEREAS, on February 13, 2014, AT&T filed a lawsuit in United States District Court against the City of Sonoma, seeking to overturn the City Council decision to deny the application.

WHEREAS, to avoid protracted and potentially costly litigation, the parties have agreed to consider whether or not they will enter into a Settlement Agreement that allows the City Council to consider whether or not, based on new evidence concerning AT&T's service gap and the alternatives in closing said gap, to approve AT&T's use permit.

WHEREAS, the parties' respective counsel have negotiated a form of Settlement Agreement that is presented to the City Council for its consideration.

NOW, THEREFORE, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Settlement Agreement

The City Council of the City of Sonoma hereby approves the settlement agreement by and between the City of Sonoma and AT&T ("Settlement Agreement") in the form attached hereto as Exhibit A and incorporated by this reference. The City Council further authorizes and directs the City Manager to execute said Settlement Agreement on behalf of the City of Sonoma.

ADOPTED this 2nd day of June 2014, by the following vote:

AYES:
NOES:
ABSENT:

Tom Rouse, Mayor

ATTEST:

Gay Johann
Assistant City Manager/City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA RESCINDING THE CITY COUNCIL'S PREVIOUS DECISION TO DENY THE APPLICATION OF AT&T FOR A USE PERMIT TO INSTALL A WIRELESS TELECOMMUNICATIONS FACILITY ON THE SEBASTIANI WINERY SITE; AND APPROVING A USE PERMIT ALLOWING AT&T TO INSTALL A WIRELESS TELECOMMUNICATIONS FACILITY ON THE SEBASTIANI WINERY SITE

WHEREAS, on April 22, 2013, AT&T applied for a use permit to construct a 95 foot high faux redwood monopine tower and related facilities in the northeast quadrant of the Sebastiani winery site located at 379 Fourth Street East.

WHEREAS, on June 13, 2013, the Sonoma Planning Commission ("Commission") held a hearing to consider AT&T's application, at the conclusion of which the Commission requested that, among other things, AT&T supply the following additional information: (a) a map of all wireless facilities within 5 miles of the proposed site; (b) a rationale justifying the need to construct a 95 foot' high tower, rather than a tower of lesser height; (c) an analysis of the feasibility of locating the wireless facility on the City-owned Mountain Cemetery property; and (d) identification of potential alternative sites for the facility, explaining why they might be inferior to the proposed site. The Commission continued its hearing to a date by when AT&T could assemble the requested information and submit it to the City for further consideration.

WHEREAS, AT&T agreed to provide this additional information, but due to the length of time it took AT&T to develop and deliver this information to the City, the earliest the City could re-schedule the Planning Commission's consideration of same was October 10, 2013.

WHEREAS, on October 10, 2013, the Planning Commission conducted its second hearing on AT&T's application. AT&T amended its application to reduce the height of the tower to eighty (80) feet and submitted additional information, including radio frequency propagation maps and an identification of some new candidate sites for the tower. At the close of the hearing, the Planning Commission voted to approve the use permit. That decision was timely appealed to the City Council.

WHEREAS, on December 16, 2013, the City Council conducted a public hearing on the appeal of the Planning Commission's decision to approve AT&T's use permit application and voted 4-1 to deny the application based on findings that the project could have visual impacts and that the applicant did not provide sufficient evidence that the facility was needed to address a significant gap in coverage. Thereafter, the Council declined to accept AT&T's request that the Council's decision be reconsidered.

WHEREAS, on February 13, 2014, AT&T filed a lawsuit in the United States District Court against the City of Sonoma, seeking to overturn the City Council's decision to deny the application.

WHEREAS, it is the City Attorney's opinion that based on the evidence that AT&T has submitted to the City and that it would likely be permitted to introduce as evidence in the lawsuit, AT&T would be able to demonstrate to the federal court that it is experiencing significant gaps in service and that the wireless communications facility ("WCF") it proposes to locate on the Sebastiani winery property is the least intrusive means to close that gap. The City Attorney reaches this opinion particularly because there is no expert or other evidence that contradicts AT&T's evidentiary showing in these regards. Consequently, were the City Council to continue to deny a use permit to AT&T to construct the WCF and no such expert evidence were interposed contrary to that proffered by AT&T, it is the opinion of the City Attorney that the federal court would likely find that such action is in violation of the Federal Telecommunications Act of 1996 ("TCA").

WHEREAS, the TCA imposes important limitations on the authority of local government in the review of applications for telecommunication facilities, including the following: 1) the local government's decision must not prohibit or have the effect of prohibiting the provision of personal wireless services; 2) the local government may not regulate the placement, construction, or modification of wireless telecommunications facilities on the basis of the environmental effects of radio frequency emissions to the

extent such facilities comply with the FCC's regulations concerning such emissions; 3) any local government decision to deny a siting request must be in writing and supported by substantial evidence contained in a written record; and, 4) the local government may not unreasonably discriminate among providers of functionally-equivalent services.

WHEREAS, because one of the principal reasons the Council previously denied AT&T's use permit was of the WCF's visual impacts on the neighboring surroundings, AT&T was approached to revise its plans and specifications to include new landscaping targeted at further shielding the WCF from public view to the extent feasible. In response, ATT agreed to revise its WCF project to include additional plantings of trees on the eastern and western sides to reduce the WCF's visual impacts on those viewing the WCF from the east and west.

WHEREAS, as required by the City's telecommunications ordinance, an NEIR (nonionizing electromagnetic radiation) study was prepared to determine whether the facility would comply with appropriate guidelines limiting human exposure to radio frequency electromagnetic fields. The results from the study found that for a person anywhere on the ground immediately adjacent to the facility, the maximum RF exposure level resulting from the proposed AT&T facility is calculated to be 0.011 mW/cm² (milliWatt per square centimeter per micrometer), which represents 1.2% of the applicable public exposure limit (1.00 mW/cm²). The maximum calculated level at the second-floor elevation of any nearby residence (located at least 250 feet away from the site) is 0.79% of the public exposure limit. Based on the study, the proposed facility would operate well below radio frequency exposure standards and for this reason would not cause a significant impact on the environment or pose a threat to public health.

WHEREAS, the alternatives analysis provided with the revised application does not identify any available and feasible alternative sites that would address the identified coverage in a less-obtrusive manner.

NOW, THEREFORE, THE CITY COUNCIL RESOLVES, FINDS AND DETERMINES AS FOLLOWS:

Section 1. CEQA Findings

The City Council hereby finds that the revised project submitted to the Council by AT&T to construct a WCF at the Sebastiani winery property is categorically exempt from environmental review under section 15303 of the California Environmental Quality Act (Class 3 – New Construction).

Section 2. Rescinding Resolution No. 06-2014

The City Council hereby rescinds its Resolution No. 06-2014, approved on February 3, 2014, upholding the appeal of the Planning Commission's approval of the AT&T use permit application dated April 21, 2013.

Section 3. Findings and Grant of Use Permit Approval

Based on substantial evidence in the Record, the City Council hereby finds and declares as follows:

1. The proposed use is consistent with the General Plan. The project site has a General Plan land use designation of Agricultural. Under the City's telecommunications ordinance, except for WCF's that transmit and receive electromagnetic signals (which such WCF's are precluded in residential zoning districts), telecommunications facilities may be located in all land use designations (§5.32.070) and are encouraged to locate on sites that are already developed with public or quasi-public uses, excluding parks (§5.32.110.C).
2. The proposed use is allowed with a conditional use permit within the applicable zoning district and complies with all applicable standards and regulations of the Development Code. The subject property is zoned Agriculture (A), which is applied to existing agricultural areas within the City. Under

the telecommunications ordinance, except for WCF's that transmit and receive electromagnetic signals (which such WCF's are precluded in residential zoning districts), telecommunications facilities may be located in all zoning districts (§5.32.070) and are encouraged to locate on sites that are already developed with public or quasi-public uses, excluding parks (§5.32.110.C). Telecommunication facilities that are readily visible from any public place or residential use immediately adjacent to the proposed location may be permitted subject to approval of a Use Permit from the Planning Commission (§5.32.070.A.2). The telecommunications ordinance does not specify a maximum height limit for this type of facility. As proposed, the monopine would have a maximum height of 80 feet. Under the telecommunications ordinance, towers must be setback at least 20% of the tower height from all property lines. This minimum setback requirement is met as the monopole is proposed 35 feet from the west property line and 135 feet from the north property line.

3. The location, size, design, and operating characteristics of the proposed uses of the Project are compatible with the existing and future land uses in the vicinity. The monopine design reduces the visual impacts of the facility. Included in the agenda packet are photographs of a monopine WCF recently constructed at 21003 Broadway, near the Sonoma Veterinary Clinic. This already-constructed WCF approximates the physical appearance of the monopine WCF proposed by AT&T here. The faux-tree design of this existing monopine substantially reduces the potential adverse aesthetic impacts a cell tower structure can produce. AT&T's WCF has less than significant aesthetic impacts where, as here, it is designed to be located in and among existing tall vegetation, and partially screened by large, tall structures. The physical appearance of the completed monopine at 21003 Broadway is to be contrasted with photographic evidence previously presented to the Council showing a partially completed monopine which did not possess all of the artificial limbs and foliage which make up a completed WCF monopine: the uncompleted monopine appearing metallic and stark, revealing the antennae and mechanical features in a visually displeasing way. The design of the proposed monopine shows the antennae and other mechanical features to blend among the tower's artificial limbs and foliage, substantially reducing its adverse visual impacts.

The proposed location of the monopine also mitigates its visual effects, as it would be located in the northwest corner of the winery's 3.96-acre property, allowing for a 135-foot setback from the northern property line. Public and private views of the monopine would be distant and at least partially obscured by existing trees and winery buildings (including a 45-foot tall warehouse structure to the southwest), as well a large 15-foot high berm located to the north of the facility that is planted with mature trees. The 15-foot reduction in height obtained in the review of the original application has further reduced the prominence of the facility. As noted above, the revised project includes the planting of six Italian Cypress trees adjoining the tower, three to the east and three to the west. These trees, which are of a fast-growing variety, will be 9-12 feet tall when installed, and will reach a height of 40-60 in maturity. The equipment building would only be visible from within the winery property and would not be evident from surrounding public or private views.

4. The proposed use will not impair the architectural integrity and character of the zoning district in which it is to be located. The monopine would be located on a winery property next to a large warehouse. It would not impair the integrity or character of the Agricultural zone, as it is located in a staging area that is distant from and not visually linked to the portions of the site that are available for general public access.
5. The applicant has submitted an analysis, examining nineteen alternative sites in terms of whether they could accommodate a WCF based upon the City's zoning requirements, the alternative sites' owners' willingness to allow a WCF to be constructed on his/her/its property, the technological feasibility of constructing a WCF on each site (in other words, would a WCF installed on the site under scrutiny close the identified coverage gap?), and the aesthetic and other impacts a WCF located on each of the examined sites would have on neighboring properties. This analysis shows that these nineteen sites were either not available for use or leasing by AT&T for WCF purposes, were not zoned to permit construction of WCF's thereon, were technologically infeasible and WCF's could not be constructed on the sites which would provide the coverage necessary to close the

instant gap in service, or possessed aesthetic or other adverse impacts than made them more intrusive than the proposed WCF. This analysis is adequate.

6. Because the revised project complies with the General Plan, the Development Code, and the City's Telecommunications Ordinance and because Federal law significantly limits the City's authority with respect to applications for telecommunications facilities, and because the expert evidence in the record before the City Council shows that AT&T is experiencing a significant coverage gap in the downtown and north-eastern regions of the City which the proposed WCF is the least intrusive means available to close that gap, the City Council hereby approves the use permit for the revised project as shown in the attached Exhibit "A, subject to the conditions of approval set forth in attached Exhibit "B".
7. The recitals are incorporated by reference as though fully set forth herein.

ADOPTED this 2nd day of June 2014, by the following vote:

AYES:
NOES:
ABSENT:

Tom Rouse, Mayor

ATTEST:

Gay Johann
Assistant City Manager/City Clerk



21003 Broadway



at&t

SITE NUMBER: CCU5801/CC6078
SITE NAME: NAPA AND 5TH AVE

ADJACENT TO 379 4TH STREET EAST
SONOMA, CA 95476

RF DATA SHEET

DATE ISSUED: 11/11/13 REVISION: V1.1

DRAWING INDEX

Table with 2 columns: Drawing ID (e.g., CCU5801-T01), Description (e.g., TITLE SHEET), and Revision (e.g., B).

CODE COMPLIANCE

- 24 CFR, PART 1 - 2013 BUILDING STANDARDS ADMINISTRATIVE CODE
24 CFR, PART 2 - 2013 CALIFORNIA BUILDING CODE, VOL. 1 & 2
(CBC) (2009 IBC, AS AMENDED BY CA)
2008 NEC, AS AMENDED BY CA
2013 CALIFORNIA ELECTRICAL CODE (CEC)
2008 NEC, AS AMENDED BY CA
2013 CALIFORNIA MECHANICAL CODE (CMC)
2009 IAPMO UMC, AS AMENDED BY CA
2013 CALIFORNIA ENERGY CODE
2013 CALIFORNIA FIRE CODE (CFC)
2009 IFC, AS AMENDED BY CA
2013 CALIFORNIA GREEN BUILDING STANDARDS
2013 CALIFORNIA REFERENCED STANDARDS



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NAPA & 5TH AVENUE
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ADJACENT TO 379 4TH ST. E
SONOMA, CA 95476

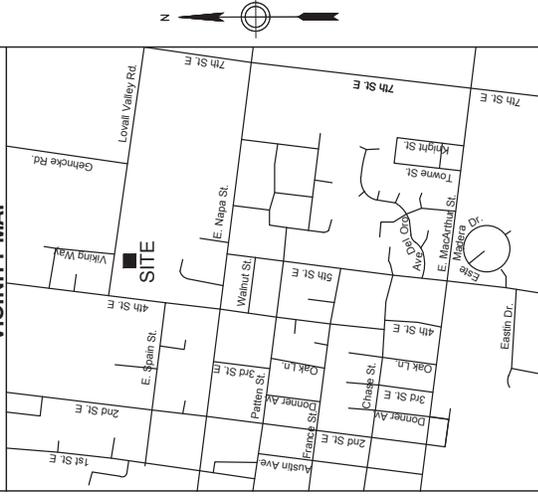
DIRECTIONS

- 1. DEPART CAMINO RAMON TOWARD BISHOP DR.
2. TAKE RAMP RIGHT FOR I-805 NORTH TOWARD SACRAMENTO VALLEJO/BENICIA.
3. TAKE RAMP LEFT FOR I-805 WEST TOWARD VALLEJO/BENICIA.
4. TAKE RAMP RIGHT FOR I-805 EAST TOWARD SACRAMENTO VALLEJO/BENICIA.
5. AT EXIT 33, TAKE RAMP RIGHT FOR CA-37 TOWARD NAPA.
6. TURN RIGHT ONTO CA-121, KEEP STRAIGHT ONTO CA-121.
7. TURN RIGHT ONTO CA-379 SEASIDE POINT RD.
8. KEEP STRAIGHT ONTO CA-379 SEASIDE POINT RD.
9. TURN RIGHT ONTO ARNOLD DR.
10. KEEP RIGHT ONTO ARNOLD DR.

DIRECTIONS FROM SAN RAMON, CA:

- 11. TURN RIGHT ONTO PETALUMA AVE.
12. BEAR RIGHT ONTO INVERESE DR.
13. TAKE RIGHT TURN ONTO CA-127 W NAPA ST.
14. KEEP STRAIGHT ONTO CA-127 W NAPA ST.
15. APPROX. AT 379 4TH ST. W, SONOMA, CA 95476

VICINITY MAP



PROJECT DESCRIPTION

- AT&T MOBILITY PROPOSES FOLLOWING INSTALLATIONS:
(1) 80'-0" HIGH FAUX REDWOOD MONOTREE
(1) 11'-5" X 20'-0" CALIFORNIA APPROVED PREFABRICATED EQUIPMENT SHELTER
(12) 6-FOOT AT&T MOBILITY ANTENNAS
(2) SURGE PROTECTORS
(2) AT&T MOBILITY GPS ANTENNAS

PROJECT INFORMATION

SITE ADDRESS: ADJACENT 379 4TH STREET EAST SONOMA, CA 95476
PROPERTY OWNER: SEBASTIAN VINEYARDS, INC. 10300 CHALK HILL ROAD HEADSBOURG, CA 95448
APPLICANT ADDRESS: AT&T MOBILITY 100 RAMON SAN RAMON, CA 94583
JURISDICTION: CITY OF SONOMA
ASSESSOR'S PARCEL NUMBER: 127-161-007
ZONING DISTRICT: AW/H
LATITUDE: 38° 17' 38.13" N (NAD 83)
LONGITUDE: 122° 26' 49.52" W (NAD 83)
ELEVATION: 101.5' AMSL (NAD 88)
CURRENT USE: WINERY
PROPOSED USE: UNMANNED-TELECOMMUNICATIONS FACILITY

SITE QUALIFICATION PARTICIPANT

Table with columns: A/E, S/C, R/F, CONSTRUCTION, AT&T MOBILITY CM, NAME, COMPANY, CONTACT NUMBER.

Table with columns: REV, SHEET NO., DRAWING NUMBER, JOB NUMBER, TITLE SHEET.

at&t logo, 2600 CAMINO RAMON SAN RAMON, CA 94583, and a table with columns: NO., DATE, DESIGNED BY, CHECKED BY, DRAWN BY, GB.

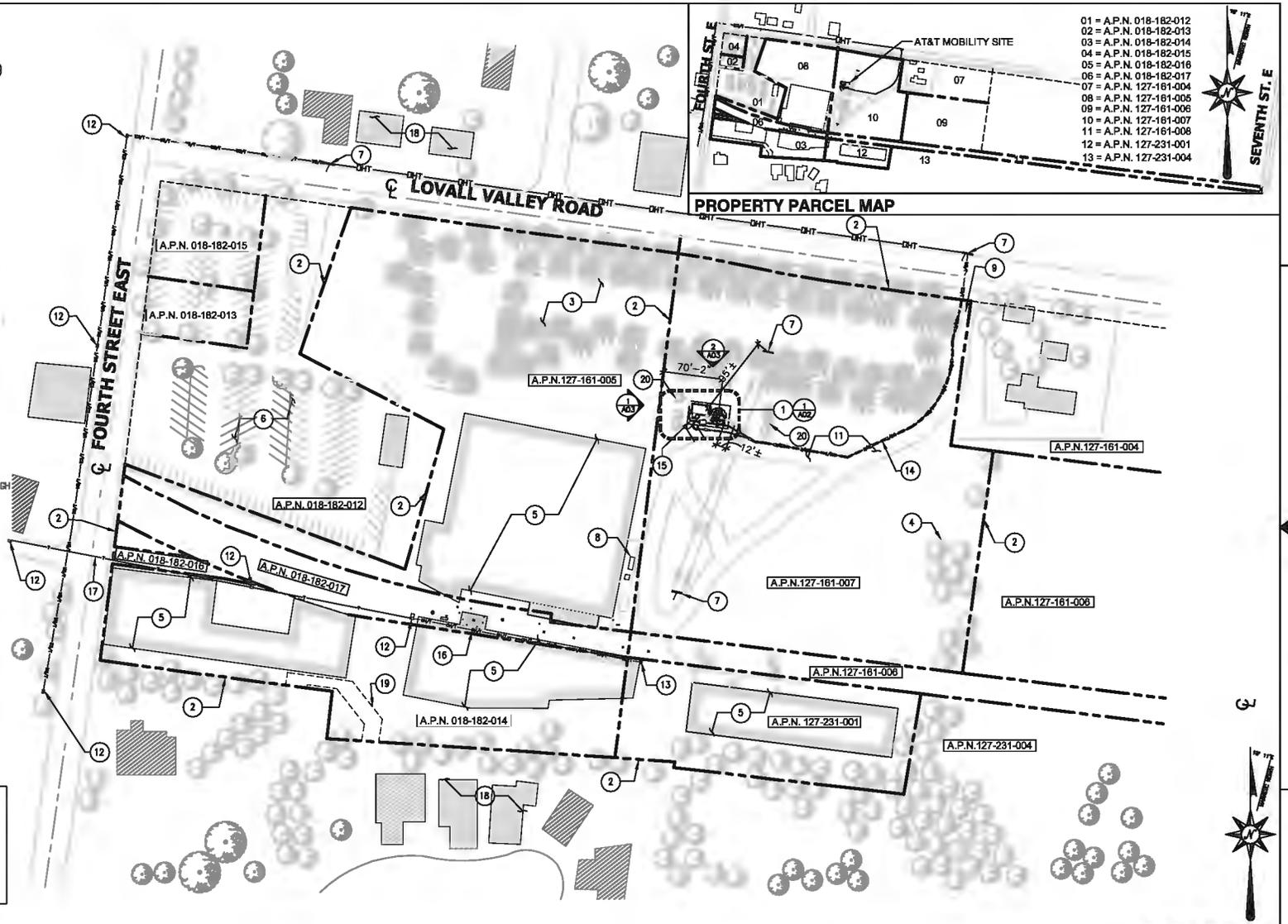
at&t logo, 2600 CAMINO RAMON SAN RAMON, CA 94583, and a table with columns: NO., DATE, DESIGNED BY, CHECKED BY, DRAWN BY, GB.

KEY NOTES

- ① PROPOSED 27'-0" x 48'-0" (1296 SQ. FT.) AT&T MOBILITY LEASE AREA (1/22)
- ② PROPERTY LINE.
- ③ EXISTING VINEYARD.
- ④ EXISTING TREES, TYP.
- ⑤ EXISTING BUILDING, TYP.
- ⑥ EXISTING PARKING LOT (BELONGS TO ADJACENT PROPERTY).
- ⑦ EXISTING POWER POLE.
- ⑧ EXISTING OUTDOOR PAD MOUNTED SWITCHBOARD AND METER SECTION, PROPOSED AT&T MOBILITY ELECTRICAL SERVICE METER LOCATION (E-3)
- ⑨ EXISTING GATES & SITE ACCESS.
- ⑩ EXISTING TELCO/FIBER SUB BOX/POF
- ⑪ EXISTING ACCESS ROAD - PROPOSED AT&T MOBILITY 12FT WIDE ACCESS BASEMENT.
- ⑫ EXISTING TELCO/FIBER SUB BOX (H).
- ⑬ PROPOSED NEW FIBER BOX (HH).
- ⑭ PROPOSED UNDERGROUND TELCO/FIBER ROUTE FROM PROPOSED FIBER BOX TO PREFABRICATED EQUIPMENT SHELTER.
- ⑮ PROPOSED UNDERGROUND ELECTRICAL SERVICE ROUTE (E-3)
- ⑯ PROPOSED OVERHEAD TELCO/FIBER ROUTE FROM EXISTING FIBER BOX THROUGH EXISTING BUILDING TO PROPOSED FIBER BOX (APPROXIMATE 275FT LONG).
- ⑰ PUBLIC RIGHT OF WAY - FIBER ROUTE, ENGINEERING PERMIT REQUIRED.
- ⑱ EXISTING RESIDENTIAL HOUSES
- ⑲ EXISTING EASEMENT, SEE TOPOGRAPHIC SURVEY (LS-1)
- ⑳ PROPOSED ITALIAN CYPRUS TREES

NOTES:

1. ELECTRICAL SERVICE/TELCO/FIBER ROUTING AND DESIGN ARE PRELIMINARY AND MUST BE VERIFIED WITH LOCAL UTILITY COMPANIES.



OVERALL SITE PLAN

SCALE: 1 inch = 60 ft. 60' 0' 30' 60' 1

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SAN RAMON, CA 94583

NO.	DATE	REVISIONS	BY	CHK	APP'D
B	4/23/14	ISSUE CD'S FOR REVIEW	GB	MR	MR
A	3/7/14	WORK CD'S FOR REVIEW	GB	MR	MR
SCALE: AS NOTED		DESIGNED BY:	DRAWN BY: CD		

OVERALL SITE PLAN

JOB NUMBER	DRAWING NUMBER	SHEET NO.	REV
CCU5801	A01	B	

6

5

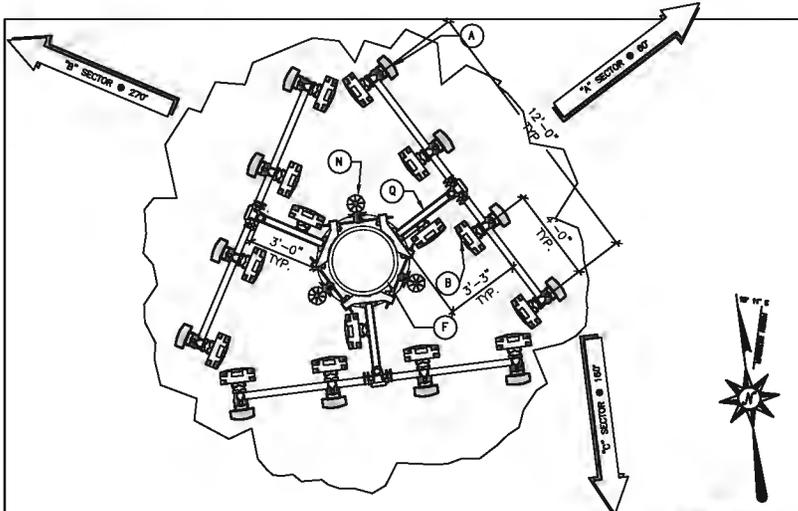
4

3

2

1

22 x 34" 1/8"



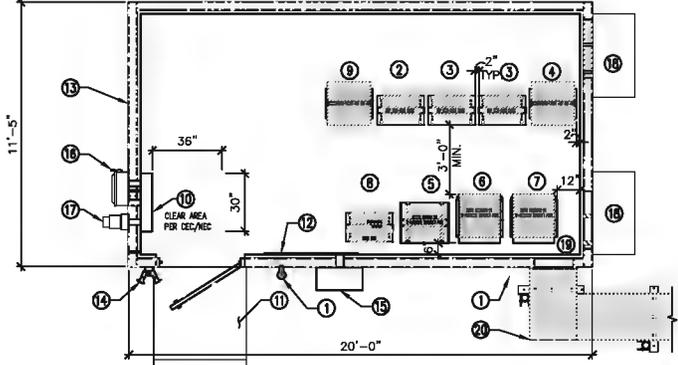
PROPOSED ANTENNA PLAN @ 70' RAD CENTER

SCALE:
3/8 inch = 1 ft

2

KEY NOTES

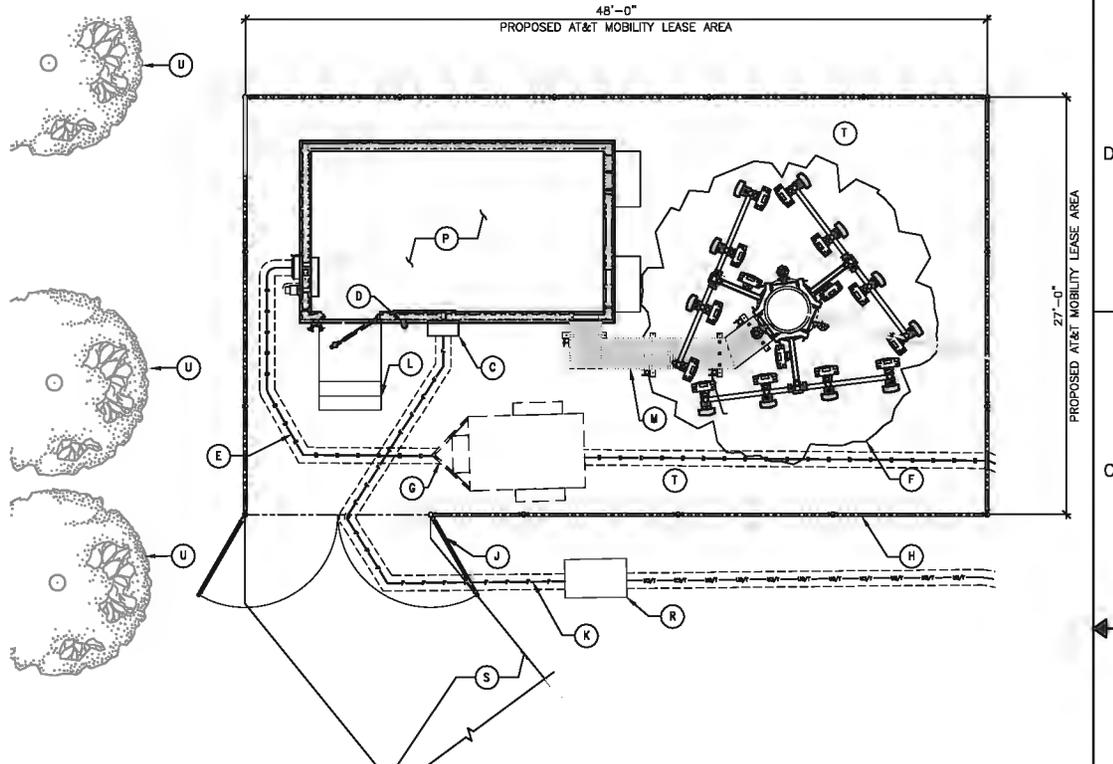
- ① PROPOSED AT&T MOBILITY GPS ANTENNA
- ② PROPOSED 23" EQUIPMENT RACK FOR UMTS 6601 BLOCKS
- ③ PROPOSED 23" EQUIPMENT RACK FOR LTE 6601 BLOCKS (TYP. OF 2)
- ④ PROPOSED 23" TRANSPORT/MISC EQUIPMENT RACK
- ⑤ LINEAGE INFINITY 'M' DC POWER PLANT IN 23" RACK
- ⑥ LINEAGE 23" BATTERY RACK
- ⑦ LINEAGE 23" BATTERY RACK (FUTURE)
- ⑧ PROPOSED MUX & FUTURE UAM/CIEMA MOUNT ON 23" TELCO RACK
- ⑨ PROPOSED FUTURE 23" RACK
- ⑩ PROPOSED 200 AMP ELECTRICAL PANEL (PROVIDED W/SHELTER)
- ⑪ PROPOSED 4'-0" X 4'-0" CONCRETE STOOP WITH STEP
- ⑫ PROPOSED TELCO BACKBOARD
- ⑬ PROPOSED AT&T MOBILITY CALIFORNIA APPROVED 11'-5" X 20'-0" PREFABRICATED EQUIPMENT SHELTER
- ⑭ OVERNIGHT SERVICE LIGHT
- ⑮ TELCO/FIBER BOX
- ⑯ 200AMP FUSED DISCONNECT (NEMA 3R ENCLOSURE)
- ⑰ GENERATOR RECEPTACLE CAMLOC
- ⑱ HVAC UNIT (TYP. OF 2)
- ⑲ COAX ENTRY PORT
- ⑳ WAVEGUIDE BRIDGE



PROPOSED EQUIPMENT PLAN

SCALE:
3/8 inch = 1 ft

3



KEY NOTES

- ① PROPOSED AT&T MOBILITY 6-FOOT ANTENNAS (4 PER SECTOR, 3 SECTORS, 12 TOTAL)
- ② PROPOSED AT&T MOBILITY RRUS-11 (7 PER SECTOR, 3 SECTORS, 21 TOTAL)
- ③ PROPOSED TELCO/FIBER BOX
- ④ PROPOSED AT&T MOBILITY GPS ANTENNA
- ⑤ PROPOSED UNDERGROUND ELECTRICAL SERVICE ROUTE INSIDE PROPOSED UTILITY TRENCH
- ⑥ PROPOSED 80'-0" HIGH MONOPINE BRANCH OUTLINE
- ⑦ PROPOSED AT&T MOBILITY PORTABLE TEMPORARY GENERATOR LOCATION.
- ⑧ PROPOSED 6'-0" HIGH CHAIN LINK FENCE WITH (3) STRANDS OF BARBED WIRE & DARK BROWN VINYL SLATS.
- ⑨ PROPOSED (2) 6'-0" WIDE CHAIN LINK GATES.
- ⑩ PROPOSED UNDERGROUND FIBER/TELCO ROUTE INSIDE PROPOSED UTILITY TRENCH
- ⑪ PROPOSED CONCRETE STEPS.
- ⑫ PROPOSED 24" WAVEGUIDE BRIDGE CUT CHANNEL LENGTH TO SUIT, TYP.
- ⑬ PROPOSED SURGE PROTECTOR, (TYP. OF 3).
- ⑭ PROPOSED CALIFORNIA APPROVED PREFABRICATED EQUIPMENT SHELTER
- ⑮ PROPOSED LTE RRU MOUNT BRACKET
- ⑯ PROPOSED TELCO/FIBER SUB BOX
- ⑰ PROPOSED SITE ACCESS
- ⑱ 3/4" CRUSHED ROCK
- ⑲ PROPOSED ITALIAN CYPRESS TREES

PROPOSED ENLARGED SITE PLAN

SCALE:
1/4 inch = 1 ft

1



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NO.	DATE	REVISIONS	BY	CHK	APP'D
B	4/23/14	SOE CD'S FOR REVIEW	GB	MR	MR
A	3/7/14	SOE CD'S FOR REVIEW	GB	MR	MR

SCALE: AS NOTED DESIGNED BY: DRAWN BY: GB

ENLARGED SITE PLAN, EQUIPMENT PLAN & ANTENNA PLAN			
JOB NUMBER	DRAWING NUMBER	SHEET NO.	REV
CCU5801	A02	B	

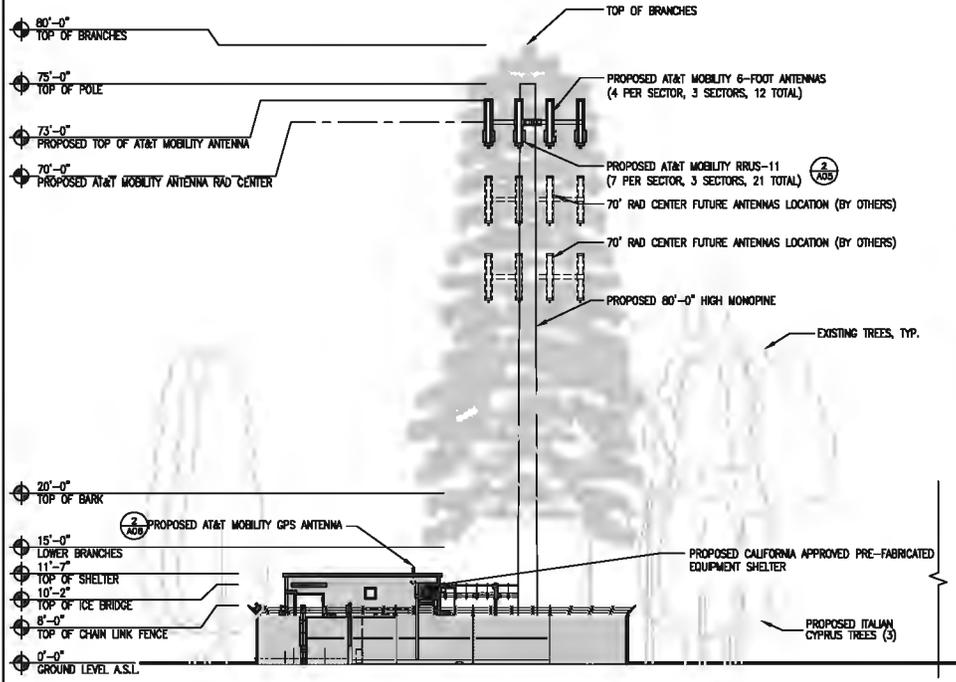
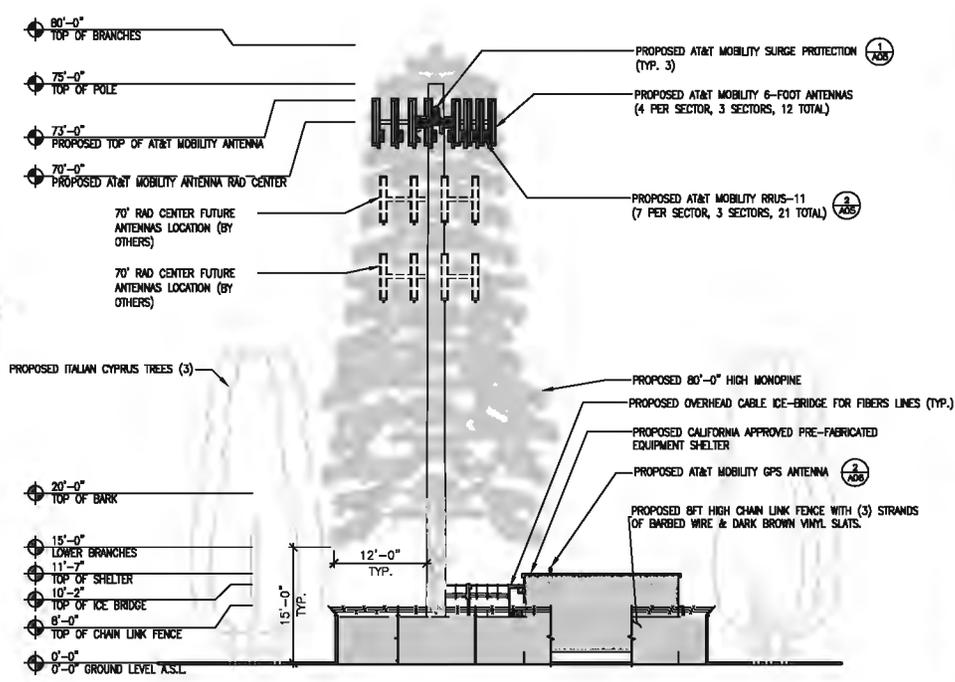
22 x 34" SIZE

PROPOSED SURFACE FOR ILLUSTRATIVE PURPOSES ONLY, NOT TO SCALE

SILHOUETTE TABLE	
NEW PHYSICAL SURFACE FOR PROPOSED TOWER AND APPURTENANCES	775 SQUARE FEET

PROPOSED SURFACE FOR ILLUSTRATIVE PURPOSES ONLY, NOT TO SCALE

NOTE: THE SILHOUETTE CALCULATION WAS MEASURED FROM THE VIEW ANGLE WITH THE LARGEST PHYSICAL EXPOSURE.



NORTH ELEVATION

SCALE: 1/8" INCH = 1 FT. 2

SOUTH ELEVATION

SCALE: 1/8" INCH = 1 FT. 1

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NO.	DATE	REVISIONS	BY	CHK	APP'D
B	4/23/14	50% CD'S FOR REVIEW	GS	MR	MR
A	3/7/14	WORK CD'S FOR REVIEW	GS	MR	MR

SCALE: AS NOTED DESIGNED BY: DRAWN BY: CB

NORTH & SOUTH ELEVATIONS

JOB NUMBER	DRAWING NUMBER	SHEET NO.	REV
	CCU5801	A03	B

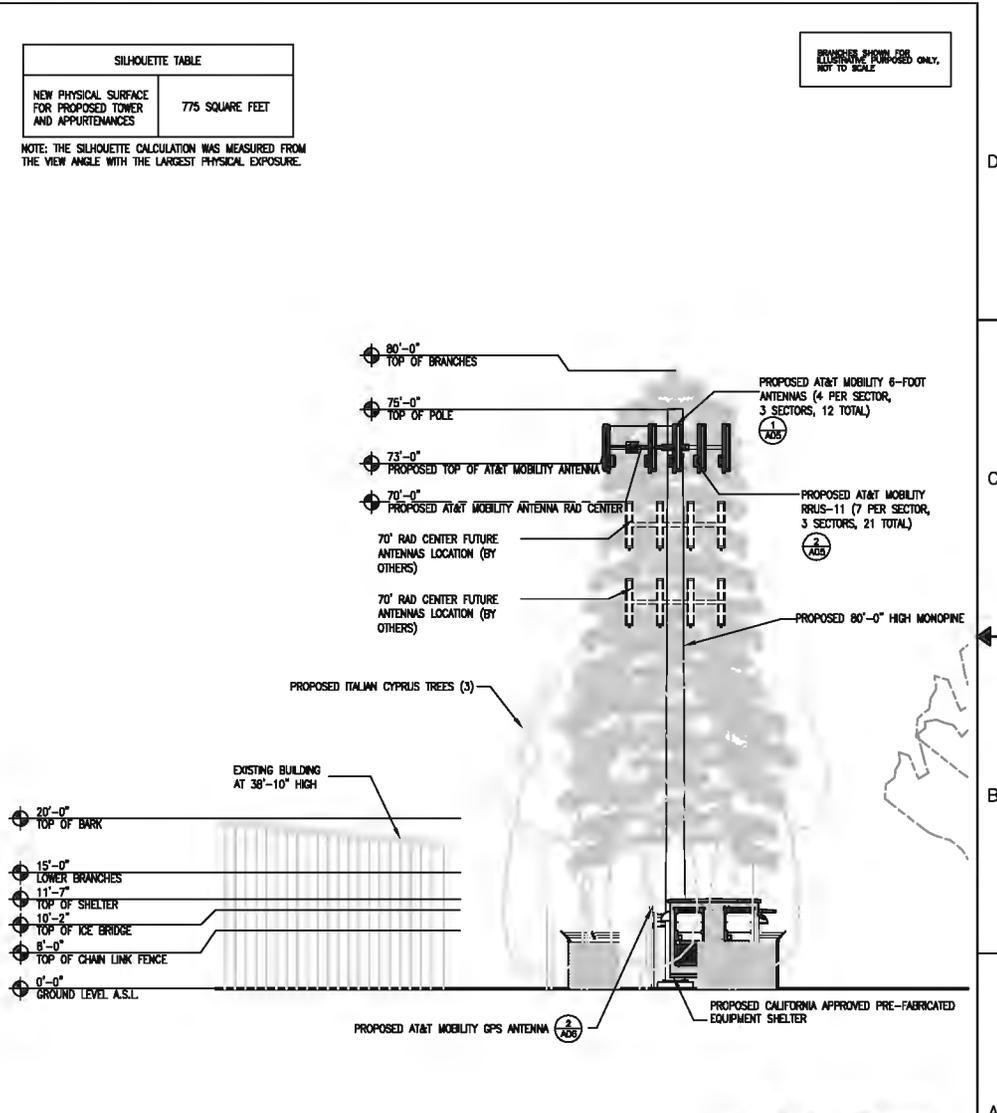
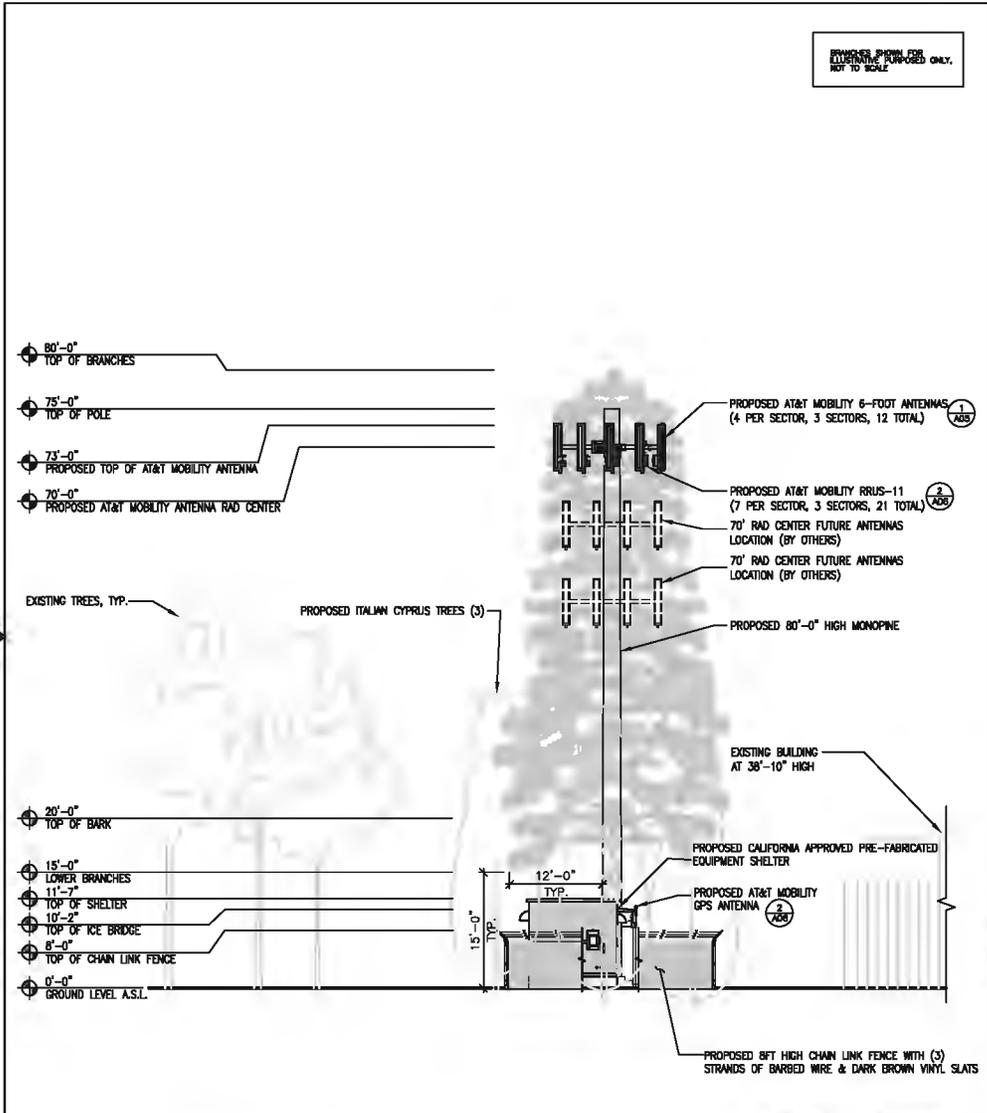
22 x 34" SIZE

DIMENSIONS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, NOT TO SCALE

SILHOUETTE TABLE	
NEW PHYSICAL SURFACE FOR PROPOSED TOWER AND APPURTENANCES	775 SQUARE FEET

NOTE: THE SILHOUETTE CALCULATION WAS MEASURED FROM THE VIEW ANGLE WITH THE LARGEST PHYSICAL EXPOSURE.

DIMENSIONS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, NOT TO SCALE



WEST ELEVATION

SCALE: 1/8" inch = 1 ft. 2

EAST ELEVATION

SCALE: 1/8" inch = 1 ft. 1



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NO.	DATE	REVISIONS	BY	CHK	APP'D
B	4/23/14	BOX CD'S FOR REVIEW	GB	MR	MR
A	3/7/14	WALK CD'S FOR REVIEW	GB	MR	MR

SCALE AS NOTED DESIGNED BY: DRAWN BY: CD

WEST & EAST ELEVATIONS

JOB NUMBER	DRAWING NUMBER	SHEET NO.	REV
	CCU5801	A04	B

22 x 34 1/2" SIZE

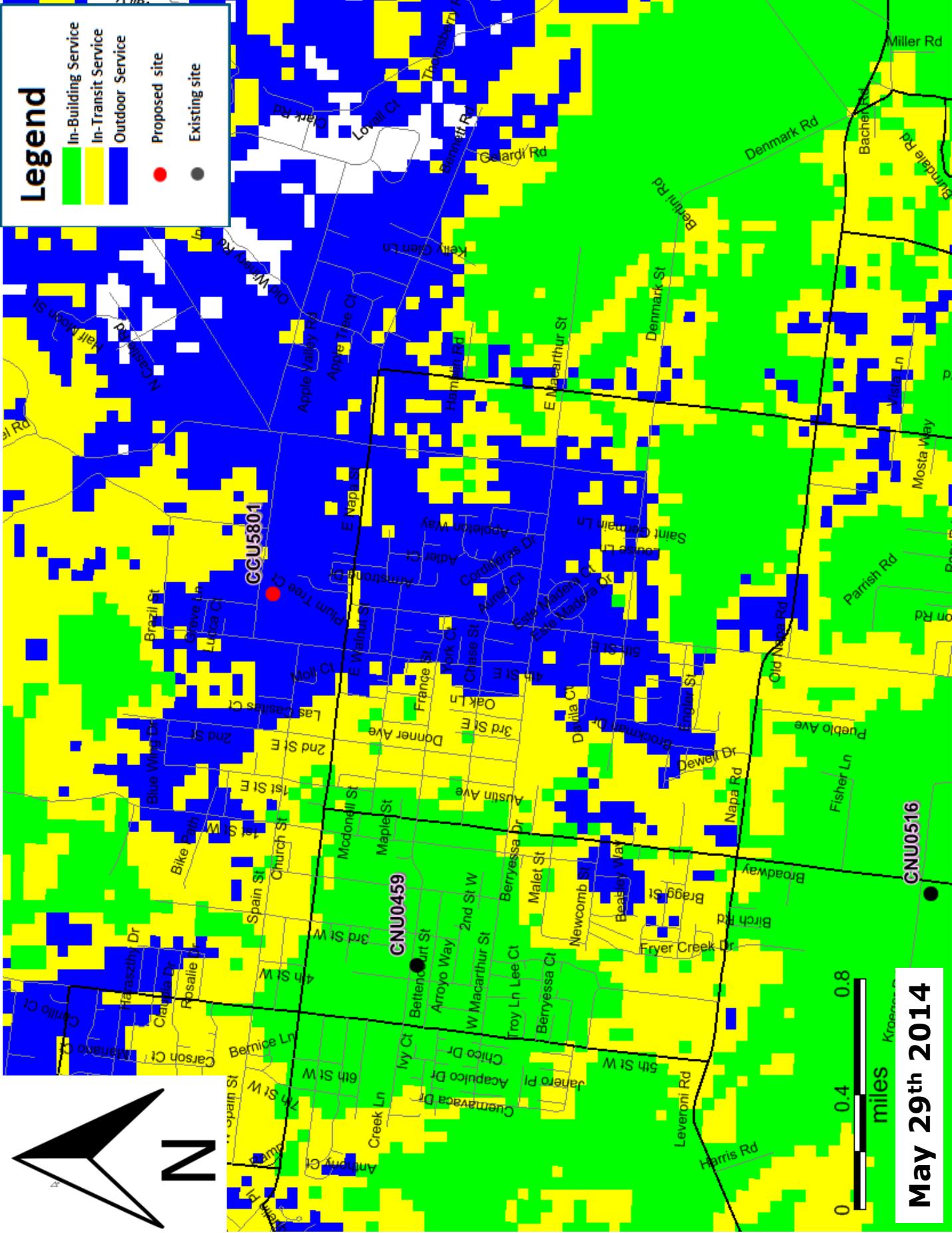


CCU5801 Zoning Propagation Maps

May 29th 2014



Existing On-Air UMTS 850 Coverage



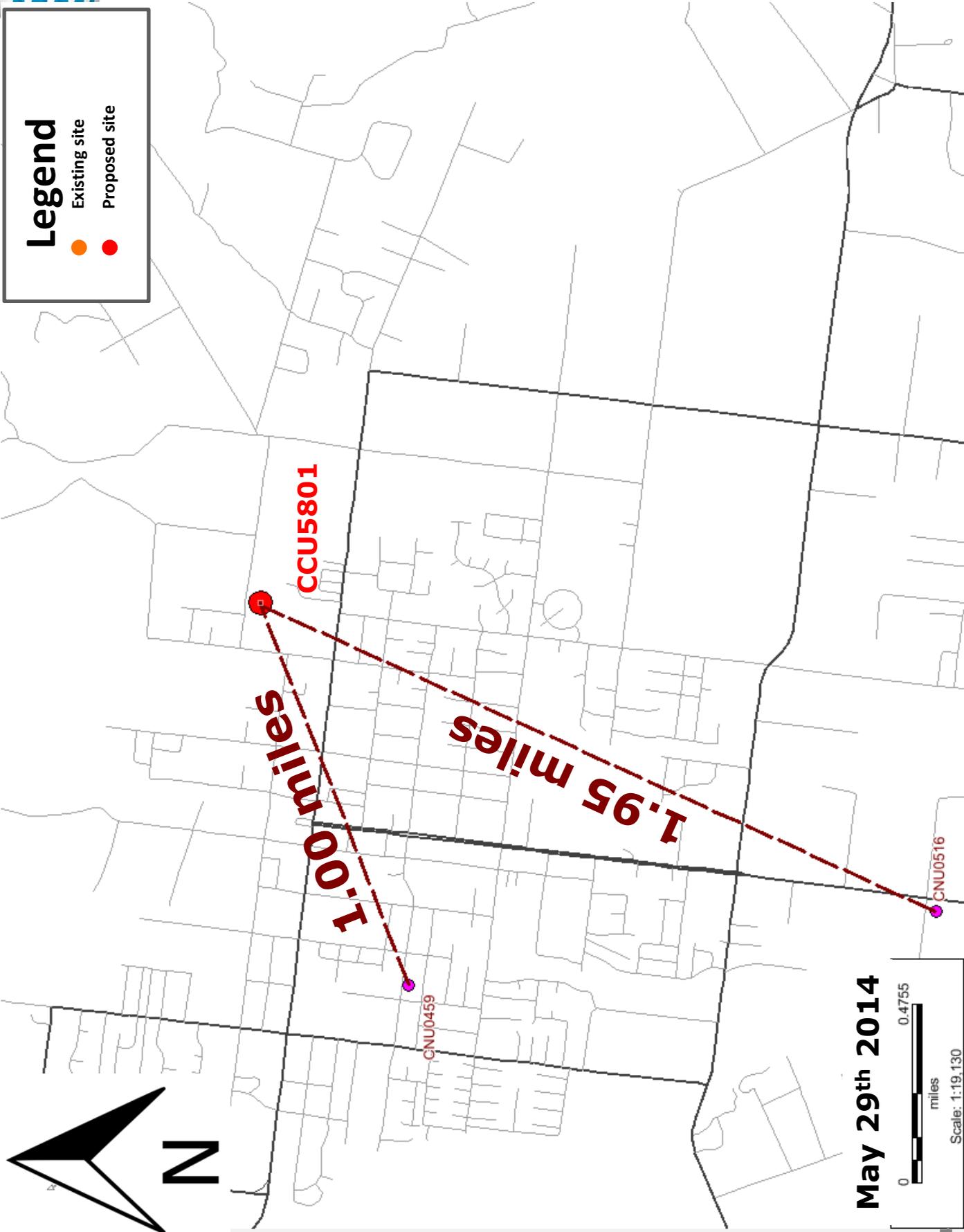
May 29th 2014

Existing Surrounding Sites



Legend

- Existing site
- Proposed site



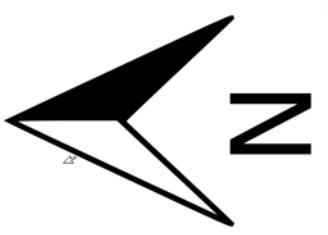
May 29th 2014



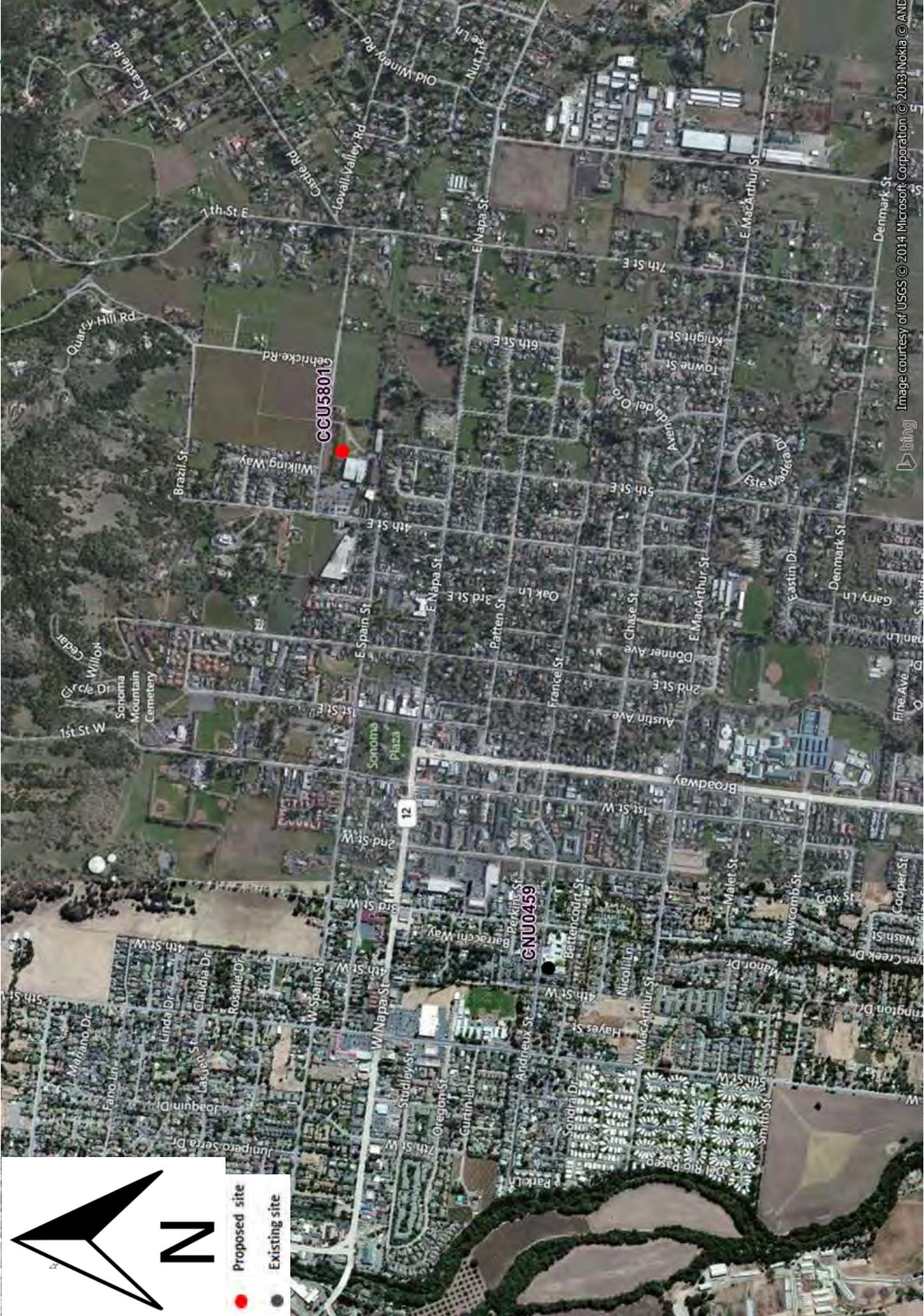
miles

Scale: 1:19,130

Bing Map Snapshot



- Proposed site
- Existing site



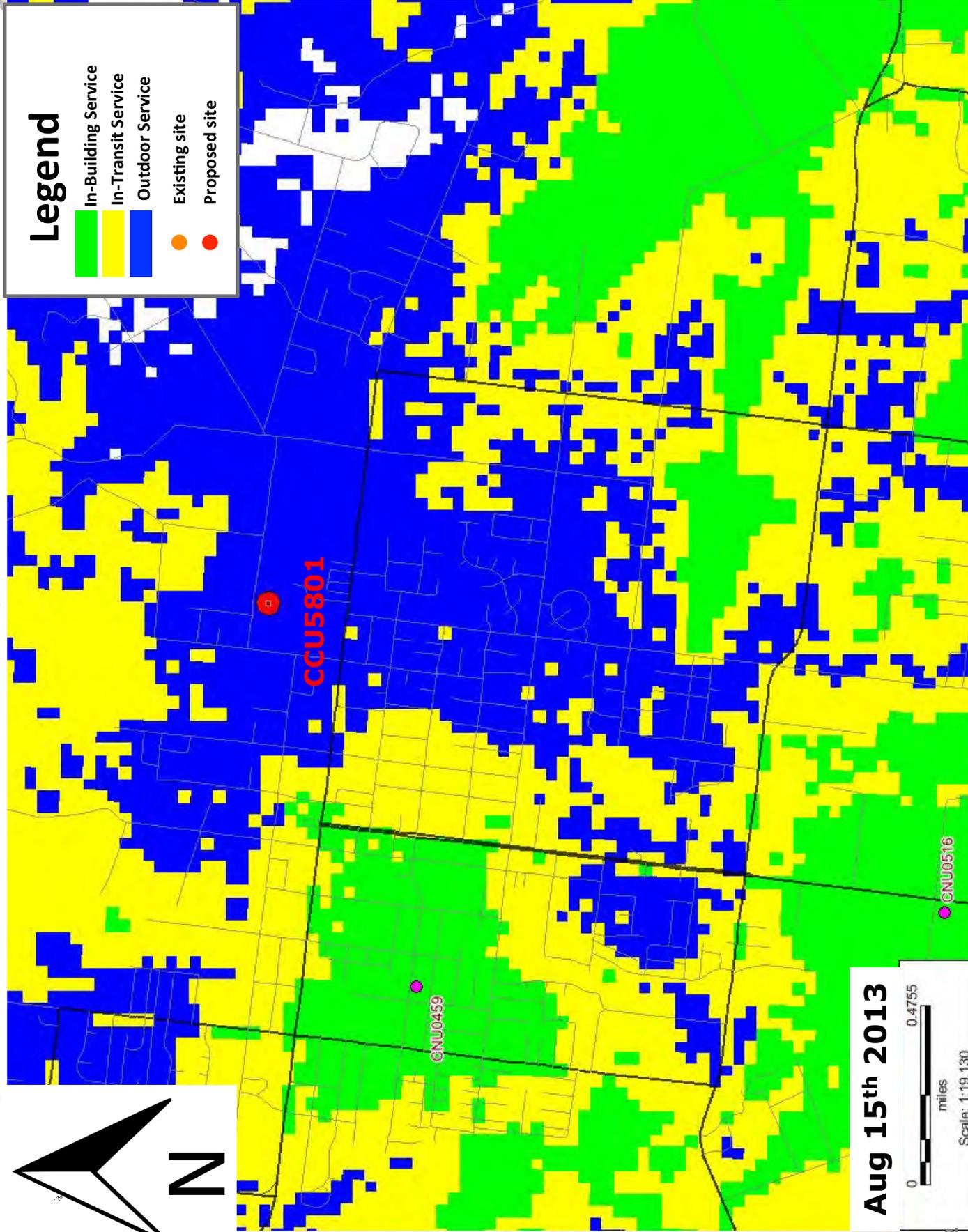
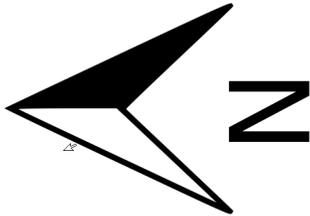


CCU5801 Zoning Propagation Maps

August 15th 2013



Existing On-Air UMTS 850 Coverage



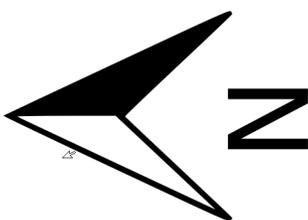
Legend

- In-Building Service
- In-Transit Service
- Outdoor Service
- Existing site
- Proposed site

Aug 15th 2013

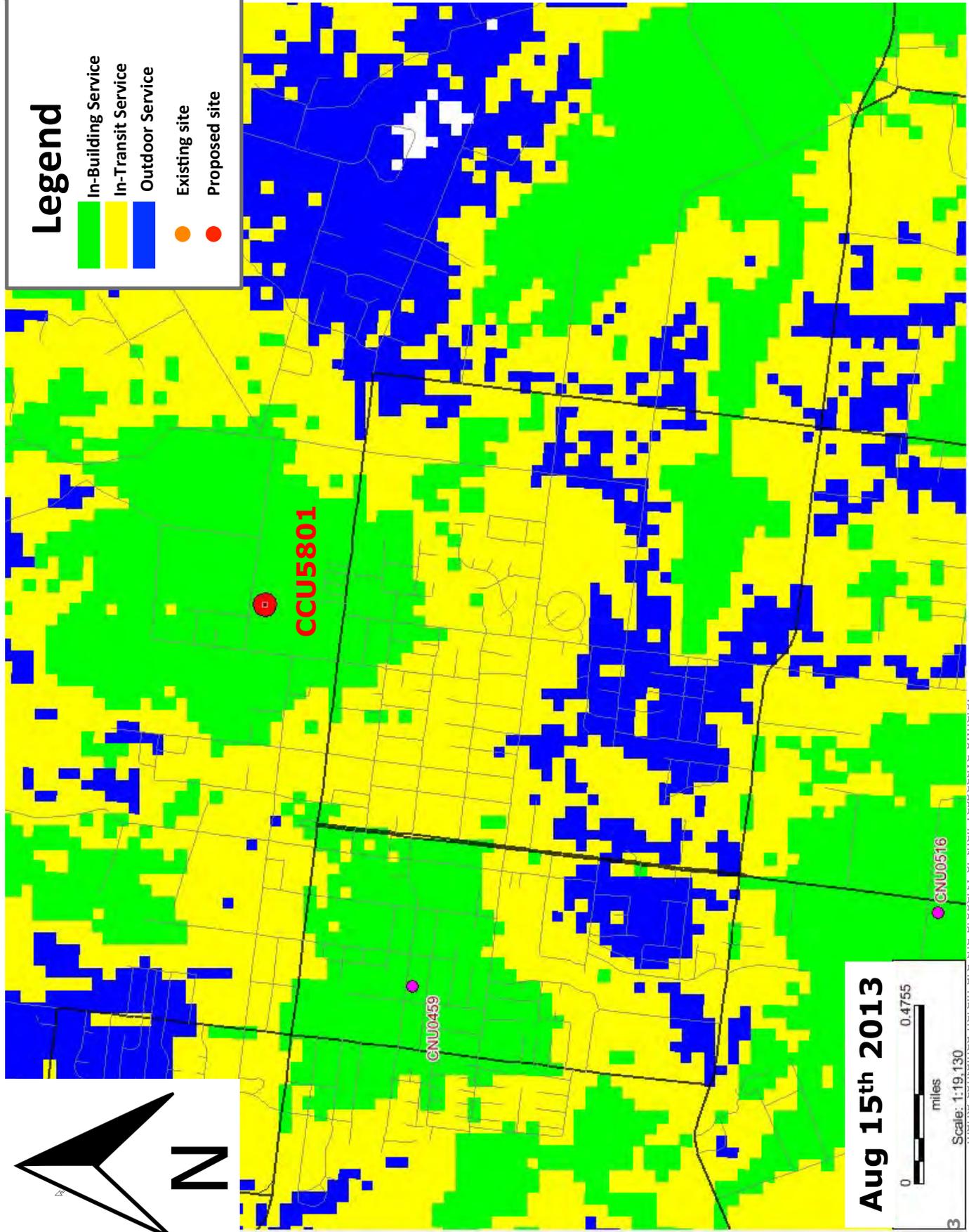


Proposed UMTS 850 Coverage – CCU5801 @ (RC = 60 feet)



Legend

- In-Building Service (Green square)
- In-Transit Service (Yellow square)
- Outdoor Service (Blue square)
- Existing site (Orange circle)
- Proposed site (Red circle)



Aug 15th 2013



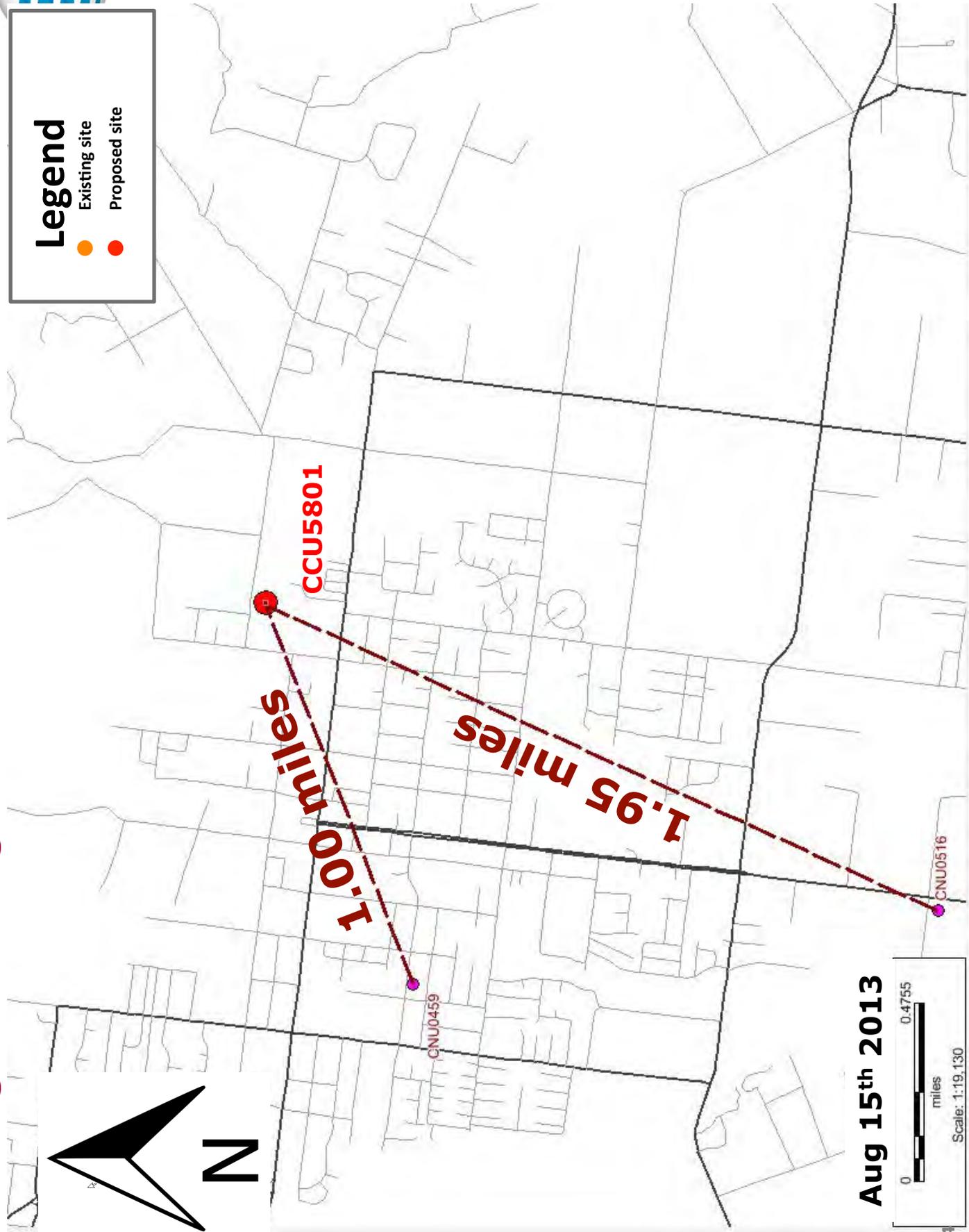
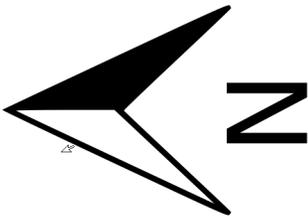
Scale: 1:19,130

Existing Surrounding Sites



Legend

- Existing site
- Proposed site



Aug 15th 2013



AT&T Mobility Radio Frequency Statement
CCU5801 – 389 Fourth Street East, Sonoma, CA

STATEMENT OF ALEX KERRIGAN

I am the AT&T radio frequency engineer assigned to the proposed wireless communications facility at 389 Fourth Street East, Sonoma, CA (the “Property”). Based on my personal knowledge of the Property and with AT&T’s wireless network, as well as my review of AT&T’s records with respect to the Property and its wireless telecommunications facilities in the surrounding area, I have concluded that the work associated with this permit request is needed to close a significant service coverage gap in the approximately one mile square centered at the intersection of East Napa Street and 5th Street East.

The service coverage gap is caused by the lack of infrastructure in the immediate area. AT&T currently has one cell site southwest of the gap area (CNU0459) and one site to the south (CNU0516). These existing sites do not provide sufficient in-building service in the gap area. The purpose of the proposed site is to close this service coverage gap and provide sufficient in-building service coverage for AT&T’s customers in the affected area. The site will not only close the gap and help address rapidly increasing data usage driven by smart phone and tablet usage, but it will also include 4G LTE service coverage.

AT&T uses industry standard propagation tools to identify the areas in its network where signal strength is too weak to provide reliable in-building service quality. This information is developed from many sources including terrain and clutter databases, which simulate the environment, and propagation models that simulate signal propagation in the presence of terrain and clutter variation. AT&T designs and builds its wireless network to ensure customers receive reliable in-building service quality. In-building service is critical as customers increasing use their mobile phones as their primary communication device (landlines to residences have decreased significantly) and rely on their mobile phones to do more (E911, GPS, web access, text, etc.).

Exhibit 1 to this Statement is a map of the existing service coverage (without the proposed installation at the Property) in the area at issue. It includes service coverage provided by existing AT&T sites. The green shaded areas depict areas within a signal strength range that provide acceptable in-building service coverage. In-building coverage means customers are able to place or receive a call on the ground floor of a building. The yellow shaded areas depict areas within a signal strength range that

provide acceptable in-vehicle service coverage. In these areas, an AT&T customer should be able to successfully place or receive a call within a vehicle. The blue shading depicts areas within a signal strength range in which a customer might have difficulty receiving a consistently acceptable level of service. The quality of service experienced by any individual customer can differ greatly depending on whether that customer is indoors, outdoors, stationary, or in transit. Any area in the yellow or blue category is considered inadequate service coverage and constitutes a service coverage gap.

Exhibit 2 to this Statement is a map that predicts service coverage based on signal strength in the vicinity of the Property if antennas are placed as proposed in the application. As shown by this map, placement of the equipment at the Property closes the significant 3G service coverage gap.

In addition to these 3G wireless service gap issues, AT&T is in the process of deploying its 4G LTE service in Vallejo with the goal of providing the most advanced personal wireless experience available to residents of the City. 4G LTE is capable of delivering speeds up to 10 times faster than industry-average 3G speeds. LTE technology also offers lower latency, or the processing time it takes to move data through a network, such as how long it takes to start downloading a webpage or file once you've sent the request. Lower latency helps to improve the quality of personal wireless services. What's more, LTE uses spectrum more efficiently than other technologies, creating more space to carry data traffic and services and to deliver a better overall network experience. This is particularly important in Sonoma because of the likely high usage of 4G LTE tablets, LTE smartphones, and other LTE devices.

I have a Master's Degree in Electrical Engineering from the University of Texas at Austin and have worked as an engineering expert in the wireless communications industry for 17 years.



Alex Kerrigan
AT&T Mobility Services LLC
Network, Planning & Engineering
RAN Design & RF Engineering
January 6, 2014

Exhibit 1 - Existing Service Coverage

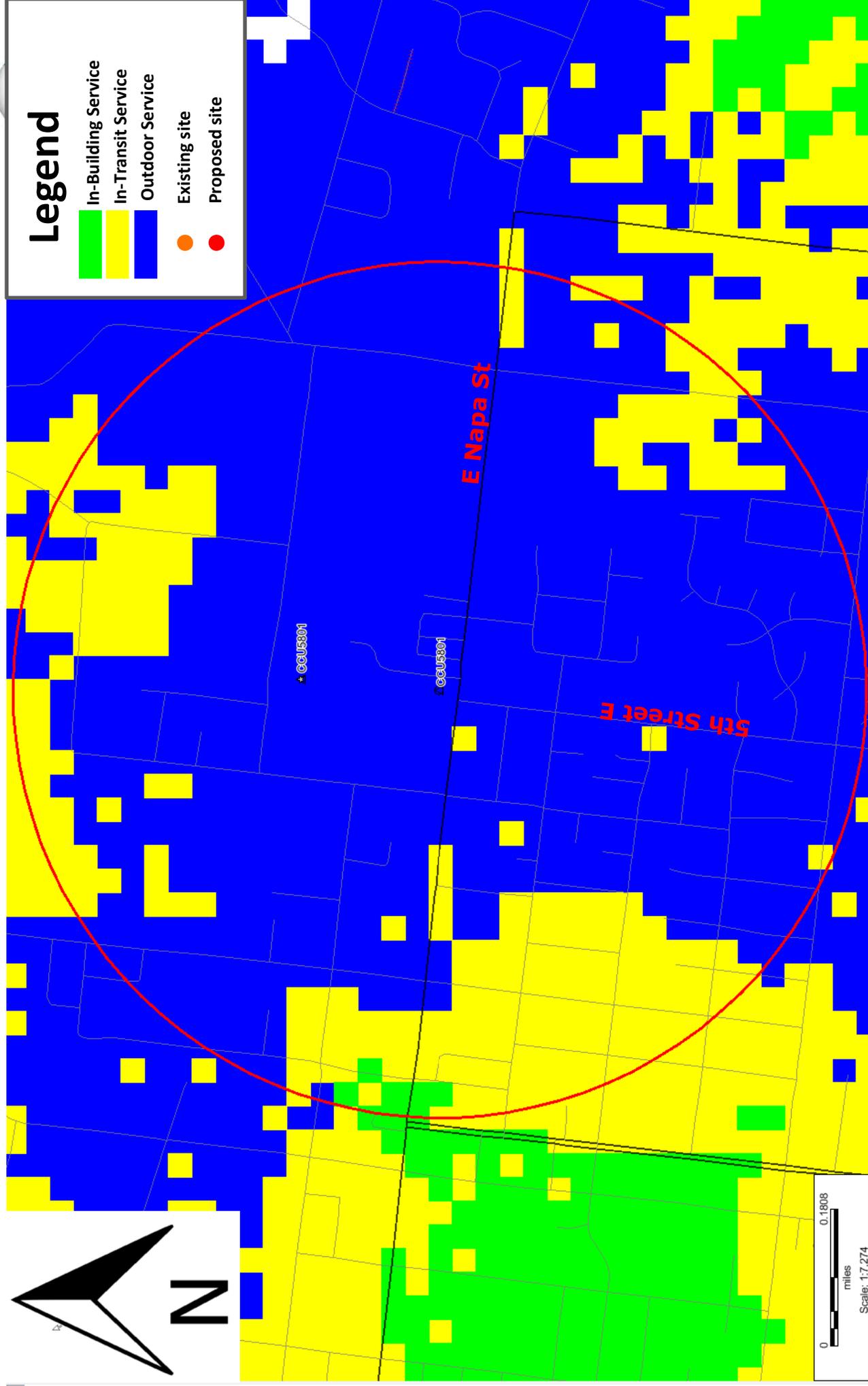
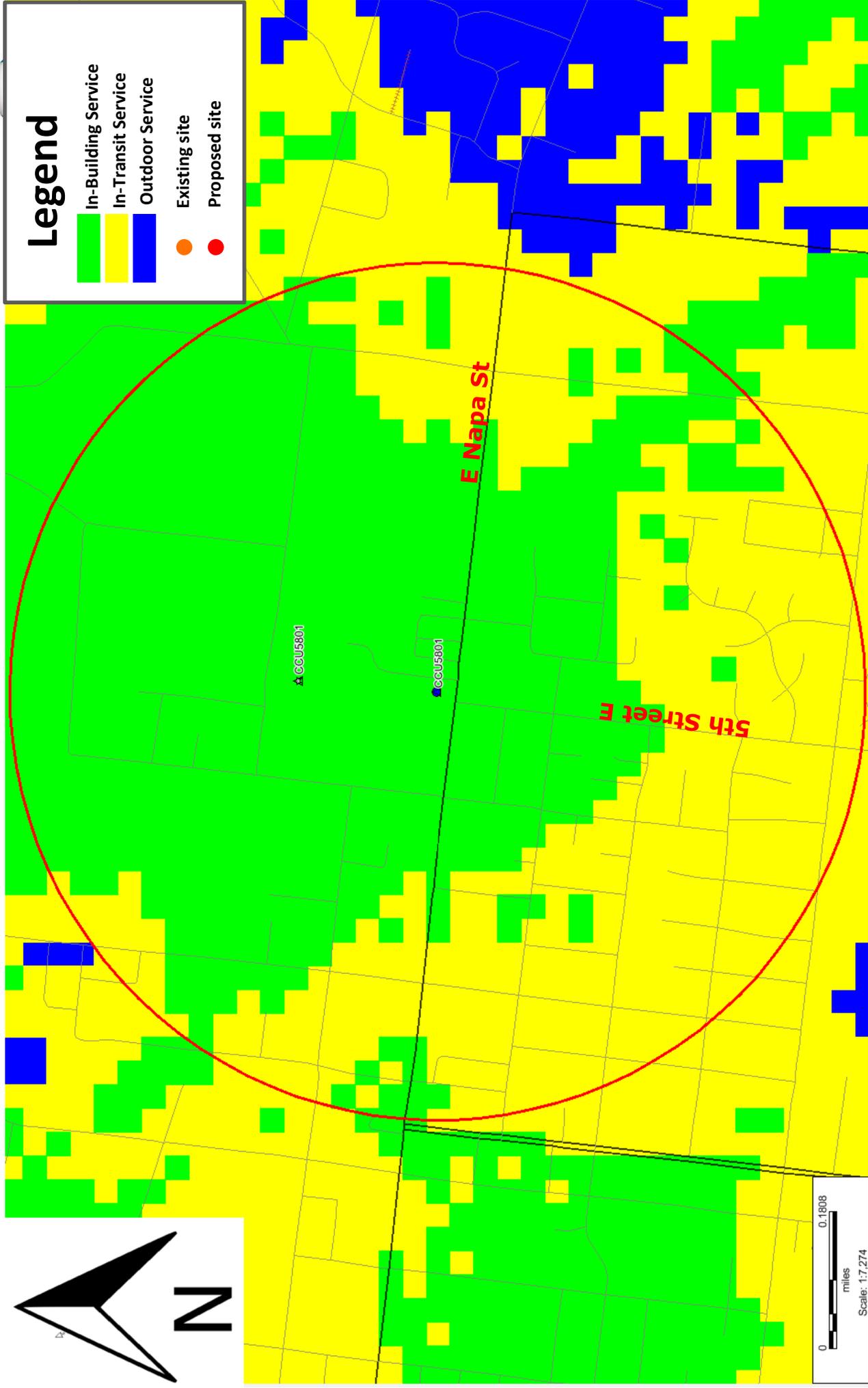


Exhibit 2 - Proposed Service Coverage from Proposed Facility at 389 4th St. E.



Alternative Sites Analysis



AT&T Mobility

Wireless Telecommunications Facility
at
Lovall Valley Road & 4th Street East
Sonoma, CA 95476

Site ID: CCU5801

Introduction

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility (“AT&T”) has identified a significant gap in its service coverage in Sonoma. AT&T proposes to install a wireless telecommunications facility (“WTF”) on property located along Lovall Valley Road and adjacent to 379 4th Street East (“Proposed Facility”), near the center of the intended service area, as a means to fill this gap in coverage in this portion of Sonoma. The Proposed Facility consists of twelve panel antennas (three sets of four antennas) camouflaged on an 80-foot redwood monopine, designed to blend with the surrounding environment. The related equipment also will be screened by an enclosure adjacent to the existing structure and shielded from nearby views by existing vegetation. The Proposed Facility is the least intrusive means to fill the significant gap of the alternatives investigated by AT&T as explained below.

Objective

AT&T Mobility has identified a significant gap in its service coverage in Sonoma, in an area roughly bordered by Brazil Street and Rachael Road to the north, Norrbom Road and 3rd Street West to the west, 7th Street East to the east, and France Street and William Cunningham Avenue to the south. The Proposed Facility will improve coverage to the surrounding significant residential neighborhoods with hundreds of homes, places of worship, parks, the Sonoma Police Department, historical landmarks and various other points of interest in the immediate vicinity. The service coverage in this portion of Sonoma is described in AT&T’s Radio Frequency Engineering Statement. The most recent traffic data available from Google Earth Pro for this area indicate that the average traffic along West Napa Street near Sonoma City Hall was approximately 16,569 vehicles per day in 2012; the average traffic along Broadway near Chase Street was approximately 12,619 vehicles per day in 2012; and the average traffic along 8th Street East near West Napa Street was approximately 3,401 vehicles per day in 2012.

Methodology and Zoning Criteria

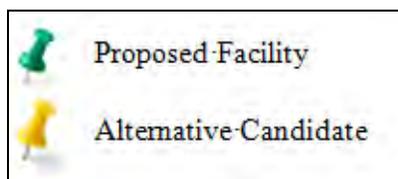
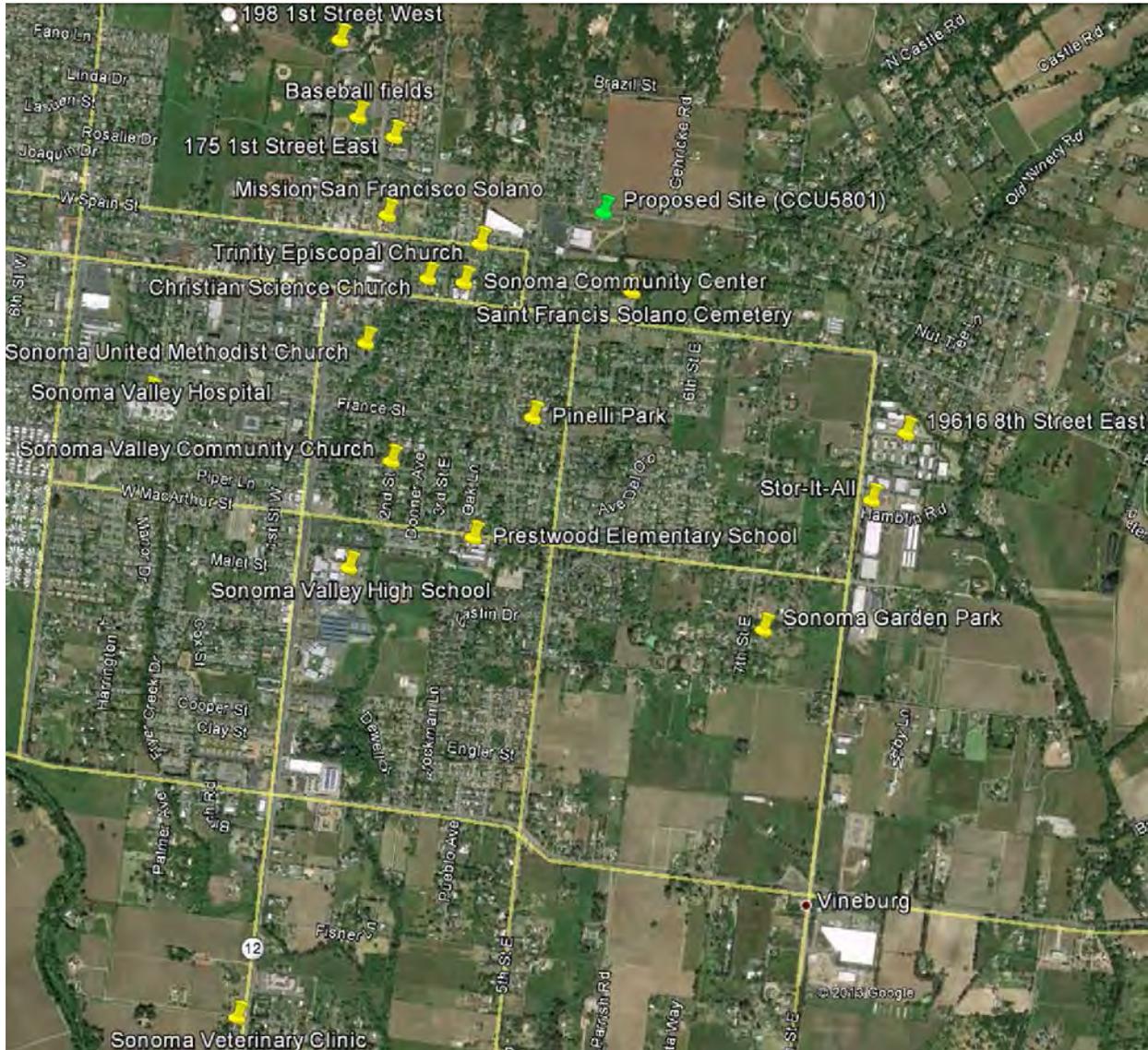
The location of a WTF to fill a significant gap in coverage is dependent upon topography, zoning, existing structures, collocation opportunities, available utilities, access and a willing landlord. Wireless communication is line-of-sight technology that requires WTFs to be in relatively close proximity to the wireless handsets to be served.

AT&T seeks to fill a significant gap in service coverage using the least intrusive means under the values expressed in the Sonoma Municipal Code. Thus, AT&T is guided by Chapter 5.32 of the Sonoma Municipal Code (Telecommunications Facility and Antenna Criteria), and in particular the WTF standards, requirements, and preferences codified in Sections 5.32.060 (Prohibited facilities), 5.32.100 (Co-located and multiple-user facilities), and Section 5.32.110 (Structural, design and environmental standards).

Analysis

AT&T investigated potential alternatives for facilities to fill the identified coverage gap in Sonoma. Following is a map showing the locations of these alternatives. The alternatives are discussed in the analysis which follows.

Location of Candidate Sites



Proposed Facility – Sebastiani Winery accessory parcel, along Lovall Valley Road



Conclusion: Based upon location, a willing landlord and the superior coverage as shown in the proposed coverage map included in AT&T's Radio Frequency Statement, the Proposed Facility is the least intrusive means for AT&T to meet its service coverage objective.

This property, owned by the Sebastiani Winery, is situated behind and to the east of the winery warehouse along Lovall Valley Road. AT&T proposes to collocate twelve panel antennas camouflaged as an 80-foot redwood monopine, which is situated near the winery warehouse at a site set back 135 feet from the north property line at Lovall Valley Road, and separated from the road by two rows of mature trees. The related equipment adjacent to the base of the monopine will be housed and screened within a 48-foot by 27-foot enclosure.

The Proposed Facility is near the center of the intended service area, consistent with Section 5.32.100 of the City's Code. Pursuant to City's preferences expressed in Sections 5.32.060 and 5.32.100.C.2 of the Code, the Proposed Facility is not located in the residential zones or public parks in the intended service area. The camouflaged design blends in with the surrounding environment as required by Section 5.32.100.B of the Code. The Proposed Facility is the least intrusive means by which AT&T can close its significant service coverage gap in this portion of Sonoma.

Alternative Site 1 – Sonoma Valley Hospital, 347 Andrieux Street



Conclusion: Not feasible

This hospital, which houses existing AT&T site CNU0459, is situated approximately 1 mile to the southwest of the Proposed Facility. Collocation on this property will not close the subject service coverage gap issue to east.

Alternative Site 2 – Sonoma Community Center, 276 East Napa Street



Conclusion: Not best fit for radio frequency needs; more intrusive than Proposed Facility

This historical public facility does not provide optimum service coverage as AT&T radio frequency engineers determined that the Proposed Facility better meets AT&T's coverage and capacity needs. A new WTF at this property would need to have a rad center of 70 feet to meet coverage objectives. The two-story building is not tall enough to house such a WTF, so a WTF on this property would need to be located on a new freestanding structure. The Proposed Facility is less intrusive because a tall freestanding structure at the Community Center would be nearer to more dense residential properties.

Alternative Site 3 – Baseball fields, 284 1st Street West



Conclusion: Not feasible; more intrusive than Proposed Facility

These baseball fields are located too close to AT&T's existing facility at Sonoma Valley Hospital, which would limit new service coverage. Further, the location is too far north to close the subject service coverage gap. This property is not as close to the intended service area as the Proposed Facility, which is not preferred pursuant to Section 5.32.100 of the City's Code. In addition, this property is in a Park zoning district, which is not a preferred location for WTFs pursuant to Section 5.32.110.C.2 of the City's Code.

Alternative Site 4 – Sonoma Veterans Memorial, 198 1st Street West



Conclusion: Not feasible; more intrusive than Proposed Facility

This memorial is located too far to the north of the intended service area to close the subject service coverage gap. This is not preferred pursuant to Section 5.32.100 of the City's Code. Further, a new tall, freestanding WTF on this property would not blend with the surrounding environment as well as the Proposed Facility, which would not satisfy the requirement of Section 5.32.110 of the City's Code.

Alternative Site 5 – [name of property], 19616 8th Street East



Conclusion: Not feasible

This property is farther to the east from the intended service area than the Proposed Facility, which is not preferred pursuant to Section 5.32.100 of the City's Code. This property is located too far to the east of the intended service area to close the subject service coverage gap.

Alternative Site 6 – Baseball fields, 175 1st Street East



Conclusion: Not feasible; more intrusive than Proposed Facility

This property, which houses an existing T-Mobile WTF, with antennas shrouded by radomes, is situated 0.69 mile to the northwest of the Proposed Facility. Collocation on this property will not close the subject service coverage gap to the south. Further, this property is in a Park zoning district, which is not a preferred location for WTFs pursuant to Section 5.32.110.C.2 of the City's Code.

Alternative Site 7 – Sonoma Valley High School, 20000 Broadway



Conclusion: Not feasible

This school property houses an existing T-Mobile monopine, which is situated 0.92 mile to the southwest of the Proposed Facility. Collocation on this property will not close the subject service coverage gap to the northeast.

Alternative Site 8 – Sonoma Veterinary Clinic, 21003 Broadway



Conclusion: Not feasible

This property, which houses existing AT&T site (monopine) CNU0516¹, is situated almost 2 miles to the southwest of the Proposed Facility. Collocation on this property will not close the subject service coverage gap issue to northeast.

¹ During the December 16, 2013 City Council hearing regarding AT&T's Application for the Proposed Facility, a member of the public introduced into evidence a photograph showing this monopine when it was under construction. Because it was under construction, the monopine did not have a favorable appearance in the photograph. The photograph was used to illustrate the appearance of WTFs generally. The use of the photograph in that way misrepresents this monopine and others like it, and incorrectly suggests that the Proposed Facility will not have a favorable appearance. As can be seen by the photograph above, AT&T's monopines are attractive and effectively blend into the surrounding environment.

Alternative Site 9 – Trinity Episcopal Church, 275 East Spain Street



Conclusion: More intrusive than Proposed Facility

This property is located in a low density residential zoning district, which is not a preferred location for WTFs pursuant to Section 5.32.060 of the City's Code.

Alternative Site 10 – Christian Science Church, 480 2nd Street East



Conclusion: More intrusive than Proposed Facility

This property is located in a low density residential zoning district, which is not a preferred location for WTFs pursuant to Section 5.32.060 of the City's Code.

Alternative Site 11 – Mission San Francisco Solano, 114 East Spain Street



Conclusion: More intrusive than Proposed Facility

This property is part of the Sonoma State Historic Park. It is located in a Park zoning district, which is not a preferred location for WTFs pursuant to Section 5.32.110.C.2 of the City's Code.

Alternative Site 12 – Saint Francis Solano Cemetery



Conclusion: Not feasible; more intrusive than Proposed Facility

There is not sufficient space for a new freestanding WTF on the grounds of this historic cemetery. Moreover, a WTF on this property would be more intrusive than the Proposed Facility. A redwood monopine on this property would not blend into the surrounding environment as well as the Proposed Facility, which is required under Section 5.32.110 of the City's Code. Further, the WTF would be more visible from offsite locations due to the lack of screening along the cemetery entrance onto East Napa Street.

Alternative Site 13 – Pinelli Park



Conclusion: More intrusive than Proposed Facility

This property is in a Park zoning district, which is not a preferred location for WTFs pursuant to Section 5.32.110.C.2 of the City's Code.

Alternative Site 14 – Prestwood Elementary School, 343 East MacArthur Street



Conclusion: Not feasible; more intrusive than Proposed Facility

This school property is surrounded by mature trees, which would require a taller WTF than the Proposed Facility. In any event, locating a WTF on this property will not close the subject service coverage gap to the north.

Alternative Site 15 – Sonoma United Methodist Church, 109 Patten Street



Conclusion: More intrusive than Proposed Facility

This property is located in a residential zoning district, which is not a preferred location for WTFs pursuant to Section 5.32.060 of the City's Code.

Alternative Site 16 – Sonoma Valley Community Church, 181 Chase Street



Conclusion: More intrusive than Proposed Facility

This property is located in a residential zoning district, which is not a preferred location for WTFs pursuant to Section 5.32.060 of the City's Code.

Alternative Site 17 – Sonoma Garden Park



Conclusion: More intrusive than Proposed Facility

This property is in a Park zoning district, which is not a preferred location for WTFs pursuant to Section 5.32.110.C.2 of the City's Code.

Alternative Site 18 – Stor-It-All, 19784 8th Street East



Conclusion: Not feasible

This property is in Sonoma County Zone M3 (limited rural industrial district), VOH (Valley Oak Habitat) combining district. It is located too far to the east of the intended service area to close the subject service coverage gap.

Alternative Site 19 – Sonoma’s Best, 1190 East Napa Street



Conclusion:

This property is in Sonoma County Zone C1 (neighborhood commercial district), VOH (Valley Oak Habitat) combining district. It is located too far to the northeast of the intended service area to close the subject service coverage gap.

Conclusion

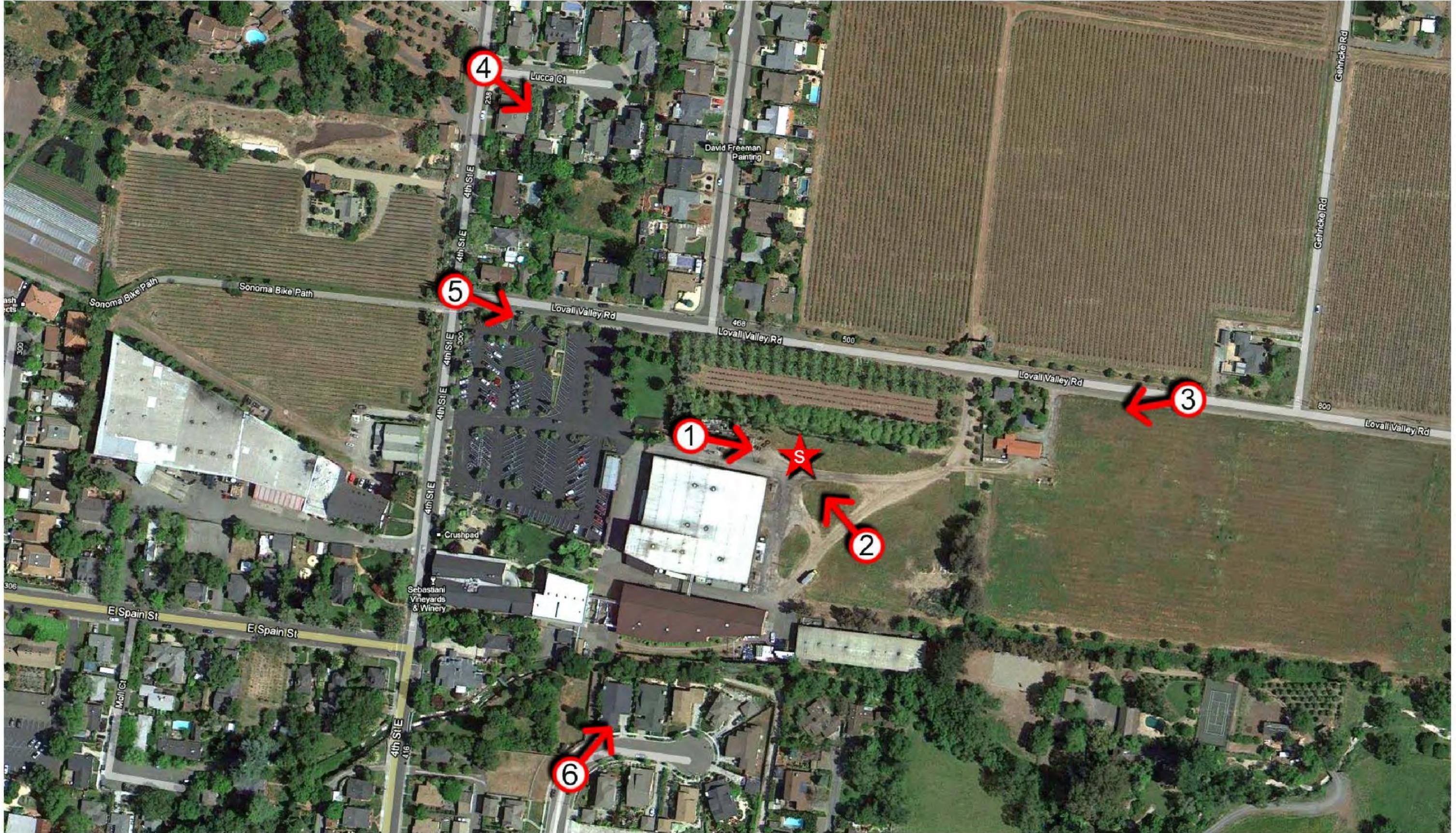
The Proposed Facility is the least intrusive means by which AT&T can close its significant service coverage gap in this portion of Sonoma.

VICINITY MAP
PHOTOSIMULATION VIEWPOINTS



NAPA & 5TH AVE
CCU5801
ADJ. TO 379 4TH ST. E
SONOMA, CA 95476

SOC
WIRELESS
ENGINEERING GROUP
5865 AVENIDA ENCINAS
CARLSBAD, CA 92008
OFFICE: (760) 795-5200





NAPA & 5TH AVE
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SONOMA, CA 95476

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PHOTOSIMULATION VIEW 1

EXISTING



PROPOSED





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PHOTOSIMULATION VIEW 2





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PHOTOSIMULATION VIEW 3

EXISTING



PROPOSED



PHOTOSIMULATION VIEW 4



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PHOTOSIMULATION VIEW 5

EXISTING



PROPOSED



PHOTOSIMULATION VIEW 6



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**AT&T Mobility • Proposed Base Station (Site No. CCU5801)
379 4th Street East • Sonoma, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of AT&T Mobility, a personal wireless telecommunications carrier, to evaluate the base station (Site No. CCU5801) proposed to be located at 379 4th Street East in Sonoma, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Executive Summary

AT&T proposes to install directional panel antennas on a tall steel pole to be installed at Sebastiani Vineyards, located near 379 4th Street East in Sonoma. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission (“FCC”) evaluate its actions for possible significant impact on the environment. A summary of the FCC’s exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Microwave (Point-to-Point)	5,000–80,000 MHz	5.00 mW/cm ²	1.00 mW/cm ²
BRS (Broadband Radio)	2,600	5.00	1.00
AWS (Advanced Wireless)	2,100	5.00	1.00
PCS (Personal Communication)	1,950	5.00	1.00
Cellular	870	2.90	0.58
SMR (Specialized Mobile Radio)	855	2.85	0.57
700 MHz	700	2.40	0.48
[most restrictive frequency range]	30–300	1.00	0.20

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. A small antenna for reception of GPS signals is also required, mounted with a clear view of the sky. Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some

AT&T Mobility • Proposed Base Station (Site No. CCU5801)
379 4th Street East • Sonoma, California

height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. This means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, “Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation,” dated August 1997. Figure 2 attached describes the calculation methodologies, reflecting the facts that a directional antenna’s radiation pattern is not fully formed at locations very close by (the “near-field” effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the “inverse square law”). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

Site and Facility Description

Based upon information provided by AT&T, including zoning drawings by SAC Wireless, dated June 6, 2013, it is proposed to install twelve Andrew Model SBNH-1D6565B directional panel antennas on a new 80-foot* steel pole, configured to resemble a pine tree, to be installed at Sebastiani Vineyards, located near 379 4th Street East in Sonoma. The antennas would be mounted with up to 4° downtilt at an effective height of about 70 feet† above ground and would be oriented in groups of four toward 60°T, 180°T, and 300°T. The maximum effective radiated power in any direction would be 9,950 watts, representing simultaneous operation at 7,830 watts for PCS, 1,000 watts for cellular, and 1,120 watts for 700 MHz service. There are reported no other wireless telecommunications base stations at the site or nearby.

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed AT&T operation is calculated to be 0.011 mW/cm², which is 1.2% of the applicable public exposure limit. The maximum calculated level at any nearby building‡ is 0.88% of the public exposure limit. The maximum calculated level at the second-floor elevation of any nearby residence§ is 0.79% of the public exposure limit. It should be noted that these results include several “worst-case” assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

* The foliage on the tree extends to 85 feet above ground.

† This is 10 feet higher than shown in the drawings.

‡ Located at least 90 feet away, based on photographs from Google Maps.

§ Located at least 250 feet away, based on photographs from Google Maps.



**AT&T Mobility • Proposed Base Station (Site No. CCU5801)
379 4th Street East • Sonoma, California**

No Recommended Mitigation Measures

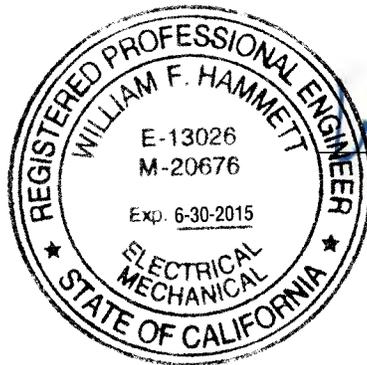
Due to their mounting locations, the AT&T antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. It is presumed that AT&T will, as an FCC licensee, take adequate steps to ensure that its employees or contractors comply with FCC occupational exposure guidelines whenever work is required near the antennas themselves.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the base station proposed by AT&T Mobility at 379 4th Street East in Sonoma, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2015. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.



A handwritten signature in blue ink that reads "William F. Hammett". The signature is written over a horizontal line.

William F. Hammett, P.E.

707/996-5200

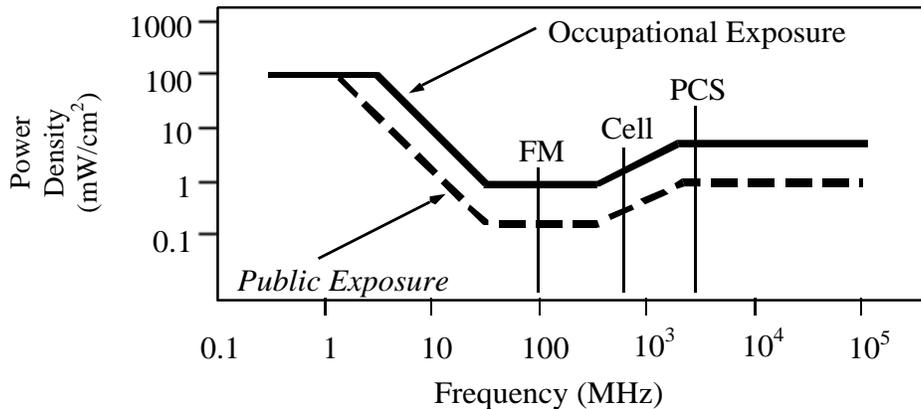
August 27, 2013

FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, “Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields,” published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements (“NCRP”). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, “Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz,” includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (f is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm ²)	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f²</i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f ²	<i>180/f²</i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	3.54√f	<i>1.59√f</i>	√f/106	<i>√f/238</i>	f/300	<i>f/1500</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.

RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm²,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm²,

- where θ_{BW} = half-power beamwidth of the antenna, in degrees, and
 P_{net} = net power input to the antenna, in watts,
 D = distance from antenna, in meters,
 h = aperture height of the antenna, in meters, and
 η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

power density $S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}$, in mW/cm²,

- where ERP = total ERP (all polarizations), in kilowatts,
RFF = relative field factor at the direction to the actual point of calculation, and
D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.

**Bechtel Communication on
behalf of AT&T Mobility, LLC
Site ID - CCU6078
USID - 133231
Site Name - Sebastiani Vineyards
Site Compliance Report**

**379 4th St E
Sonoma, CA 95476**

Latitude: N38-17-35.80
Longitude: W122-26-50.08
Structure Type: Monopole

Report generated date: November 16, 2012
Report by: Tony DeMattia
Customer Contact: Tom McGuire

**AT&T Mobility, LLC Will Be Compliant based on
FCC Rules and Regulations.**

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**David Charles Cotton, Jr.
Registered Professional Engineer (Electrical)
State of California, 18838, Expires 2013-June-30
Date: 2012-November-17**

JUN 06 2013

RFI DOCUMENT REVIEW STATUS

Status Code													
1	Accepted - With minor or no comments, construction may proceed												
2	Not Accepted - Please resolve comments and resubmit												
Acceptance does not constitute approval of design details, calculations, analysis, test methods or materials developed or selected by the subcontractor and does not relieve subcontractor from full compliance obligations.													
	<table border="1"> <tr> <td>ENG</td> <td>CONST</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>TM</td> <td>N/A</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>	ENG	CONST					TM	N/A				
ENG	CONST												
TM	N/A												
Status By	Date 12/3/2012												

**Bechtel Communication on behalf of AT&T
Mobility, LLC
Sebastiani Vineyards - CCU6078
Radio Frequency (RF) Site Compliance Report**



379 4th St E, Sonoma, CA 95476



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1 Executive Summary

Bechtel Communication on behalf of AT&T Mobility, LLC has contracted with Sitesafe, Inc. (Sitesafe), an independent Radio Frequency (RF) regulatory and engineering consulting firm, to determine whether the proposed communications site, CCU6078 - Sebastiani Vineyards, located at 379 4th St E, Sonoma, CA, is in compliance with Federal Communication Commission (FCC) Rules and Regulations for RF emissions.

This report contains a detailed summary of the RF environment at the site including:

- diagram of the site;
- inventory of the make / model of all antennas
- theoretical MPE based on modeling.

This report addresses exposure to radio frequency electromagnetic fields in accordance with the FCC Rules and Regulations for all individuals, classified in two groups, "Occupational or Controlled" and "General Public or Uncontrolled." This **site will be compliant** with the FCC rules and regulations, as described in OET Bulletin 65.

Project Description: AT&T Mobility LLC proposed the following installations: 4 Surge protectors; 95' high faux redwood monotree; 11'X20' California approved prefabricated equipment shelter; twelve 6' panel antennas; 3 RRUS-11 and 15 RRUS-01 devices.

This document and the conclusions herein are based on the information provided by AT&T Mobility, LLC.

If you have any questions regarding RF safety and regulatory compliance, please do not hesitate to contact Sitesafe's Customer Support Department at (703) 276-1100.

The following documents were used in the creation of this report:

RFDS: 25736-635-AA-CCU6078 RF V10.xlsx

CD: 25471-630-A1-CC6078 Z01-Rev B.pdf

ERP: Sitesafe used 60 watt transmit power output for LTE and 40 watt transmit power output for each UMTS carrier.

2 Regulatory Basis

2.1 FCC Rules and Regulations

In 1996, the Federal Communication Commission (FCC) adopted regulations for the evaluating of the effects of RF emissions in 47 CFR § 1.1307 and 1.1310. The guideline from the FCC Office of Engineering and Technology is Bulletin 65 ("OET Bulletin 65"), *Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields*, Edition 97-01, published August 1997. Since 1996 the FCC periodically reviews these rules and regulations as per their congressional mandate.

FCC regulations define two separate tiers of exposure limits: Occupational or "Controlled environment" and General Public or "Uncontrolled environment". The General Public limits are generally five times more conservative or restrictive than the Occupational limit. These limits apply to accessible areas where workers or the general public may be exposed to Radio Frequency (RF) electromagnetic fields.

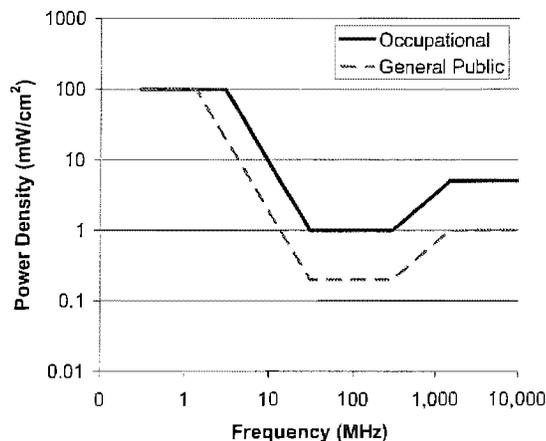
Occupational or Controlled limits apply in situations in which persons are exposed as a consequence of their employment and where those persons exposed have been made fully aware of the potential for exposure and can exercise control over their exposure.

An area is considered a Controlled environment when access is limited to these aware personnel. Typical criteria are restricted access (i.e. locked or alarmed doors, barriers, etc.) to the areas where antennas are located coupled with proper RF warning signage. A site with Controlled environments is evaluated with Occupational limits.

All other areas are considered Uncontrolled environments. If a site has no access controls or no RF warning signage it is evaluated with General Public limits.

The theoretical modeling of the RF electromagnetic fields has been performed in accordance with OET Bulletin 65. The Maximum Permissible Exposure (MPE) limits utilized in this analysis are outlined in the following diagram:

FCC Limits for Maximum Permissible Exposure (MPE)
Plane-wave Equivalent Power Density



Limits for Occupational/Controlled Exposure (MPE)

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time E ² , H ² or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6

Limits for General Population/Uncontrolled Exposure (MPE)

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time E ² , H ² or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1500	--	--	f/1500	30
1500-100,000	--	--	1.0	30

f = frequency in MHz *Plane-wave equivalent power density

2.2 OSHA Statement

The General Duty clause of the OSHA Act (Section 5) outlines the occupational safety and health responsibilities of the employer and employee. The General Duty clause in Section 5 states:

- (a) Each employer –
 - (1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;
 - (2) shall comply with occupational safety and health standards promulgated under this Act.

- (b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

OSHA has defined Radiofrequency and Microwave Radiation safety standards for workers who may enter hazardous RF areas. Regulation Standards 29 CFR § 1910.147 identify a generic Lock Out Tag Out procedure aimed to control the unexpected energization or start up of machines when maintenance or service is being performed.

3 Site Compliance

3.1 Site Compliance Statement

Upon evaluation of the cumulative RF emission levels from all operators at this site, Sitesafe has determined that:

This **site will be compliant** with the FCC rules and regulations, as described in OET Bulletin 65.

AT&T Mobility, LLC is predicted to contribute **less than 5%** of the maximum permissible exposure (MPE) based on theoretical modeling using parameters supplied by the client; therefore, AT&T Mobility, LLC has no responsibility for bringing the site into compliance with FCC guidelines. See Appendix C. A detailed explanation of the 5% rule can be found in the Definition section of Appendix B.

The compliance determination is based on General Public MPE levels based on theoretical modeling, RF signage placement recommendations, proposed antenna inventory and the level of restricted access to the antennas at the site. Any deviation from the AT&T Mobility, LLC's proposed deployment plan could result in the site being rendered non-compliant.

3.2 Actions for Site Compliance

Based on common industry practice and our understanding of FCC and OSHA requirements, this section provides a statement of recommendations for site compliance. RF alert signage recommendations have been proposed based on theoretical analysis of MPE levels. Barriers can consist of locked doors, fencing, railing, rope, chain, paint striping or tape, combined with RF alert signage.

This site will be compliant with the FCC rules and regulations.

Sitesafe found one or more issues that led to our determination. The site will be made compliant if the following changes are implemented:

- Restricted access to the site (by lock, alarm or sign-in sheet), preventing anyone from the general public access to the site;
- and,
- Posting RF signs that a person could read and understand the signs prior to accessing the site;

Site Access Location

Put lock on Site Access Door.
Information Sign 1 required, in English.
Information Sign 1 required, in Spanish.
Yellow caution sign required.

4 Safety Plan and Procedures

The following items are general safety recommendations that should be administered on a site by site basis as needed by the carrier.

General Maintenance Work: Any maintenance personnel required to work immediately in front of antennas and / or in areas indicated as above 100% of the Occupational MPE limits should coordinate with the wireless operators to disable transmitters during their work activities.

Training and Qualification Verification: All personnel accessing areas indicated as exceeding the General Population MPE limits should have a basic understanding of EME awareness and RF Safety procedures when working around transmitting antennas. Awareness training increases a workers understanding to potential RF exposure scenarios. Awareness can be achieved in a number of ways (e.g. videos, formal classroom lecture or internet based courses).

Physical Access Control: Access restrictions to transmitting antennas locations is the primary element in a site safety plan. Examples of access restrictions are as follows:

- Locked door or gate
- Alarmed door
- Locked ladder access
- Restrictive Barrier at antenna (e.g. Chain link with posted RF Sign)

RF Signage: Everyone should obey all posted signs at all times. RF signs play an important role in properly warning a worker prior to entering into a potential RF Exposure area.

Assume all antennas are active: Due to the nature of telecommunications transmissions, an antenna transmits intermittently. Always assume an antenna is transmitting. Never stop in front of an antenna. If you have to pass by an antenna, move through as quickly and safely as possible thereby reducing any exposure to a minimum.

Maintain a 3 foot clearance from all antennas: There is a direct correlation between the strength of an EME field and the distance from the transmitting antenna. The further away from an antenna, the lower the corresponding EME field is.

Site RF Emissions Diagram: Section 5 of this report contains an RF Diagram that outlines various theoretical Maximum Permissible Exposure (MPE) areas at the site. The modeling is a worst case scenario assuming a duty cycle of 100% for each transmitting antenna at full power. This analysis is based on one of two access control criteria: General Public criteria means the access to the site is uncontrolled and anyone can gain access. Occupational criteria means the access is restricted and only properly trained individuals can gain access to the antenna locations.

5 Analysis

5.1 RF Emissions Diagram

The RF diagram(s) below display theoretical spatially averaged percentage of the Maximum Permissible Exposure for all systems at the site unless otherwise noted. These diagrams use modeling as proscribed in OET Bulletin 65 and assumptions detailed in Appendix B.

The key at the bottom of each diagram indicates if percentages displayed are referenced to FCC Occupational or General Public Maximum Permissible Exposure (MPE) limits. Color coding on the diagram is as follows:

- a) Composite Exposure Levels
 - Areas indicated as Green are below 100% of the MPE limits.
 - Blue represents areas predicted to be between 100% and 500% of the MPE limits.
 - Yellow represents areas predicted to be between 500% and 5000% of the MPE limits.
 - Red areas indicated predicted levels greater than 5000% of the MPE limits.
- b) AT&T Mobility 5% Exposure Levels:
 - Areas indicated as Green are below 5% of the MPE limits.
 - Purple represents areas predicted to be greater than 5% of the MPE limits.

The theoretical analysis identified the maximum predicted MPE levels to be:

Maximum Theoretical General Public or Uncontrolled MPE level:	2.0%
Maximum Theoretical Occupational or Controlled MPE Level:	0.4%
AT&T Maximum Theoretical General Public or Uncontrolled MPE level:	2.0%
AT&T Maximum Theoretical Occupational or Controlled MPE level:	0.4%

General Population diagrams are specified when an area is accessible to the public; i.e. personnel that do not meet Occupational or RF Safety trained criteria, could gain access.

If trained occupational personnel require access to areas that are delineated as Red or above 100% of the limit, Sitesafe recommends that they utilize the proper personal protection equipment (RF monitors), coordinate with the carriers to reduce or shutdown power, or make real-time power density measurements with the appropriate power density meter to determine real-time MPE levels. This will allow the personnel to ensure that their work area is within exposure limits.

The key at the bottom also indicates the level or height of the modeling with respect to the main level. The origin is typically referenced to the main rooftop level, or ground level for a structure without access to the antenna level. For example:

Average from 0 feet above to 6 feet above origin

and

Average from 20 feet above to 26 feet above origin

The first indicates modeling at the main rooftop (or ground) level averaged over 6 feet. The second indicates modeling at a higher level (possibly a penthouse level) of 20 feet averaged over 6 feet.

Abbreviations used in the RF Emissions Diagrams

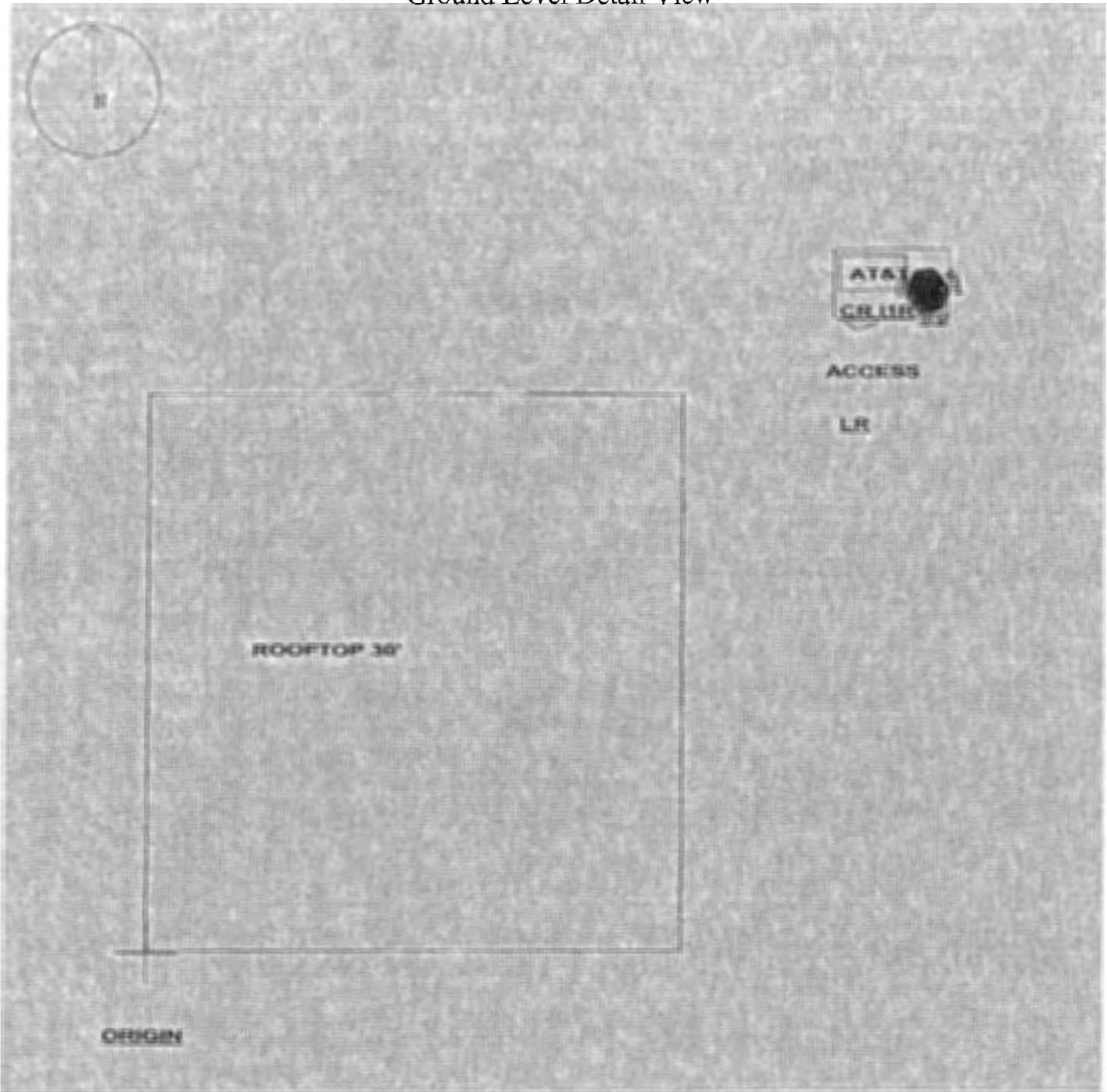
PH=##'	Penthouse at ## feet above main roof
--------	--------------------------------------

Additional Information in the RF Emissions Diagrams Key

The RF emissions diagram provides indications of RF signage, barriers and locked doors. The table below lists the abbreviations used to indicate locked doors, signs and barriers:

Table 1: RF Signage and Barrier Key					
Type	RF Signage		Type	Barriers	
	Existing Location	Recommended Location		Existing Location	Recommended Location
Notice	<u>NE</u>	<u>NR</u>	Locked Door	<u>LE</u>	<u>LR</u>
Caution	<u>CE</u>	<u>CR</u>	Fencing	<u>RE</u>	<u>RR</u>
Warning	<u>WE</u>	<u>WR</u>	Rope Chain		
Info Sign 1	<u>I1E</u>	<u>I1R</u>	Paint Stripes		
Info Sign 2	<u>I2E</u>	<u>I2R</u>	Tape		
Info Sign 3	<u>I3E</u>	<u>I3R</u>			
Info Sign 4	<u>I4E</u>	<u>I4R</u>			

RF Emissions Diagram for: Sebastiani Vineyards Ground Level Detail View

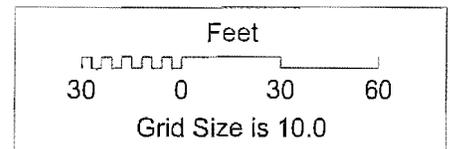


% of FCC Public Exposure Limit
Average from 0 feet above to 6 feet above origin

- 5000 ≤ X
- 500 ≤ X < 5000
- 100 ≤ X < 500
- X ≤ 100

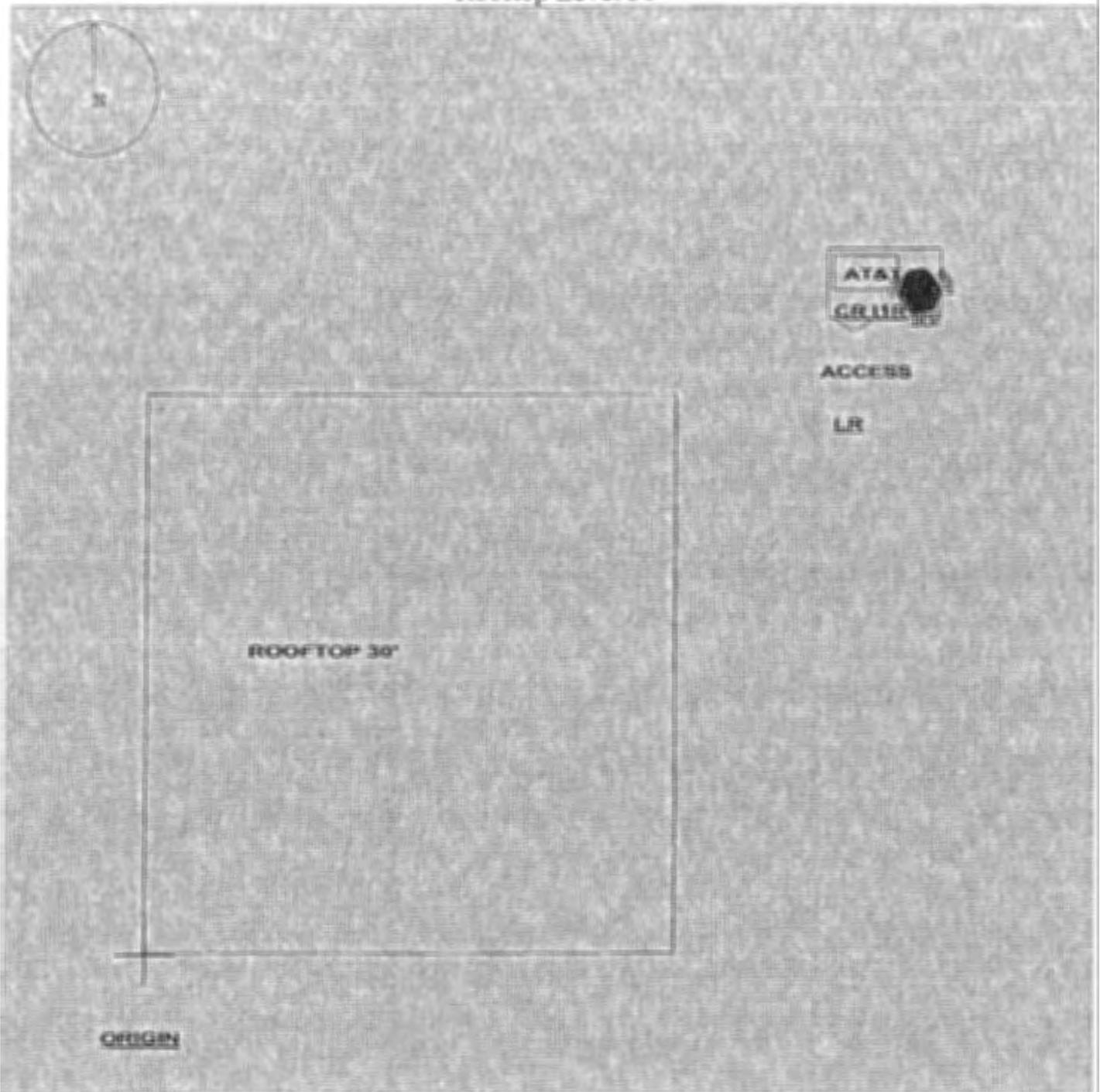
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 Site Name: Sebastiani Vineyards

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 Contact Sitesafe Inc. for modeling assistance (703) 978-1100
 Sitesafe Inc. Version Universal
 10/16/05 12



RF Emissions Diagram for: Sebastiani Vineyards

Rooftop Level 30'

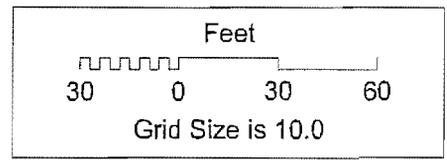


% of FCC Public Exposure Limit
Average from 30 feet above to 36 feet above origin

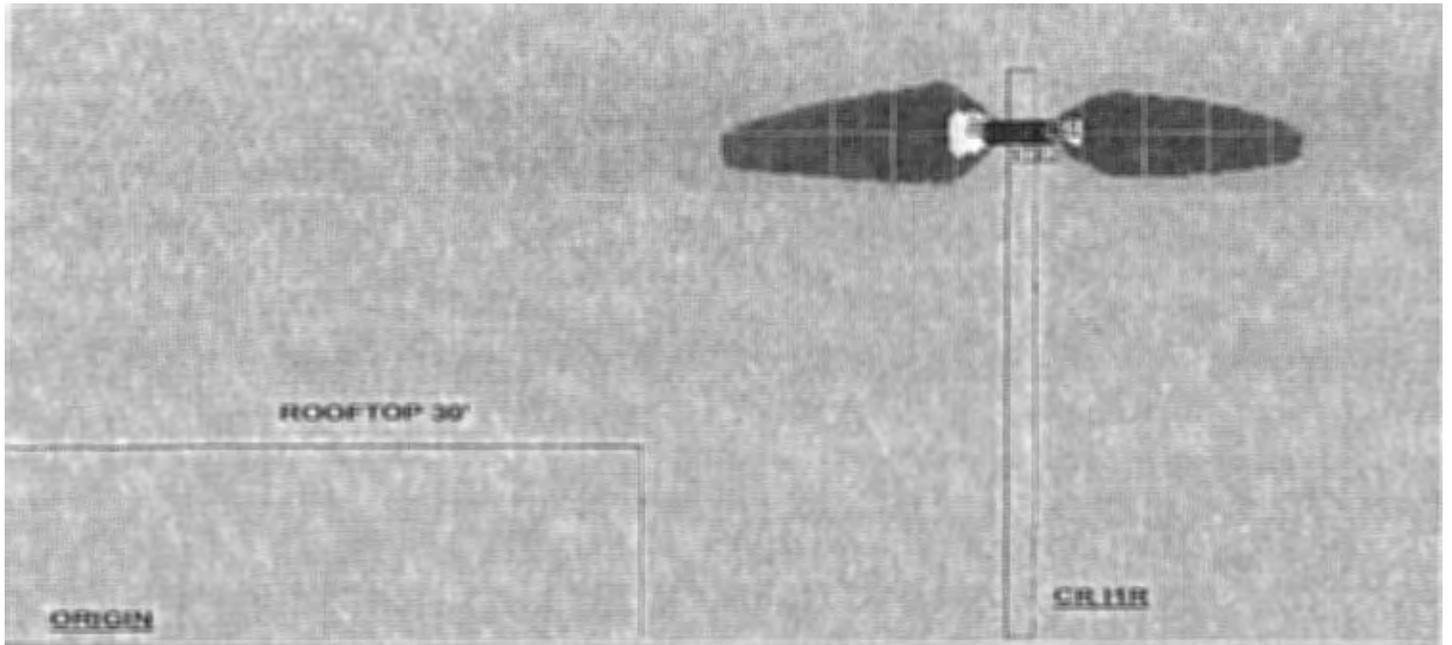
-  $5000 \leq X$
-  $500 \leq X < 5000$
-  $100 \leq X < 500$
-  $X \leq 100$


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RF Emissions Diagram for: Sebastiani Vineyards Side Elevation



% of FCC Public Exposure Limit

Individual Points

-  $5000 \leq X$
-  $500 \leq X < 5000$
-  $100 \leq X < 500$
-  $X \leq 100$

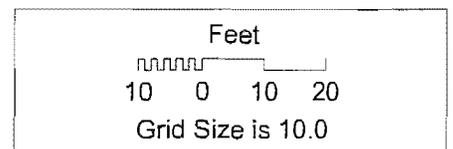


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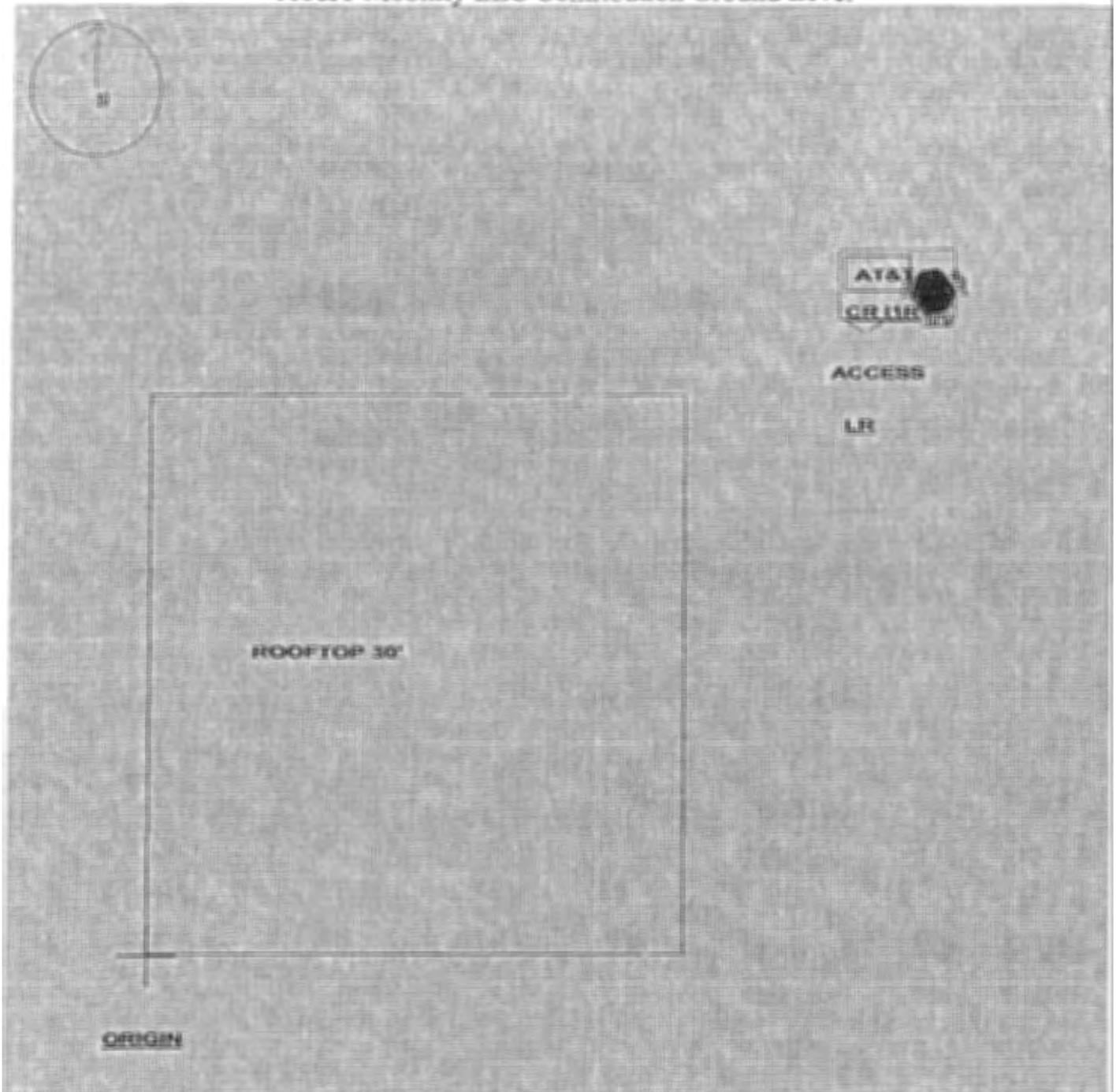
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10/16/2012



RF Emissions Diagram for: Sebastiani Vineyards AT&T Mobility LLC Contribution Ground Level



% of FCC Public Exposure Limit
Average from 0 feet above to 6 feet above origin

-  5 <= X
-  X <= 5

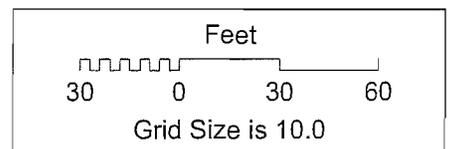


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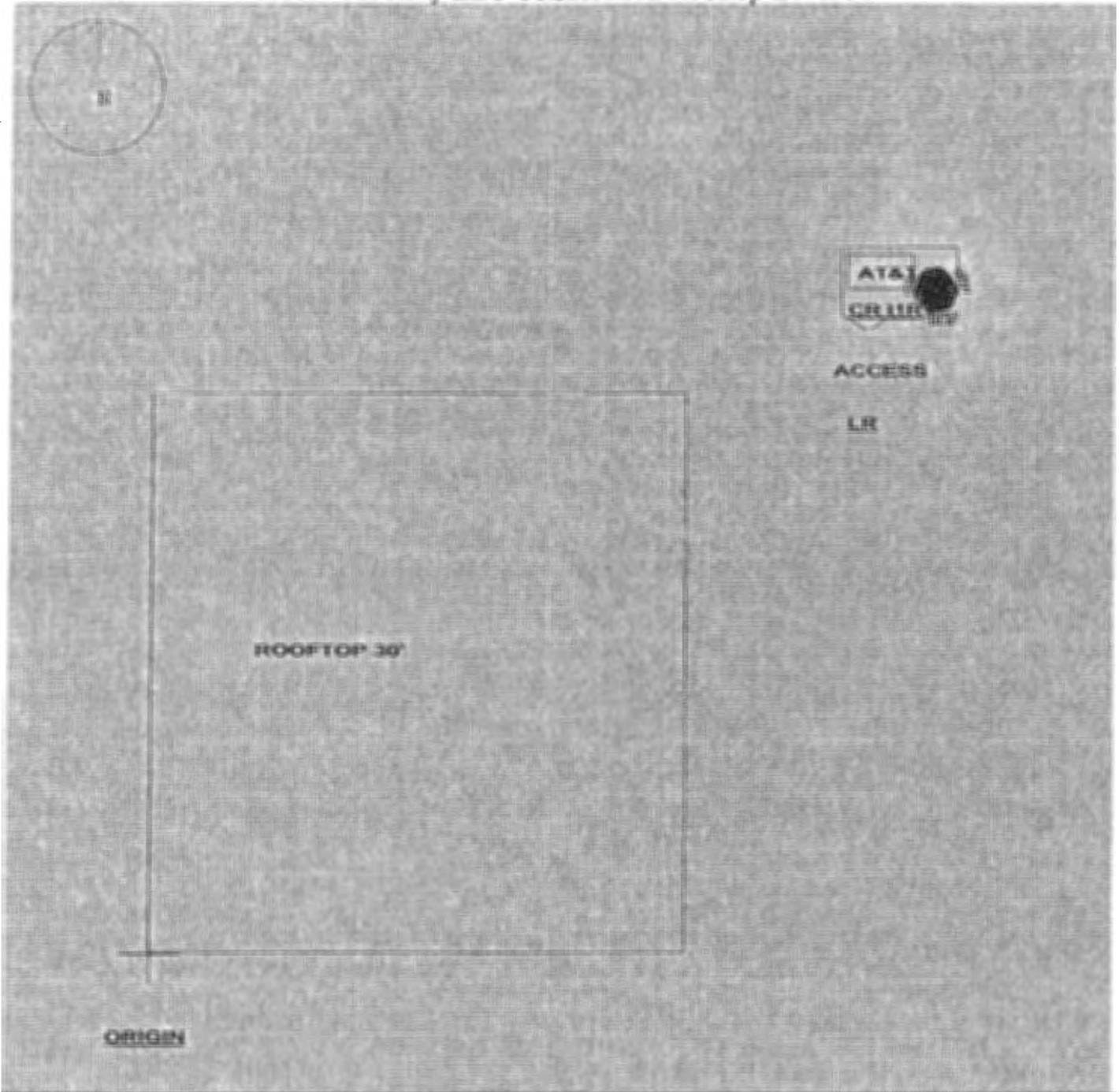
Sitesafe ID# 96034

Site Name: Sebastiani Vineyards

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Sitesafe TC Version Unavailable
10/16/2012



RF Emissions Diagram for: Sebastiani Vineyards
 AT&T Mobility LLC Contribution Rooftop Level 30'

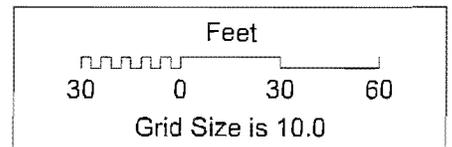


% of FCC Public Exposure Limit
 Average from 30 feet above to 36 feet above origin

-  5 <= X
-  X <= 5


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 Site Name: Sebastiani Vineyards

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 10/10/2012



6 Antenna Inventory

The Antenna Inventory shows all transmitting antennas at the site. This inventory was provided by the customer, and was utilized by Sitesafe to perform theoretical modeling of RF emissions. The inventory coincides with the site diagrams in this report, identifying each antenna's location at CCU6078 - Sebastiani Vineyards. The antenna information collected includes the following information:

- Licensee or wireless operator name
- Frequency or frequency band
- Transmitter power – Effective Radiated Power ("ERP"), or Equivalent Isotropic Radiated Power ("EIRP") in Watts
- Antenna manufacturer make, model, and gain

For other carriers at this site, the use of "Generic" as an antenna model, or "Unknown" for an operator means the information with regard to carrier, their FCC license and/or antenna information was not available nor could it be secured while on site. Equipment, antenna models and nominal transmit power were used for modeling, based on past experience with radio service providers.



The following antenna inventory, on this and the following page, were provided by the customer and were utilized to create the site model diagrams:

Ant #	Operated By	TX Freq (MHz)	ERP (Watts)	Antenna Gain (dBd)	Az (Deg)	Antenna Model	Ant Type	Len (ft)	Horizontal Half Power Beamwidth (Deg)	Location		
										X	Y	Z
1	AT&T Mobility LLC	737 (LTE)	973	12.10	60	Powerwave P65-16-XLH-RR-04 (Proposed)	Panel	6	65	301'	249'	80'
2	AT&T Mobility LLC	1900 (UMTS)	1283	15.06	60	Powerwave P65-16-XLH-RR-02 (Proposed)	Panel	6	65	300'	251'	80'
3	AT&T Mobility LLC	850 (UMTS)	867	13.36	60	Powerwave P65-16-XLH-RR-04 (Proposed)	Panel	6	65	299'	253'	80'
3	AT&T Mobility LLC	1900 (UMTS)	1283	15.06	60	Powerwave P65-16-XLH-RR-02 (Proposed)	Panel	6	65	299'	253'	80'
4	AT&T Mobility LLC	850 (UMTS)	867	13.36	60	Powerwave P65-16-XLH-RR-04 (Proposed)	Panel	6	65	297'	255'	80'
4	AT&T Mobility LLC	1900 (UMTS)	1283	15.06	60	Powerwave P65-16-XLH-RR-02 (Proposed)	Panel	6	65	297'	255'	80'
5	AT&T Mobility LLC	737 (LTE)	973	12.10	300	Powerwave P65-16-XLH-RR-04 (Proposed)	Panel	6	65	294'	254'	80'
6	AT&T Mobility LLC	1900 (UMTS)	1283	15.06	300	Powerwave P65-16-XLH-RR-02 (Proposed)	Panel	6	65	293'	252'	80'
7	AT&T Mobility LLC	850 (UMTS)	867	13.36	300	Powerwave P65-16-XLH-RR-04 (Proposed)	Panel	6	65	292'	250'	80'
7	AT&T Mobility LLC	1900 (UMTS)	1283	15.06	300	Powerwave P65-16-XLH-RR-02 (Proposed)	Panel	6	65	292'	250'	80'
8	AT&T Mobility LLC	850 (UMTS)	867	13.36	300	Powerwave P65-16-XLH-RR-04 (Proposed)	Panel	6	65	292'	248'	80'
8	AT&T Mobility LLC	1900 (UMTS)	1283	15.06	300	Powerwave P65-16-XLH-RR-02 (Proposed)	Panel	6	65	292'	248'	80'
9	AT&T Mobility LLC	737 (LTE)	973	12.10	180	Powerwave P65-16-XLH-RR-04 (Proposed)	Panel	6	65	295'	245'	80'
10	AT&T Mobility LLC	1900 (UMTS)	1283	15.06	180	Powerwave P65-16-XLH-RR-02 (Proposed)	Panel	6	65	296'	245'	80'
11	AT&T Mobility LLC	850 (UMTS)	867	13.36	180	Powerwave P65-16-XLH-RR-04 (Proposed)	Panel	6	65	298'	245'	80'
11	AT&T Mobility LLC	1900 (UMTS)	1283	15.06	180	Powerwave P65-16-XLH-RR-02 (Proposed)	Panel	6	65	298'	245'	80'
12	AT&T Mobility LLC	850 (UMTS)	867	12.10	180	Powerwave P65-16-XLH-RR-04 (Proposed)	Panel	6	65	300'	246'	80'
12	AT&T Mobility LLC	1900 (UMTS)	1283	15.06	180	Powerwave P65-16-XLH-RR-02 (Proposed)	Panel	6	65	300'	246'	80'

NOTE: X, Y and Z indicate relative position of the antenna to the origin location on the site, displayed in the model results diagram. Specifically, the Z reference indicates antenna height above the main site level unless otherwise indicated. ERP values provided by the client and used in the modeling may be greater than are currently deployed. For other carriers at this site the use of "Generic" as an antenna model or "Unknown" for a wireless operator means the information with regard to carrier, their FCC license and/or antenna information was not available nor could it be secured while on site. Equipment, antenna models and nominal transmit power were used for modeling, based on past experience with radio service providers.



7 Engineer Certification

The professional engineer whose seal appears on the cover of this document hereby certifies and affirms that:

I am registered as a Professional Engineer in the jurisdiction indicated in the professional engineering stamp on the cover of this document; and

That I am an employee of Sitesafe, Inc., in Arlington, Virginia, at which place the staff and I provide RF compliance services to clients in the wireless communications industry; and

That I am thoroughly familiar with the Rules and Regulations of the Federal Communications Commission (FCC) as well as the regulations of the Occupational Safety and Health Administration (OSHA), both in general and specifically as they apply to the FCC Guidelines for Human Exposure to Radio-frequency Radiation; and

That I have thoroughly reviewed this Site Compliance Report and believe it to be true and accurate to the best of my knowledge as assembled by and attested to by Tony DeMattia.

November 16, 2012



Appendix A – Statement of Limiting Conditions

Sitesafe will not be responsible for matters of a legal nature that affect the site or property.

Due to the complexity of some wireless sites, Sitesafe performed this analysis and created this report utilizing best industry practices and due diligence. Sitesafe cannot be held accountable or responsible for anomalies or discrepancies due to actual site conditions (i.e., mislabeling of antennas or equipment, inaccessible cable runs, inaccessible antennas or equipment, etc.) or information or data supplied by AT&T Mobility, LLC, the site manager, or their affiliates, subcontractors or assigns.

Sitesafe has provided computer generated model(s) in this Site Compliance Report to show approximate dimensions of the site, and the model is included to assist the reader of the compliance report to visualize the site area, and to provide supporting documentation for Sitesafe's recommendations.

Sitesafe may note in the Site Compliance Report any adverse physical conditions, such as needed repairs, observed during the survey of the subject property or that Sitesafe became aware of during the normal research involved in performing this survey. Sitesafe will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because Sitesafe is not an expert in the field of mechanical engineering or building maintenance, the Site Compliance Report must not be considered a structural or physical engineering report.

Sitesafe obtained information used in this Site Compliance Report from sources that Sitesafe considers reliable and believes them to be true and correct. Sitesafe does not assume any responsibility for the accuracy of such items that were furnished by other parties. When conflicts in information occur between data provided by a second party and physical data collected by Sitesafe, the physical data will be used.

Appendix B – Assumptions and Definitions

General Model Assumptions

In this site compliance report, it is assumed that all antennas are operating at **full power at all times**. Software modeling was performed for all transmitting antennas located on the site. Sitesafe has further assumed a 100% duty cycle and maximum radiated power.

The site has been modeled with these assumptions to show the maximum RF energy density. Sitesafe believes this to be a *worst-case* analysis, based on best available data. Areas modeled to predict emissions greater than 100% of the applicable MPE level may not actually occur, but are shown as a *worst-case* prediction that could be realized real time. Sitesafe believes these areas to be safe for entry by occupationally trained personnel utilizing appropriate personal protective equipment (in most cases, a personal monitor).

Thus, at any time, if power density measurements were made, we believe the real-time measurements would indicate levels below those depicted in the RF emission diagram(s) in this report. By modeling in this way, Sitesafe has conservatively shown exclusion areas – areas that should not be entered without the use of a personal monitor, carriers reducing power, or performing real-time measurements to indicate real-time exposure levels.

Use of Generic Antennas

For the purposes of this report, the use of “Generic” as an antenna model, or “Unknown” for an operator means the information about a carrier, their FCC license and/or antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use our industry specific knowledge of equipment, antenna models, and transmit power to model the site. If more specific information can be obtained for the unknown measurement criteria, Sitesafe recommends remodeling of the site utilizing the more complete and accurate data. Information about similar facilities is used when the service is identified and associated with a particular antenna. If no information is available regarding the transmitting service associated with an unidentified antenna, using the antenna manufacturer’s published data regarding the antenna’s physical characteristics makes more conservative assumptions.

Where the frequency is unknown, Sitesafe uses the closest frequency in the antenna’s range that corresponds to the highest Maximum Permissible Exposure (MPE), resulting in a conservative analysis.

Definitions

5% Rule – The rules adopted by the FCC specify that, in general, at multiple transmitter sites actions necessary to bring the area into compliance with the guidelines are the shared responsibility of all licensees whose transmitters produce field strengths or power density levels at the area in question in excess of 5% of the exposure limits. In other words, any wireless operator that contributes 5% or greater of the MPE limit in an area that is identified to be greater than 100% of the MPE limit is responsible taking corrective actions to bring the site into compliance.

Compliance – The determination of whether a site is safe or not with regards to Human Exposure to Radio Frequency Radiation from transmitting antennas.

Decibel (dB) – A unit for measuring power or strength of a signal.

Duty Cycle – The percent of pulse duration to the pulse period of a periodic pulse train. Also, may be a measure of the temporal transmission characteristic of an intermittently transmitting RF source such as a paging antenna by dividing average transmission duration by the average period for transmission. A duty cycle of 100% corresponds to continuous operation.

Effective (or Equivalent) Isotropic Radiated Power (EIRP) – The product of the power supplied to the antenna and the antenna gain in a given direction relative to an isotropic antenna.

Effective Radiated Power (ERP) – In a given direction, the relative gain of a transmitting antenna with respect to the maximum directivity of a half wave dipole multiplied by the net power accepted by the antenna from the connecting transmitter.

Gain (of an antenna) – The ratio of the maximum intensity in a given direction to the maximum radiation in the same direction from an isotropic radiator. Gain is a measure of the relative efficiency of a directional antennas as compared to an omni directional antenna.

General Population/Uncontrolled Environment – Defined by the FCC, as an area where RFR exposure may occur to persons who are **unaware** of the potential for exposure and who have no control of their exposure. General Population is also referenced as General Public.

Generic Antenna – For the purposes of this report, the use of “Generic” as an antenna model means the antenna information was not provided and could not be obtained while on site. In the event of unknown information, Sitesafe will use our industry specific knowledge of antenna models to select a worst case scenario antenna to model the site.

Isotropic Antenna – An antenna that is completely non-directional. In other words, an antenna that radiates energy equally in all directions.



Maximum Measurement – This measurement represents the single largest measurement recorded when performing a spatial average measurement.

Maximum Permissible Exposure (MPE) – The rms and peak electric and magnetic field strength, their squares, or the plane-wave equivalent power densities associated with these fields to which a person may be exposed without harmful effect and with acceptable safety factor.

Occupational/Controlled Environment – Defined by the FCC, as an area where Radio Frequency Radiation (RFR) exposure may occur to persons who are **aware** of the potential for exposure as a condition of employment or specific activity and can exercise control over their exposure.

OET Bulletin 65 – Technical guideline developed by the FCC's Office of Engineering and Technology to determine the impact of Radio Frequency radiation on Humans. The guideline was published in August 1997.

OSHA (Occupational Safety and Health Administration) – Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthy workplace for their employees. OSHA's role is to promote the safety and health of America's working men and women by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit www.osha.gov.

Radio Frequency Radiation – Electromagnetic waves that are propagated from antennas through space.

Spatial Average Measurement – A technique used to average a minimum of ten (10) measurements taken in a ten (10) second interval from zero (0) to six (6) feet. This measurement is intended to model the average energy an average sized human body will absorb while present in an electromagnetic field of energy.

Transmitter Power Output (TPO) – The radio frequency output power of a transmitter's final radio frequency stage as measured at the output terminal while connected to a load.

Appendix C – Rules & Regulations

Explanation of Applicable Rules and Regulations

The FCC has set forth guidelines in OET Bulletin 65 for human exposure to radio frequency electromagnetic fields. Specific regulations regarding this topic are listed in Part 1, Subpart I, of Title 47 in the Code of Federal Regulations. Currently, there are two different levels of MPE - General Public MPE and Occupational MPE. An individual classified as Occupational can be defined as an individual who has received appropriate RF training and meets the conditions outlined below. General Public is defined as anyone who does not meet the conditions of being Occupational. FCC and OSHA Rules and Regulations define compliance in terms of total exposure to total RF energy, regardless of location of or proximity to the sources of energy.

It is the responsibility of all licensees to ensure these guidelines are maintained at all times. It is the ongoing responsibility of all licensees composing the site to maintain ongoing compliance with FCC rules and regulations. Individual licensees that contribute less than 5% MPE to any total area out of compliance are not responsible for corrective actions.

OSHA has adopted and enforces the FCC's exposure guidelines. A building owner or site manager can use this report as part of an overall RF Health and Safety Policy. It is important for building owners/site managers to identify areas in excess of the General Population MPE and ensure that only persons qualified as Occupational are granted access to those areas.

Occupational Environment Explained

The FCC definition of Occupational exposure limits apply to persons who:

- are exposed to RF energy as a consequence of their employment;
- have been made aware of the possibility of exposure; and
- can exercise control over their exposure.

OSHA guidelines go further to state that persons must complete RF Safety Awareness training and must be trained in the use of appropriate personal protective equipment.

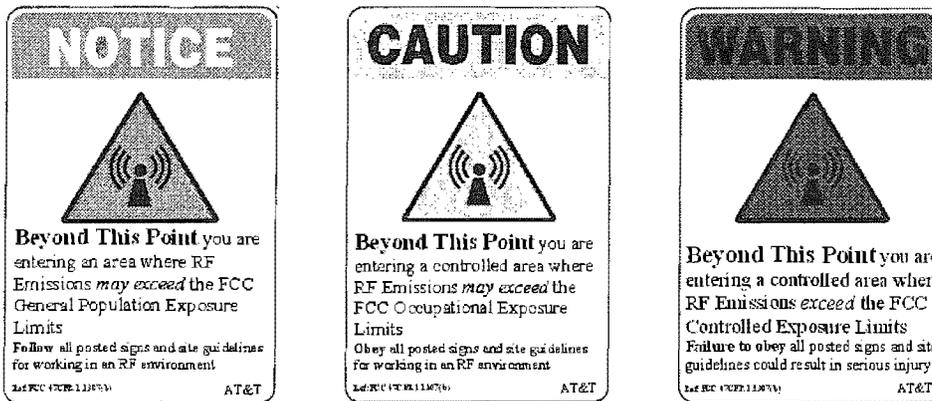
In order to consider this site an Occupational Environment, the site must be controlled to prevent access by any individuals classified as the General Public. Compliance is also maintained when any non-occupational individuals (the General Public) are prevented from accessing areas indicated as Red or Yellow in the attached RF Emissions diagram. In addition, a person must be aware of the RF environment into which they are entering. This can be accomplished by an RF Safety Awareness class, and by appropriate written documentation such as this Site Compliance Report.

All AT&T Mobility, LLC employees who require access to this site must complete RF Safety Awareness training and must be trained in the use of appropriate personal protective equipment.

Appendix D – General Safety Recommendations

The following are *general recommendations* appropriate for any site with accessible areas in excess of 100% General Public MPE. These recommendations are not specific to this site. These are safety recommendations appropriate for typical site management, building management, and other tenant operations.

1. All individuals needing access to the main site (or the area indicated to be in excess of General Public MPE) should wear a personal RF Exposure monitor, successfully complete proper RF Safety Awareness training, and have and be trained in the use of appropriate personal protective equipment.
2. All individuals needing access to the main site should be instructed to read and obey all posted placards and signs.
3. The site should be routinely inspected and this or similar report updated with the addition of any antennas or upon any changes to the RF environment including:
 - adding new antennas that may have been located on the site
 - removing of any existing antennas
 - changes in the radiating power or number of RF emitters
4. Post the appropriate **NOTICE**, **CAUTION**, or **WARNING** sign at the main site access point(s) and other locations as required. Note: Please refer to RF Exposure Diagrams in Appendix B, to inform everyone who has access to this site that beyond posted signs there may be levels in excess of the limits prescribed by the FCC. The signs below are examples of signs meeting FCC guidelines.



5. Ensure that the site door remains locked (or appropriately controlled) to deny access to the general public if deemed as policy by the building/site owner.
6. For a General Public environment the four color levels identified in this analysis can be interpreted in the following manner:
 - a) Composite Exposure Levels
 - Areas indicated as Green are below 100% of the MPE limits or below.
 - Blue represents areas predicted to be between 100% and 500% of the MPE limits.



- Yellow represents areas predicted to be between 500% and 5000% of the MPE limits.
 - Red areas indicated predicted levels greater than 5000% of the MPE limits.
- b) AT&T Mobility 5% Exposure Levels:
- Areas indicated as Green are below 5% of the MPE limits or below.
 - Purple represents areas predicted to be greater than 5% of the MPE limits.

7. Use of a Personal Protective Monitor: When working around antennas, Sitesafe strongly recommends the use of a Personal Protective Monitor (PPM). Wearing a PPM will properly forewarn the individual prior to entering an RF exposure area.

Keep a copy of this report available for all persons who must access the site. They should read this report and be aware of the potential hazards with regards to RF and MPE limits.

Additional Information

Additional RF information is available by visiting both www.Sitesafe.com and www.fcc.gov/oet/rfsafety. OSHA has additional information available at: <http://www.osha-slc.gov/SLTC/radiofrequencyradiation>.

Exhibit B

City of Sonoma Planning Commission
CONDITIONS OF PROJECT APPROVAL
AT&T Wireless Telecommunications Facility – 379 Fourth Street East (Sebastiani Winery)

June 2, 2014

1. The telecommunications facility shall be constructed in substantial conformance with the site plan and elevations, except as modified by these conditions. Without limiting the generality of the foregoing, the applicant shall plant and maintain in a living and thriving condition, at least six (6) Italian cypress trees of a size and at locations shown on the Plans and Specifications attached hereto as Exhibit A (six pages) and incorporated by this reference.

Enforcement Responsibility: Planning Department, Building Department
Timing: Prior to occupancy or final of any building permit.

2. All Building Division requirements shall be met. A building permit shall be required.

Enforcement Responsibility: Building Department
Timing: Prior to construction

3. All Fire Department requirements shall be met, including but not limited to the provision of fire sprinklers and a rapid entry (KNOX) system if deemed necessary by the Fire Chief.

Enforcement Responsibility: Fire Department
Timing: Prior to issuance of any occupancy permit

4. A maintenance/facility removal agreement, signed by the applicant and the property owner shall be submitted to the Planning Director prior to issuance of any building permit(s) necessary for installation of the facility. Said agreement shall comply with all provisions of §5.32.130 of the City of Sonoma's Municipal Code.

Enforcement Responsibility: Planning Director; City Attorney
Timing: Prior to issuance of any occupancy permit

5. The monopole, antennas, and equipment building shall be painted a neutral, non-reflective color.

Enforcement Responsibility: Planning Department
Timing: Prior to issuance of any occupancy permit

6. The telecommunication facility shall comply at all times with all FCC rules, regulations, and standards.

Enforcement Responsibility: Planning Department
Timing: Ongoing

7. The use permit shall be subject to administrative review every five years for renewal. If the use permit is not renewed by the applicant, it shall become null and void upon notice and hearing by the Planning Commission ten years after the date of issuance, or upon cessation of use for more than a year and a day, whichever comes first.

Enforcement Responsibility: Planning Department
Timing: Every ten years from the date of approval; Ongoing

8. All improvements installed as part of the telecommunication facility shall be removed from the site, and the property restored to its natural pre-construction state, within 180 days of non-renewal of the use permit or abandonment of the use, whichever comes first.

Enforcement Responsibility: Planning Department
Timing: Ongoing

9. The applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City and its agents, officers, attorneys and employees (collectively referred to as the “Indemnitees”) from any claim, action or proceeding (collectively referred to as “proceeding”) brought against the Indemnitees to attack, set aside, void or annul the Council’s decision to approve the telecommunications facility, the use permit which is the subject of these conditions, and/or the Council’s determinations made regarding same under the California Environmental Quality Act (“CEQA”). This indemnification shall include, but not be limited to, damages, fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. The applicant shall further defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the Indemnitees for all costs incurred in additional investigation and/or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as a negative declaration or EIR) or findings, if made necessary by said proceeding and if applicant desires to pursue securing such approvals, after initiation of such proceeding, which are conditioned on the approval of such CEQA documents or findings.

Enforcement Responsibility: Planning Department
Timing: Every ten years from the date of approval; Ongoing

SETTLEMENT AND RELEASE AGREEMENT

THIS AGREEMENT (“Settlement Agreement” or “Agreement”) is entered into on this ___ day of _____, 2014, by and between the City of Sonoma (“City”), a California general law city, and New Cingular Wireless PCS, LLC dba AT&T Mobility (“AT&T”).

RECITALS

A. On April 22, 2013, AT&T applied for a use permit (the “Use Permit Application,” or the “Application”) to construct a faux redwood tree mono tower on which it proposed to attach, among other things, twelve (12), six (6) feet tall cellular panel antennae and fifteen (15) remote radio units (the “Tower”). In its Application, AT&T proposed to locate the Tower and related facilities in the northeast quadrant of the Sebastiani Winery site located at 379 Fourth Street East, Sonoma, California.

B. On October 10, 2013, the City of Sonoma Planning Commission voted to approve the Use Permit Application. That decision was timely appealed to the Sonoma City Council.

C. On December 16, 2013, the City Council conducted a public hearing on the appeal of the Planning Commission’s decision and AT&T’s Application. At the conclusion of said hearing, the City Council voted to deny the Application and directed City staff to prepare a resolution memorializing its findings and decision for future consideration by the City Council.

D. In January 2014, AT&T submitted a request that the City Council reconsider its December 16, 2013 decision . At its hearing on January 8, 2014, the City Council declined to reconsider its previous decision, and at its February 3, 2014, regular meeting, the City Council adopted Resolution No. 06-2014 denying AT&T’s Use Permit Application (“Denial Resolution”).

E. On February 13, 2014, AT&T filed a complaint (the “Complaint”) in the United States District Court for the Northern District of California (Case No. C-14-0692 EDL) (the “Action”), naming the City as defendant and seeking, inter alia, an order from the Court (i) declaring that the City, in denying AT&T’s use permit application, violated the Federal Telecommunications Act of 1996 and (ii) mandating that the City immediately grant AT&T’s Use Permit Application and all other authorizations necessary for the construction of the Tower.

F. Rather than engage in protracted and costly litigation, the parties wish to resolve the Action through the entry and implementation of this Agreement. Before the City may enter the Agreement, however, it must submit the Agreement to the public, pursuant to public notice, during a public hearing, and take comment thereon prior to taking action on the Agreement. Thus, the consideration of this Settlement Agreement was properly noticed in accordance with the Sonoma Municipal Code and applicable policies and regulations for a public hearing to be held on June 2, 2014, before the City Council.

G. In addition to considering this Settlement Agreement, the City Council, at the public hearing on June 2, 2014, will also consider rescinding the Denial Resolution, approving the Use Permit Application, and making the necessary findings under the California Environmental Quality Act (“CEQA”).

H. In the event that the City Council, in the exercise of its full panoply of discretionary authority and land use powers, grants AT&T’s Use Permit Application and AT&T accepts the approved Use Permit as conditioned by the City Council, then, within fifteen (15) days after the City Council takes such action, AT&T shall dismiss, with prejudice, the Complaint.

NOW THEREFORE, the parties agree as follows:

AGREEMENT

1. The Recitals set forth above are true and correct and incorporated herein by this reference.

2. The City shall consider this Settlement Agreement at a noticed, public meeting of the City Council on June 2, 2014. The City shall also consider at the same hearing rescinding the Denial Resolution, approving AT&T’s Use Permit Application, and making the necessary findings under CEQA, all at a noticed, public meeting of the City Council.

3. In considering the matters set forth in Paragraph 2, above, the City reserves the right to exercise its full panoply of discretionary authority and land use powers. The City’s entry into or approval of this Agreement shall in no way control or affect the manner in which said authority and powers will be exercised by the City. Without limiting the generality of the foregoing, the City shall retain the power to impose conditions on said Use Permit, provided said conditions are consistent with applicable law.

4. In the event the City Council approves this Settlement Agreement and authorizes its execution, rescinds the Denial Resolution, and approves AT&T’s Use Permit Application (collectively referred to as “Approval Actions”), within seven (7) calendar days thereafter, AT&T shall deliver written notice to the City stating whether AT&T accepts the Use Permit as approved and conditioned by the City Council. The City Council shall then have the right to reconsider and rescind said Approval Actions, and should it do so, and rescind said Approval Actions, then, except as to the materials, information, statements, notices, testimony, communications, writings (as that term is defined in Cal. Evidence Code section 250) or representations produced by, prepared by, submitted by, transmitted by or stated by AT&T, none of the materials, information, statements, notices, testimony, communications, writings (as that term is defined in Cal. Evidence Code section 250) or representations produced by, prepared by, submitted by, transmitted by or stated by the City and/or its Council, staff, employees or agents or by any person or entity preparatory to, or in connection with or arising out of the Approval Actions, or their reconsideration and/or rescission, shall be included in or considered part of the administrative record in the Action or otherwise admissible in evidence or offered as evidence in the Action, or in any other adversarial proceeding in which the City or AT&T is a party.

5. If, within the seven (7) calendar day period specified in paragraph 4, above, AT&T delivers to the City a written notice stating that AT&T accepts the Use Permit as approved and conditioned by the City Council, then within fifteen (15) calendar days after the City takes the Approval Actions, AT&T shall dismiss, with prejudice, the Complaint, with all parties bearing their own attorney's fees and costs.

6. Release. In the event that AT&T dismisses its Complaint as aforesaid, then the following provisions shall apply:

A. AT&T does, for itself, its current and former shareholders, officers, directors, employees, agents, representatives, insurers, contractors, attorneys, predecessors, successors, parents, subsidiaries and affiliates, partners, and assigns, and each of them, forever and fully release, acquit, discharge, and hold harmless the City of Sonoma, its agencies, departments, officials, employees, agents, representatives, insurers, contractors, and attorneys, and each of them (the "Released Parties"), of and from all past, present, or future claims, demands, causes of action, damages, losses, costs, fees, and expenses of every kind and nature whatsoever, known or unknown, fixed or contingent, that AT&T may have had, now has, or which may arise in the future, including, but not limited to, claims for indemnity, property damage, expenses, consequential damages, attorney's fees, costs, or losses or injury of any kind, against the Released Parties, which arise out of, or which are in any way related to, the Action, the Complaint, or the events, facts, incidents and allegations asserted therein (the "Released Matters").

B. The City of Sonoma does, for itself, its insurers, attorneys, agencies, departments, officials, employees, agents, successors, agents, and assigns, and each of them, forever and fully release, acquit, discharge, and hold harmless NEW CINGULAR WIRELESS PCS, LLC, dba AT&T MOBILITY, its current and former shareholders, officers, directors, employees, agents, representatives, insurers, contractors, attorneys, predecessors, successors, parents, subsidiaries and affiliates, partners, co-obligors, and assigns, and each of them (collectively, the "Released Parties"), of and from all past, present, or future claims, demands, cause of actions, obligations, damages, losses, costs, fees, and expenses of every kind and nature whatsoever, known or unknown, fixed or contingent, that the City of Sonoma may have had, now has, or which may arise in the future, including, but not limited to, claims for indemnity, property damage, expenses, consequential damages, attorney's fees, costs, or losses or injury of any kind, against the Released Parties, which arise out of, or which are in any way related to, the Released Matters.

C. General Release. The Releasing Parties expressly waive any rights to and assume the risk of loss of any and all claims, demands, rights, and causes of action for damages or other relief or remedies which exist in their favor against the Released Parties, but which they do not presently know of or suspect to exist in their favor, whether that lack of knowledge results from ignorance, oversight, error, negligence, or some other cause, and which, if known by them to exist would materially effect their decision to enter into this Agreement. The Releasing Parties wish to waive all rights under Section 1542 of the Civil Code of the State of California, which section provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE

CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE AGREEMENT, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

In connection with such waiver, the Releasing Parties acknowledge that they are aware that they or their attorneys may hereafter discover claims or facts in addition to or different from those which they now know or believe exist with respect to the Released Matters, but that it is their intention hereby to fully, finally and forever settle all of the disputes and differences, known or unknown, suspected or unsuspected, which do now exist, may exist in the future, or heretofore have existed arising out of or in connection with the Released Matters. In furtherance of such intention, this Agreement shall be and remain in effect as a full and a complete Agreement notwithstanding the discovery of the existence of any such additional or different claims or facts arising out of or in connection with the Released Matters.

The Releasing Parties acknowledge that the foregoing waiver was separately bargained for, and further expressly acknowledge that the Agreement provisions herein contained shall be given full force and effect in accordance with each and all of the terms and provisions expressed herein, including those terms and provisions relating to known or suspected damages, claims, demands and causes of action, if any.

Notwithstanding anything to the contrary stated herein, in the event that the City takes the Approval Actions and AT&T accepts same and dismisses the Complaint as aforesaid, this Agreement and the releases given herein shall in no way apply to AT&T's implementation of said Use Permit, AT&T's compliance with its terms and conditions, and/or the City's enforcement of same.

7. No Admission of Liability. The Releasing Parties acknowledge and understand that liability for the Released Matters described herein is disputed by the parties herein Released, and this Agreement is part of and pertinent to a compromise of a disputed claim, and shall not be construed as an admission of liability.

8. Warranty of Capacity. The Releasing Parties represent and warrant that no other person or entity has or has had any interest in the claims, demands, obligations, or causes of action referred to in this Agreement, and that they have the sole right and exclusive authority to execute this Agreement and receive the consideration specified herein, and that they have not sold, assigned, transferred, conveyed, or otherwise disposed of any of the claims, demands, obligations, or causes of action referred to in the Agreement.

9. Headings. The titles and headings of the various sections of this Agreement are intended for means of reference and are not intended to place any construction on the provisions of this Agreement.

10. Severability. If any provision of this Agreement shall be invalid or unenforceable, the remaining provisions shall not be affected, and every provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

11. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

12. Advice of Counsel. The Releasing Parties acknowledge that they have sought the advice of counsel prior to executing this Agreement, or decided not to seek such advice, after being encouraged to do so. The Releasing Parties further acknowledge that they have read this Agreement in its entirety prior to signing, and freely consent to the terms contained herein.

13. Use of Agreement. This Agreement, its provisions, terms or conditions, or the fact that it was entered into shall not (a) be used as admissible in evidence in any adversarial proceeding for any purpose, (b) be used for any purpose in any adversarial proceeding, (c) be referred to in any adversarial proceeding or (d) be attempted to be introduced or used in any adversarial proceeding in which the City or AT&T is a party, except for any proceeding brought to enforce this Agreement's terms and conditions.

14. Entire Agreement. The terms of this Agreement are contractual and not a mere recital. It is further understood and agreed that no promises, representations, understanding, or warranties have been made or extended by any party hereto other than those which are expressly set forth in this release, and this release contains the entire Agreement between the parties relating to the rights and obligations herein.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date indicated.

CITY OF SONOMA

By: _____
Carol Giovanatto, City Manager

Dated: _____

Approved as to form:

WALTER & PISTOLE

By: _____
Jeffrey A. Walter, City Attorney

**NEW CINGULAR WIRELESS PCS, LLC,
dba AT&T MOBILITY**

By: _____
Name

Dated: _____

Its: _____
Title

Approved as to form:

AT&T Services, Inc. – Legal Dept.

By: _____
Raymond Bolaños



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 7B

Meeting Date: 06/02/14

Department

Planning and Community Services

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion, consideration and possible action on the introduction of an ordinance establishing additional zoning regulations on wine tasting facilities and wine bars/taprooms.

Summary

In recent years, the City has seen a growing number of wineries establishing a wine-tasting presence in the Plaza, as well as tasting rooms not affiliated with a particular winery. In the database of businesses located within the Plaza Retail Overlay zone maintained by the Economic Development Coordinator, a total of 136 ground-floor businesses are identified within the overlay zone, of which 20 are purely wine-serving and 3 are a combination of wine tasting and other re-tail. Together, these 23 tasting rooms and wine bars represent 17% of the ground-floor businesses within the zone. In response to the increasing number of wine tasting facilities in the downtown area and issues experienced with wine tasting venues operating under the Type 42 ABC permit, the City Council and the Planning Commission have been discussing options for the possible increased regulation of such facilities. These discussions have occurred over the course of the last 12 months in meetings before the Planning Commission and the City Council, as well as a study session with the two bodies that took place on February 24, 2014. Most recently, at its meeting of March 17, 2014, the Council directed staff to proceed with amendments to the Development Code that would provide for the following:

1. Establish definitions for wine tasting and wine bars/taprooms.
2. Establish operating standards that would apply equally to all wine tasting facilities (in essence, facilities operating under a Type 2 ABC license), including existing businesses.
3. Identify wine tasting facilities as a permitted use in Commercial zoning districts.
4. Identify wine bars/taprooms as a conditionally-permitted use in Mixed Use and Commercial zoning districts.

Staff implemented this direction in draft amendments to the Development Code that were reviewed by the Planning Commission at its meeting of April 10, 2014. The Commission respected the Council's decision to take a different direction and suggested only minor changes having to do with outdoor seating (see attached minutes).

Recommended Council Action

Staff recommends that the City Council introduce the attached ordinance, implementing amendments to the Development Code establishing definitions and regulations pertaining to wine tasting facilities and wine bars/tap rooms.

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
-

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. Supplemental Report
 2. Draft Ordinance
 3. Minutes of the Planning Commission meeting of April 10, 2014
-

cc: Bret Sackett, Police Chief
Laurie Decker, Economic Development Coordinator
Maureen Cottingham, Sonoma Valley Vintners & Growers
Angela Beran, Executive Director, Sonoma Valley Chamber of Commerce
Daniel Fay, Envolve
Richard Idell, Sonoma Valley Vintners and Growers

SUPPLEMENTAL REPORT

Discussion, consideration and possible action on the introduction of an ordinance establishing additional zoning regulations on wine tasting facilities, wine bars, and tap rooms, including draft amendments to the Development Code developed by the Planning Commission

For the City Council/Planning Commission Study Session of June 2, 2014

Background

In recent years, the City has seen a growing number of wineries establishing a wine-tasting presence in the Plaza, as well as tasting rooms not affiliated with a particular winery. In the database of businesses located within the Plaza Retail Overlay zone maintained by the Economic Development Coordinator, a total of 136 ground-floor businesses are identified within the overlay zone, of which 20 are purely wine-serving and 3 are a combination of wine tasting and other retail. Together, these 23 tasting rooms and wine bars represent 17% of the ground-floor businesses within the zone. In response to the increasing number of wine tasting facilities in the downtown area and issues experienced with wine tasting venues operating under the Type 42 ABC permit, the City Council and the Planning Commission have been discussing options for the possible increased regulation of such facilities. These discussions have occurred over the course of the last 12 months in meetings before the Planning Commission and the City Council and on February 24, 2014, the two bodies conducted a joint study session. Most recently, at its meeting of March 17, 2014 the Council directed staff to proceed with amendments to the Development Code that would provide the following:

1. Establish definitions for wine tasting facilities and wine bars/taprooms.
2. Establish operating standards that would apply equally to all wine tasting facilities (in essence, facilities operating under a Type 2 ABC license), including existing businesses.
3. Identify wine tasting facilities as a permitted use in Commercial zoning districts.
4. Identify wine bars/taprooms as a conditionally-permitted use in Commercial zoning districts.

Staff has implemented this direction in attached draft amendments to the Development Code that were reviewed by the Planning Commission at its meeting of April 10, 2014. Although members of the Commission continued to express a preference for a two-tiered system based on a premises' proposed location and number of hours of operation (i.e., establishments located in an area of high concentration or whose operating hours exceed existing thresholds would be subject to a use permit while those not falling in that category would not), the Commission respected the Council's decision to take a more uniform approach and suggested only minor changes having to do with outdoor seating (see attached minutes).

Draft Ordinance

Based on the direction given by the City Council and the recommendations made by the Planning Commission regarding outdoor seating, the draft ordinance now before the Council includes the following provisions:

1. 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.
2. Hours of operation for general public access shall not exceed 11 a.m. to 10 p.m.
3. Invitation-only functions shall be limited to indoor areas and shall occur no more frequently than 26 times per year and no more than two times per week.
4. Outdoor seating proposed on a site that adjoins a property having a residential zoning designation would be subject to use permit review.
5. Wine tasting facilities, operating under a Type 2 permit, would continue to be a permitted use in the Commercial zoning districts and a conditionally-permitted use in the Mixed Use zone. Wine Bars/Taprooms, which operate under a Type 42 permit, would be subject to use permit review.

It should be noted that because wine tasting facilities operate under a license issued by the California Department of Alcoholic Beverage Control (ABC), there is a limited issue of pre-emption associated with existing facilities. Because an ABC license for type 2 and type 42 facilities includes a limitation on the hours when alcohol may be sold or served, existing facilities operating under those licenses are essentially “grandfathered-in” with an allowance to operate until 2 a.m., even though none of them currently do so. Planning staff has consulted with the City Attorney on this issue in order to identify options for addressing it. Unfortunately, because of the State’s pre-emption in this area, the City may not, by ordinance, mandate reduced operating hours of existing establishments. However, because approximately ninety-percent (90%) of the existing tasting rooms close by 7:00 p.m., it is staff’s view that the proposed ordinance, even if it were generally applicable, would have little or no effect. If problems associated with hours of operation emerge in the future, consideration can be given at that time as to how best to address the issue.

Recommendation

Staff recommends that the City Council introduce the attached ordinance, implementing amendments to the Development Code establishing definitions and regulations pertaining to future wine tasting facilities and wine bars/tap rooms.

CITY OF SONOMA

ORDINANCE NO. X - 2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLE 19 OF THE SONOMA MUNICIPAL CODE BY ESTABLISHING DEFINITIONS AND STANDARDS FOR WINE TASTING FACILITIES AND WINE BARS/TAP ROOMS

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

Section 1. Amendments to “Definitions” (Title 19, Division VIII) of the Sonoma Municipal Code. Section 19.92.020, “W” (Definitions of Specialized Terms and Phrases) is hereby amended as follows:

Wine Tasting Facilities. 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) the facilities are approved by Sonoma County Department of Health Services; 3) 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, 4) 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 licensed under a Type 42 License issued by the California Department of Alcoholic Beverage Control 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, 4) 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 19.50.130.

Section 19.92.020, “F” (Definitions of Specialized Terms and Phrases) is hereby amended to read as follows:

“Food and beverage manufacturing” ...May include tasting and accessory retail sales of items produced on site. **Section 2.** Amendments to “Zones and Allowable Uses” (Title 19, Section 19.10.050) of the Sonoma Municipal Code.

A. Table 2-2 (Commercial Uses and Permit Requirements) is hereby amended as follows:

<i>Allowed Uses and Permit Requirements for Commercial Zoning Districts (1)</i>	<i>Permit Required by District (2)</i>		<i>P</i> Use permitted <i>UP</i> Use Permit required <i>L</i> License required <i>—</i> Use not allowed
<i>Land Use</i>	<i>C</i>	<i>CG</i>	<i>Specific Use Regulations</i>
<i>Retail Trade</i>			
<i>Wine Tasting Facilities</i>	<i>P</i>	<i>P</i>	<i>19.50.120</i>
<i>Wine Bar/Tap Rooms</i>	<i>UP</i>	<i>UP</i>	<i>19.50.130</i>
<i>Notes:</i> 1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses. 2. New residential developments subject to the City's Growth Management Ordinance (SMC 19.94). 3. Defined as new commercial construction or an addition to an existing commercial building, having an area of 1,000 square feet or greater.			

B. Table 2-3 (Mixed Uses and Permit Requirements) is hereby amended as follows:

<i>Allowed Uses and Permit Requirements for Mixed Use Zoning Districts (1)</i>	<i>Permit Required by District (2)</i>		<i>P</i> Use permitted <i>UP</i> Use Permit required <i>L</i> License required <i>—</i> Use not allowed
<i>Land Use</i>	<i>MX</i>		<i>Specific Use Regulations</i>
<i>Retail Trade</i>			
<i>Wine Tasting Facilities</i>	<i>UP</i>		<i>19.50.120</i>
<i>Wine Bar/Tap Rooms</i>	<i>UP</i>		<i>19.50.130</i>
<i>Notes:</i> 1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses. 2. New residential developments subject to the City's Growth Management Ordinance (SMC 19.94). 3. Defined as new commercial construction or an addition to an existing commercial building, having an area of 1,000 square feet or greater.			

Section 3. Amendments to "Parking Standards" (Title 19, Division IV) of the Sonoma Municipal Code.

Table 4.4 of Section 19.48.040 is hereby amended as follows:

Land Use Type: Retail Trade	Vehicle Spaces Required
Appliance, building materials, furniture, bulk goods, and plant nurseries	One space for each 600 sq. ft. of gross floor area and one space for each company vehicle, plus one space for each 1,000 sq. ft. of outdoor display area.
Automobile, construction equipment, mobile home, machinery, and parts sale	One space for each 600 sq. ft. of gross floor area, plus one space for each 3,000 sq. ft. of outdoor display, service area,

	plus one space for each 300 sq. ft. of gross floor area for a parts department, plus one space for each three employees.
Convenience stores	One space for each 200 sq. ft. of gross floor area.
Restaurants (except fast food), cafes, cafeterias, nightclubs, taverns, lounges, wine bar/taprooms, or similar establishments for the consumption of food and beverages on the premises	One space for each four seats. For outdoor seating, no off-street parking shall be required for up to 25% of the approved number of indoor seats.
Retail sales/general merchandise	One space for each 300 sq. ft. of gross sales area, plus one space for each company vehicle, plus one space for each 1,000 sq. ft. of outdoor display area.
Wine Tasting Facilities	One space for each 300 sq. ft. of gross sales area. For outdoor seating, no off-street parking shall be required.

Section 4. Amendments to “Special Use Standards” (Title 19, Division IV) of the Sonoma Municipal Code.

Chapter 19.50 is hereby amended as follows:

19.50.120—Wine Tasting Facilities. This Section sets forth requirements for the establishment and operation of Wine Tasting Facilities in zoning districts where they are allowed pursuant to Section 19.10.050 (Allowable Land Uses and Permit Requirements). All Wine Tasting Facilities shall be subject to the following requirements:

- A. In 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.
- B. On-going compliance with applicable requirements and licensing of the California Department of Alcoholic Beverage Control and the Sonoma County Health Department is required.
- C. 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.
- D. Hours of operation for general public access shall not exceed 11 a.m. to 10 p.m.
- E. Invitation-only functions shall be limited and shall occur no more frequently than 26 times per calendar year and no more than two times per week.
- F. Outdoor seating proposed in conjunction with a tasting facility on a parcel that adjoins a residential zoning district shall be subject to use permit review.

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 pursuant to Section 19.10.050 (Allowable Land Uses and Permit Requirements).

- A. General requirements. All Wine Bars/Tap Rooms shall be subject to the following requirements:
 1. In 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 of 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 will provide a service not currently available in the area that it will serve; or, unique or unusual circumstances justify a new Wine Bar/Tap Room in a location where there are similar uses nearby.

Section 5. Exemption from Environmental Review.

The amendments to the Municipal Code effected by this ordinance are exempt from environmental review under the provisions of the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000 *et seq.*, 14 Cal. Code Regs. §§ 15000 *et seq.*) pursuant to Section 15061 (b)(3) of title 14 of the California Code of Regulations, as it can be determined with certainty that there is no possibility that these proposed revisions to the Development Code, which are intended to implement directions set forth in the Housing Element and to comply with State law, will have any significant effect on the environment.

Section 6. Effective Date.

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this XX day of XX, 2014.

Chair Roberson closed the item to public comment.

Chair Roberson confirmed with the applicant that a decorative element was not removed as indicated in the late mail received from the Hollifields.

Comms. Tippell and Howarth expressed support for the trellis.

Comm. Willers liked the application but suggested that there be a future discussion about having the Design Review and Historic Preservation Commission review the fence applications rather than the Planning Commission, since these primarily involve issues of aesthetics. With regard to the subject application, he appreciates the relationship of the fence to the house and the street.

Comms. Felder and Cribb expressed disappointment that the applicant did not follow the codes considering his knowledge and professional career in Sonoma, although they both supported the proposal.

Comm. Tippell made a motion to approve an exception to the fence height standards for an entry trellis and gate. Comm. Howarth seconded. The motion passed 5-1. Comm. Willers opposed.

Item #2 – Public Hearing – Consideration of amendments to Title 19 of the Sonoma Municipal Code that would establish definitions and regulations pertaining to wine tasting facilities and wine bars/taprooms.

Planning Director Goodison presented staff's report.

Comm. Cribb confirmed with Planning Director Goodison that, per the recent direction of the City Council, there is no Use permit requirement for wine tasting facilities and therefore no size threshold.

Chair Roberson opened the item to public comment.

Fred Allebach, resident, recalled that at the Council meeting following the joint study session with the City Council there was not enough support for adding the Use Permit requirement. In his view, this is unfortunate as he feels that a proliferation of wine tasting facilities would not be consistent with the General Plan vision for a diverse downtown.

Danny Faye, business owner/resident, noted that the direction of the City Council has changed. He is concerned with imposing more restrictions on outdoor seating. He thinks that the Planning Commission may be overstepping their boundaries if a Use Permit is required for outdoor seating, as in his opinion it is beyond the scope of the City Council's given direction.

John Parker, commercial landlord (minority owner of Highway 12 Winery) and Vintners Growers Board member stated that outdoor courtyard use enhances the value of the buildings and increases the rents collected. He is unclear why invitation-only events would be treated differently from the regular business operations of a tasting room.

Planning Director Goodison suggested an option in which a use permit requirement would only apply to properties adjoining a residential zone.

Comm. Willers agreed with Mr. Goodison since in his view it would be a situation for the most potential conflicts between neighboring uses. Outside of that situation, however, he felt that outdoor seating should be permitted without applying parking requirements.

Comm. Howarth confirmed with staff that the draft proposal is to apply the restaurant standard to outdoor seating associated with a wine tasting facility.

Chair Roberson closed the item to public comment.

Comm. Cribb stated that tasting room/winery owners are in the hospitality business and would not want their patrons to be uncomfortable. Therefore, he did not think it likely that business owners would overcrowd their facilities with seating just for the sake of maximizing occupancy.

Comm. Felder considered the core issue of the tasting room discussion is the definition. He is concerned with hours of operation and would prefer that businesses operating into the evening hours be regulated through the use permit process.

Comm. Willers supported a Use Permit based on scale and hours as in his view, the process is not onerous and is mainly geared at identifying and minimizing potential conflicts.

Comm. Tippell felt that while there was a general consensus of the Commissioners is that their opinions have not changed, in that a two-tiered system with a use permit requirement for certain facilities was preferred, sending the same message to the City Council would be unproductive.

On the issue of parking, Comm. Willers suggested that parking requirements should not be applied to outdoor seating. Even apart from wine tasting facilities, he would like to see clearer regulations in place for businesses around the Plaza. His main concern is with compatibility issues associated with outdoor seating adjacent to residential areas.

Chair Roberson stated that the Use Permit process is not intended to be a prohibitive process but a good way to support reasonable uses.

Comm. Felder agreed with Chair Roberson's perspective about scale and giving citizens a chance to have a public forum.

After discussing the matter, the Commission, by consensus, agreed to limit their recommendations to the issues of outdoor seating.

Comm. Willers made a motion to recommend amending the draft regulations by requiring a Use Permit when a proposed tasting room has outdoor seating adjacent to a residential zoning district, with consideration limited to compatibility issues and not parking. Comm. Tippell seconded. The motion was approved 5-1, Comm. Felder opposed.

Item #3 –Study Session- Update of the Housing Element and the Circulation Element of the General Plan.

Applicant/Property Owner:

Planning Director Goodison presented staff's report.



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 7C

Meeting Date: 06/02/14

Department

Planning and Community Services

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion, consideration and possible action on the introduction of an ordinance amending the Development Code to implement Housing Element programs and comply with State law.

Summary

Implementation Programs #21 and #22 of the Housing Element call upon the City to make adjustments to various provisions of the Development Code in order to facilitate the provision of affordable housing and comply with changes in State law. The Planning Commission held an initial review of the proposed amendments in November of 2013. Following the selection of the M-Group as the Housing Element consultant, staff referred the amendments to them for review and comment as well. The draft Code amendments before the City Council reflect their suggestions, as well as the input from the Planning Commission, which reviewed a revised draft ordinance at its meeting of April 10, 2014. At that meeting, the Commission voted unanimously to forward the draft ordinance to the City Council for adoption.

The changes implemented through this ordinance are as follows:

1. Provisions regarding inclusionary affordable Units and the calculation of density bonuses would be clarified and updated reflect changes in State law.
2. In accordance with the requirements of SB 2, a zoning designation within which emergency shelters are allowed without a use permit or other discretionary review must be identified. However, jurisdictions may identify development and management standards that apply to such shelters. In the proposed ordinance, emergency shelters accommodating fifteen beds or fewer would be identified as a permitted use in the "P" (Public Zone). Along with this change, development and management standards are proposed.
3. A definition for "Agricultural Employee Housing" is provided and is identified as a permitted use in the Agricultural zone.
4. Definitions for "Supportive Housing" and Transitional Housing" are provided and these uses are identified as permitted or conditionally-permitted in residential zones, the Public Zone, the Commercial zone, and the Mixed Use zone. Per State law, Supportive and Transitional Housing is subject to those restrictions that apply to other residential dwellings of the same type in the same zone. For example, such housing structured as single-family is permitted in the RL and RS residential zones, whereas Supportive and Transitional housing structured as multi-family is limited to the RM and RH residential zones, the Commercial zones, and the Mixed Use Zone.
5. A definition for "Single Room Occupancy Housing" is provided and is identified as a conditionally-permitted use in the Commercial zone.
6. Residential Care Facilities would be identified as a conditionally-permitted use in the Mixed Use Zone.

Additional details are provided in the attached supplemental report.

Recommended Council Action

Staff recommends that the City Council introduce the attached ordinance, amending the Development Code to implement Housing Element programs and comply with State law.

Alternative Actions

Identify any needed changes to the draft ordinance or direct staff to return with additional information.

Financial Impact

N.A.

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Alignment with Council Goals:

The implementation of the City's housing element programs relates to the "Policy and Leadership" goal, as it responds to the requirements of State legislation while emphasizing local control through the planning process.

Attachments:

1. Supplemental Report
2. Housing Element Programs #21 and #22
3. Draft Ordinance

cc:

SUPPLEMENTAL REPORT

Discussion, consideration and possible action on the introduction of an ordinance amending the Development Code to implement Housing Element programs

For the City Council Meeting of June 2, 2014

Background

Implementation Programs #21 and #22 of the Housing Element calls upon the City to make adjustments to various provisions of the Development Code in order to facilitate the provision of affordable housing and comply with changes in State law. The Planning Commission held an initial review of the proposed amendments in November of 2013. Following the selection of the M-Group as the Housing Element consultant, staff referred the amendments to them for review and comment as well. The draft Code amendments now presented to the City Council reflect their suggestions, as well as the input from the Planning Commission, which reviewed a revised draft ordinance at its meeting of April 10, 2014. At that meeting, the Planning Commission voted unanimously to forward the draft ordinance to the City Council for adoption. The proposed amendments encompass the following:

1. *Clarification of Provisions Regarding Inclusionary Affordable Units and the Calculation of Density Bonuses*

The proposed revisions reflect changes in State law regarding the calculation of density bonuses, as well as guidance from the Department of Housing and Community Development (HCD) that required inclusionary units must be counted when calculating a density bonus. See attachment A of the draft ordinance. Note: the percentage calculations associated with density bonus are now so detailed and complex that the Development Code would simply reference the applicable section of the State Government Code rather than attempt to reproduce it.

2. *Modifications to Use Permit Requirements for Emergency Shelters*

SB 2, which was adopted in 2007, provides that every city and county in California shall identify a zoning designation within which emergency shelters are allowed without a use permit or other discretionary review. However, jurisdictions may identify objective development and management standards that would apply to such shelters. Staff suggests that emergency shelters accommodating fifteen beds or fewer be identified as a permitted use in the “P” (Public Zone). Along with this change, development and management standards are proposed. (See attachment B to the draft ordinance.)

3. *Establishing a Definition for “Agricultural Employee Housing”*

A definition for “Agricultural Employee Housing” is provided and is identified as a permitted use in the Agricultural zone.

4. *Establishing Definitions for “Supportive Housing” and “Transitional Housing.”*

Definitions for “Supportive Housing” and Transitional Housing” are provided and these uses are identified as permitted or conditionally-permitted in selected residential zones, the Public Zone, the Commercial zone, the Mixed Use zone, and the Medium Density Residential zone. Per State law, Supportive and Transitional Housing is subject to those restrictions that apply to other residential dwellings of the same type in the same zone. For example, such housing structured as single-family is permitted in the RL and RS residential zones, whereas Supportive and Transitional housing structured as multi-family is limited to the RM and RH residential zones and the Mixed Use Zone.

5. *Establishing a Definition for “Single Room Occupancy Housing”*

A definition for “Single Room Occupancy Housing” is provided and is identified as a conditionally-permitted use in the Commercial zone.

6. *Allowance for Residential Care Facilities in the Mixed Use Zone*

Currently, Residential Care Facilities serving seven or more clients are identified as a conditionally-allowed use in the Low-Density Residential zone, the Sonoma Residential zone, and the Medium Density Residential zone. The proposed ordinance would allow for such facilities as a conditionally-allowed use in the Mixed Use zone.

While these changes do not address all of the directions contained in the two programs, they would accomplish a significant number of them.

Environmental Review

The adoption of amendments to the Development Code implementing revisions that are called for in the Housing Element and that are necessary to comply with State law is exempt from environmental review, because there is no reasonably foreseeable likelihood that such actions would result in any significant environmental impact.

Recommendation

The Planning Commission has recommended that the City Council adopt the attached ordinance implementing amendments to the Development Code to address Housing Element programs #21 and #22.

While Sonoma currently provides flexibility in its parking standards to encourage housing which offers a particular community benefit, such as serving a special needs population or providing live-work units, the City could provide greater certainty to developers by incorporating refined multi-family parking standards within the Code. As discussed in the Governmental Constraints section of the Housing Element Background Report, the current multi-family parking standards of 1.5 spaces regardless of the number of bedrooms could potentially serve as a disincentive to the provision of studio and one-bedroom units. To better facilitate the provision of a variety of housing types and sizes, the City will re-evaluate its residential parking requirements and refine as appropriate.

2009-2014 Objective: Continue to provide options for reduced parking as an incentive for development of affordable, special needs, mixed use, live-work, and pedestrian oriented housing. By 2011, re-evaluate multi-family parking standards and modify as appropriate.

21. Affordable Housing Density Bonus

Pursuant to current state density bonus law (*Govt Code section 65915*), applicants of residential projects of five or more units may apply for a density bonus and additional incentive(s) if the project provides for one of the following:

- ✓ 10 percent of the total units for lower income households; or
- ✓ 5 percent of the total units for very low income households; or
- ✓ A senior citizen housing development or mobilehome park that limits residency based on age requirements for housing for older persons; or
- ✓ 10 percent of the total dwelling units in a condominium for moderate income households.

The amount of density bonus varies according to the amount by which the percentage of affordable housing units exceeds the established minimum percentage, but generally ranges from 20-35 percent above the specified General Plan density. In addition to the density bonus, eligible projects may receive 1-3 additional development incentives, depending on the proportion of affordable units and level of income targeting. The following development incentives may be requested:

- ✓ Reduced site development standards or design requirements.
- ✓ Approval of mixed-use zoning in conjunction with the housing project.
- ✓ Other regulatory incentives or concessions proposed by the applicant or the City that would result in identifiable cost reductions.

Applicants are also eligible to utilize the State's alternative parking ratio (inclusive of handicapped and guest spaces) of 1 space for 0-1 bedroom units, 2 spaces for 2-3 bedroom units, and 2.5 spaces for 4+ bedrooms.

Sonoma has approved density bonuses for several affordable housing projects in the past, including Firehouse Village and Maysonnave Apartments. Subsequent to adoption of its Development Code, SB 1818 made significant changes to State density bonus law which now need to be incorporated into the Code. In addition, the City's density bonus ordinance needs to clarify that provision of required inclusionary units qualifies for a density bonus.

2009-2014 Objective: Update Chapter 19.44 of the Development Code by 2010 to reflect current State density bonus provisions and clarify the relationship between local inclusionary requirements and eligibility for density bonus eligibility. Advertise on Sonoma's website, and promote in conjunction with discussions with development applicants.

22. Zoning Text Amendments

As part of the Governmental Constraints analysis for the Housing Element update and pursuant to new requirements under SB 2, several revisions to the Sonoma Development Code have been identified as appropriate to better facilitate the provision of a variety of housing types. These Code revisions include:

- ✓ Develop a definition of “family” which is inclusive and non-discriminatory, and incorporate into the Development Code.
- ✓ Create a “community care facility” use category and definition and distinguish from residential care homes; list community care facilities with 6 or fewer occupants as permitted in residential zone districts; designate zone districts where care facilities with 7 or more occupants will be permitted or conditionally permitted.
- ✓ Establish a single room occupancy (SRO) definition and use category in the Development Code and identify zones in which SROs will be permitted by right and/or with a use permit. Establish development standards for SROs.
- ✓ Create a supportive housing use category and definition. Utilize the same standards and permitting procedures to regulate supportive housing and transitional housing as other residential uses of the same type in the same residential zone district.
- ✓ Identify emergency shelters as a use permitted in the Public (P) zone district by-right without any discretionary action required. Emergency shelters will be subject to the same development and management standards as other uses permitted in the P zone. However, the City will develop written, objective standards to regulate the following, as permitted under SB 2:
 - ◆ The maximum number of beds or persons permitted to be served nightly;
 - ◆ Off-street parking;
 - ◆ The size and location of exterior and interior onsite waiting and client intake areas;
 - ◆ The provision of onsite management;
 - ◆ The proximity of other emergency shelters;
 - ◆ The length of stay;
 - ◆ Lighting;
 - ◆ Security during hours that the emergency shelter is in operation.
- ✓ Establish a definition for agricultural employee housing and use category in the Development Code. Utilize the same processing procedures to regulate agricultural employee housing as other agriculture uses within the Agriculture zone district, and for agricultural employee housing with six or fewer workers, regulate as a single-family use, consistent with H&S Code 17021.5-6.

2009-2014 Objective: Amend the Zoning Ordinance in 2010 to make explicit provisions for a variety of special needs housing. Develop objective standards to regulate emergency shelters as provided for under Senate Bill 2.

EQUAL HOUSING OPPORTUNITIES AND SPECIAL NEEDS

23. Fair Housing Program

Fair Housing of Sonoma County (FHOSC) is the designated provider of fair housing and tenant-landlord information throughout the County. FHOSC provides fair housing investigation and coordinates referral services to assist individuals who may have been the victims of discrimination. They maintain a fair housing hotline (707)579-5033 and provide bi-lingual in-person counseling at their offices in Santa Rosa. Fair housing education and outreach includes publication and distribution of *A Handbook for Landlords & Tenants*, and presentations to community groups and housing providers on fair housing issues.

2009-2014 Objective: Continue to promote fair housing practices, and refer fair housing complaints to Fair Housing of Sonoma County. As a means of furthering fair housing education and outreach in the local community, the City will advertise the fair housing program through placement of fair housing services brochures at the public counter, the Sonoma Community Center and on the City’s website.

24. Universal Design

CITY OF SONOMA

ORDINANCE NO. X - 2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA AMENDING TITLE 19 OF THE SONOMA MUNICIPAL CODE BY MAKING REVISIONS IN ACCORDANCE WITH IMPLEMENTATION MEASURES OF THE CITY'S HOUSING ELEMENT

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

Section 1. Amendments to “Affordable Housing Requirements and Incentives” (Title 19, Chapter 19.44) of the Sonoma Municipal Code.

Chapter 19.44 is hereby amended as set forth in Exhibit “A”.

Section 2. Amendments to “Zones and Allowable Uses” (Title 19, Section 19.10.050) of the Sonoma Municipal Code.

A. Table 2-4 (Residential Uses and Permit Requirements) is hereby amended as follows:

Allowed Uses and Permit Requirements for Residential Districts (1)			Permit Required by District (2)				P		Use permitted	
							UP	Use Permit required	L	License required
Land Use (1)	R-HS	R-R	R-L	R-S	R-M	R-H	R-O	R-P	Specific Use Regulations	
<i>Residential Uses (2)</i>										
Duplex	—	—	UP	P	P	UP	UP	—		
Emergency Shelters/Transitional Housing	—	—	—	—	UP	UP	UP	—	<u>19.50.033</u>	
Home Occupation	P	P	P	P	P	P	P	P	<u>19.50.035</u>	
Live/Work Facilities	—	—	—	—	UP	—	—	—		
Mobile Home Park	—	—	—	—	—	—	—	UP	<u>19.50.035</u>	
Multi-family Dwelling (Four or fewer units) ₂ including Supportive and Transitional Housing (3)	—	—	—	UP	P	P	P	—		
Multi-family Dwelling (Five or fewer units) ₂ including	—	—	—	UP	UP	UP	P	—		

<i>Supportive and Transitional Housing (3)</i>									
<i>Residential Accessory Structures</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	
<i>Residential Care Homes, Six or fewer clients</i>	—	—	<i>P</i>	<i>P</i>	<i>P</i>	—	—	—	
<i>Residential Care Homes, Seven or more clients</i>	—	—	—	—	<i>UP</i>	—	—	—	
<i>Single-Family Dwellings, including Supportive and Transitional Housing (3)</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>UP</i>	—	—	<u>19.50.035</u>
<p>1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses.</p> <p>2. New residential developments subject to the city's growth management ordinance (Chapter 19.94 SMC).</p> <p>3. Supportive and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone.</p>									

B. Table 2-2 (Commercial Uses and Permit Requirements) is amended as follows:

<i>Allowed Uses and Permit Requirements for Commercial Zoning Districts (1)</i>	<i>Permit Required by District (2)</i>		<i>P</i> <i>UP</i> <i>L</i> <i>—</i>	<i>Use permitted</i> <i>Use Permit required</i> <i>License required</i> <i>Use not allowed</i>
<i>Land Use</i>	<i>C</i>	<i>CG</i>	<i>Specific Use Regulations</i>	
<i>Residential Uses (4)</i>				
<i>Emergency Shelters/Transitional Housing</i>	<i>UP</i>	<i>UP</i>	<i>19.50.033</i>	
<i>Live/Work Facilities</i>	<i>UP</i>	<i>UP</i>	<i>19.50.050</i>	
<i>Multi-family Dwelling (Four or fewer units), including Supportive and Transitional Housing</i>	<i>UP</i>	<i>UP</i>		
<i>Multi-family Dwelling (Five or more units), including Supportive and Transitional Housing</i>	<i>UP</i>	<i>UP</i>		
<i>Single Room Occupancy Housing</i>	<i>UP</i>	<i>—</i>		
<i>Notes:</i>				

1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses.
2. New residential developments subject to the city's growth management ordinance (Chapter 19.94 SMC).
3. Supportive and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone.
34. Defined as new commercial construction or an addition to an existing commercial building, having an area of 1,000 square feet or greater.
45. Use permit required within the historic overlay zone.
56. Prohibited in /P plaza retail district. See SMC 19.50.035.

C. Table 2-3 (Mixed Uses and Permit Requirements) is amended as follows:

<i>Allowed Uses and Permit Requirements for Mixed Use Zoning Districts (1)</i>	<i>Permit Required by District (2)</i>	<i>P Use permitted UP Use Permit required L License required — Use not allowed</i>
<i>Land Use</i>	<i>MX</i>	<i>Specific Use Regulations</i>
<i>Residential Uses (4)</i>		
<i>Emergency Shelters/Transitional Housing</i>	<i>UP</i>	<i>19.50.033</i>
<i>Live/Work Facilities</i>	<i>UP</i>	<i>19.50.050</i>
<i>Multi-family Dwelling (Four or fewer units), including Supportive and Transitional Housing</i>	<i>P</i>	
<i>Multi-family Dwelling (Five or more units), including Supportive and Transitional Housing (4)</i>	<i>UP</i>	
<i>Residential Care Homes, Seven or more clients</i>	<i>UP</i>	
<i>Single-Family Dwellings, including Supportive and Transitional Housing (4)</i>	<i>P (5)</i>	

Notes:

1. See SMC 19.10.050(C) regarding uses not listed. See Division VIII for definitions of the listed land uses.
2. New development in the Mixed Use zone shall include a residential component unless waived by the planning commission through use permit review (see SMC 19.10.020(C)).
3. Uses within these categories are allowed only if the planning commission finds that the use will not result in the encroachment of incompatible commercial uses within an established residential area.
4. New residential developments subject to the city's growth management ordinance.
5. Supportive and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone.
- 6-5. Limited to a single residence on an existing lot of record; otherwise, use permit approval is required.

67. On sites of one acre in size or larger.

D. Table 2-4 (Special Purpose Uses and Permit Requirements) is hereby amended as follows:

Allowed Uses and Permit Requirements for Special Purpose Zoning Districts	Permit Required by District				Specific Use Regulations
	A	Pk	P	W	
<i>P</i>					
<i>UP</i>					
<i>L</i>					
<i>—</i>					
<i>Land Use (1)</i>	<i>A</i>	<i>Pk</i>	<i>P</i>	<i>W</i>	<i>Specific Use Regulations</i>
<i>Residential Uses (2)</i>					
<i>Agricultural Employee Housing</i>	<i>P</i>	<i>—</i>	<i>—</i>	<i>—</i>	
<i>Caretaker and Employee Housing</i>	<i>UP</i>	<i>UP</i>	<i>UP</i>	<i>UP</i>	
<i>Emergency Shelters, 15 or fewer beds and Transitional Housing</i>	<i>—</i>	<i>—</i>	<i>UP P</i>	<i>—</i>	<i>19.50.033</i>
<i>Emergency Shelters, 16 or more beds</i>	<i>—</i>	<i>—</i>	<i>UP</i>	<i>—</i>	<i>19.50.033</i>
<i>Residential Accessory Structures and Uses</i>	<i>P</i>	<i>—</i>	<i>—</i>	<i>—</i>	<i>19.50.080</i>
<i>Single-Family Dwellings, including Supportive and Transitional Housing</i>	<i>P</i>	<i>—</i>	<i>—</i>	<i>—</i>	
<i>Supportive Housing</i>	<i>—</i>	<i>—</i>	<i>UP</i>	<i>—</i>	
<i>Transitional Housing</i>	<i>—</i>	<i>—</i>	<i>UP</i>	<i>—</i>	
<p>Notes:</p> <ol style="list-style-type: none"> 1. See Section 19.10.050.C regarding uses not listed. See Division VIII for definitions of the listed land uses. 2. New residential developments subject to the City's Growth Management Ordinance (SMC 19.94). 3. <u>Supportive and Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone.</u> 					

Section 3. Chapter 19.50 ("Special Use Standards") of Title 19, Division IV of the Sonoma Municipal Code is hereby amended as set forth in Exhibit "B".

Section 4. Section 19.92.020 (Definitions of Specialized Terms and Phrases) is hereby amended to add the following:

"Agricultural Employee Housing" means housing as described in California Health and Safety Code Sections 17021.5 and 17021.6, and employee housing as defined in California Health and Safety Code Section 17008.

"Supportive housing" means permanent affordable housing with no limit on length of stay that is occupied by the target population as defined in the Health & Safety Code Section 53260(d), and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. (Health and Safety Code Section 50675.14(b).) Supportive Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone. For example, such housing structured as single-family is permitted in the RL and RS residential zones, whereas Supportive housing structured as multi-family is limited to the RM and RH residential zones and the Mixed Use Zone.

Section 5. Section 19.92.020 (Definitions of Specialized Terms and Phrases) is hereby amended as follows:

"Emergency Shelters" means facilities for the temporary shelter and feeding of indigents or disaster victims, operated by a public or nonprofit agency. (See also "Transitional housing.") temporary lodging for homeless persons with minimal supportive services that may be limited to occupancy of six months or less.

Section 6. Section 19.92.020 (Definitions of Specialized Terms and Phrases) is hereby amended as follows:

"Transitional Housing" means any dwelling unit or group living accommodation designed or operated as temporary living quarters or residence for homeless persons or victims of abuse. This definition does not include any facility licensed as a community care facility by the California Department of Social Services or defined as such in this chapter. means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (Health and Safety Code Section 50675.2(h)). The housing may take several forms such as group housing and multi-family units and may include supportive services to allow individuals to gain necessary life skills in support of independent living. Transitional Housing shall be subject to those restrictions that apply to other residential dwellings of the same type in the same zone. For example, such housing structured as single-family is permitted in the RL and RS residential zones, whereas Transitional housing structured as multi-family is limited to the RM and RH residential zones and the Mixed Use Zone.

Section 7. Exemption from Environmental Review.

The amendments to the Municipal Code effected by this ordinance add definitions for certain types of housing as required by State law. However, these changes will not affect allowed densities as established in the General Plan and the Development Code, nor will they change the overall balance or types of housing that may developed in Sonoma, Therefore, the amendments contained in this ordinance are exempt from environmental review pursuant to Section (b)(3) of Title 14 of the California Code of Regulations, as it can be determined with certainty that there is no possibility that the proposed revisions to the Development Code, which are intended to implement directions set forth in the Housing Element and comply with State law, will not have any significant impact on the environment.

Section 8. Effective Date.

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this XX day of XX, 2014.

Chapter 19.44
AFFORDABLE HOUSING REQUIREMENTS AND INCENTIVES AND DENSITY
BONUSES

Sections:

- 19.44.010 Purpose.
- 19.44.020 Inclusionary units.
- 19.44.025 Eligibility for bonus and incentives.
- 19.44.030 Types of bonuses and incentives allowed.
- 19.44.040 Continued availability.
- 19.44.050 Location of inclusionary and bonus units.
- 19.44.060 Processing of density bonus/incentive requests.

19.44.010 Purpose.

This chapter delineates city requirements pertaining to inclusionary affordable units. In addition, as required by state law (Government Code Section 65915), this chapter offers incentives to developers for providing housing that is affordable to the types of households and qualifying residents identified in SMC 19.44.025, Eligibility for Bonus and Incentives. The incentives include the ability to construct ~~up to 25 percent~~ more residential dwelling units than normally allowed by the applicable General Plan designation and zoning district, and other incentives and concessions provided by this chapter. In offering these incentives and concessions, this chapter is intended to implement the requirements of state law (Government Code Sections 65302, 65913, and 65915, et seq.).

19.44.020 Inclusionary units.

In order to ensure an appropriate variety of unit types and residential living opportunities in new development, inclusionary affordable units shall be provided as follows:

A. Sonoma Residential District. In the Sonoma Residential zoning district:

1. A development containing five or more parcels or units shall provide that at least 20 percent of the total parcels or units are affordable to households in the low and moderate income categories; and
2. At least one-half of the affordable parcels or units of any residential development containing 10 or more parcels or units shall be affordable to households in the low income category.

B. In Other Residential Zoning Districts. A development containing five or more residential parcels or units shall provide that at least 20 percent of the total parcels or units are affordable to households in the low and moderate income categories.

C. Affordable. Affordable shall be defined as "affordable housing unit" ~~in the 1995—2005 General Plan~~ consistent with the most-recently adopted affordability policies of the City of Sonoma.

19.44.025 Eligibility for bonus and incentives.

~~In order to be eligible for a density bonus and other incentives provided by this chapter, a proposed residential development project shall comply with the following provisions:~~

~~A. Number of Units. At least:~~

- ~~1. Lower Income. Twenty percent of the total number of proposed dwelling units shall be for lower income households, as defined in Health and Safety Code Section 50079.5; or~~
- ~~2. Very Low Income. Ten percent of the total number of proposed dwelling units shall be for very low income households, as defined in Health and Safety Code Section 50105; or~~
- ~~3. Other Qualifying Residents. Fifty percent of the total number of proposed dwelling units shall be for qualifying residents as determined by Section 51.2 of the Civil Code.~~

~~B. Conformance. In order to qualify for the bonus and other incentives identified in this chapter, the residential development project shall satisfy all other applicable provisions of this chapter.~~

A developer of a housing development in the city may be permitted a density bonus and incentives in accordance with the provisions of California Government Code Sections 65915 through 65918 (State Density Bonus Law), subject to the processing requirements set forth in section 19.44.060.

19.44.030 Types of bonuses and incentives allowed.

A qualifying residential development project shall be entitled to the following density bonus and other incentives. If a density bonus and/or other incentives cannot be accommodated on a parcel due to strict compliance with the provisions of this development code, the planning commission is authorized to waive or modify development standards as necessary to accommodate all bonus units and other incentives to which the development is entitled.

A. Density Bonus.

1. Minimum Percentage Required. The density bonus allowed by this chapter shall consist of a 25 percentage increase in the number of dwelling units normally allowed by the General Plan designation and zoning district applicable to the parcel as of the date of filing for the development project application. The percentage increase shall be calculated in accordance with Government Code Section 65915(f). Inclusionary units required pursuant to section 19.44.020 of this Chapter shall be included when calculating a density bonus.

2. Only One. A single development project shall not be granted more than one density bonus in compliance with this chapter.

B. Incentives. A qualifying residential development project shall be entitled to ~~at least one of the following~~ incentives and/or concessions as provided for ~~identified~~ by state law (Government Code Section ~~65915(b)~~ 65915(k):

1. Reduction in Standards. A modification (reduction or increase) of the ~~parcel~~ site development standards of this development code (e.g., parking design requirements, setbacks, site coverage, zero lot line and/or reduced parcel sizes, etc.) that would result in identifiable, financially sufficient, and actual cost reductions;

2. Mixed Use Zoning. Approval of mixed use zoning in conjunction with the residential development project if nonresidential land uses would reduce the cost of the project, and the nonresidential land uses would be compatible with the project and surrounding development; and

3. Other Incentives. Other regulatory incentives or concessions proposed by the developer or the city that would result in identifiable financially sufficient, and actual cost reductions.

4. Alternative Parking Ratios. Use of the parking ratios that result in a parking reduction in excess of that provided in the parking standards set forth in Government Code Section 65915(c).

~~C. Approval of Incentives. Reductions in development standards for developments featuring density bonus units may be approved by the planning commission. The provision of any other incentives shall be subject to the approval of the city council. The council or commission shall approve one or more of the above incentives, notwithstanding the other provisions of this chapter, unless it makes a written finding that the additional concession or incentive is not required in order for the sales price or rent for the targeted dwelling units to be established in compliance with state law (Government Code Section 65915(c)). If no incentive is provided, then the term of affordability of the density bonus units shall be limited to 10 years.~~

19.44.040 Continued availability.

The land use permit application for the residential development project shall include the procedures proposed by the developer to maintain the continued affordability of the inclusionary and density bonus units in the following manner:

A. Development Projects with City Funding – 40 Years. Projects receiving a direct financial contribution or other financial incentives from the city, or a density bonus and at least one other concession or incentive, shall maintain the availability of the lower income density bonus units for a minimum of 40 years, as required by state law (Government Code Sections 65915(c) and 65916);

B. Private Development Projects – Inclusionary and Density Bonus Only – 30 Years. Privately financed projects that receive a density bonus as the only incentive from the city shall maintain the availability of lower income density bonus units for a minimum of 30 years; and

C. Affordability Agreement. Affordability shall be guaranteed through an "affordability agreement" executed between the developer and the city in a standard form approved by the city council and the city attorney. The agreement shall be recorded on the subject property with the county recorder's office before the issuance of building permits and shall become effective before final inspection of the first unit. The subject agreement shall be legally binding and enforceable on the property owner(s) and any subsequent property owner(s) for the duration of the agreement. The agreement shall include the following items:

1. Number and Duration. The number of, and duration of the affordability for, the affordable units;

2. Monitoring Affordability. The method in which the developer and the city are to monitor the affordability of the subject affordable units and the eligibility of the tenants or owners of those units over the period of the agreement;

3. Marketing of Units. The method in which vacancies would be marketed and filled;

4. Location and Type. A description of the location and unit type (bedrooms, floor area, etc.) of the affordable units within the project; and

5. Standards for Incomes and Rents/Sales Prices. Standards for maximum qualifying household incomes and standards for maximum rents or sales prices consistent with the most-recently adopted affordability policies of the City of Sonoma.

19.44.050 Location of inclusionary and bonus units.

As required by state law (Government Code Section 65915(g)), the location of density bonus units within the qualifying project may be at the discretion of the developer. Normally, inclusionary affordable units should be reasonably dispersed throughout the development and should be compatible with the design or use of the market-rate units

in terms of appearance, materials, and finish quality. The clustering of affordable units may be permitted by the planning commission, when consistent with the design and site planning characteristics of a particular development.

19.44.060 Processing of density bonus/incentive requests.

~~Proposed density bonus/incentive requests shall require the approval of a conditional use permit in compliance with SMC 19.54.040, Use permits.~~

~~A. Initial Review of Bonus Request. The city planner shall notify the developer within 90 days of the filing of the conditional use permit application of whether the residential development project qualifies for the density bonus or incentive(s).~~

~~B. Criteria to Be Considered. Criteria to be considered in analyzing the request shall include the availability and capacity of infrastructure (road, sewer, and water capacity, school capacity, etc.) to accommodate the proposed residential density.~~

~~C. Findings for Approval. The granting of a density bonus shall be subject to the findings required for the approval of a conditional use permit (SMC 19.54.040(E)).~~

A. Eligibility. To be eligible for consideration of a density bonus and related incentives, an application for a state density bonus shall be submitted with the first application for approval of a housing development and shall be processed concurrently with all other applications required for the housing development. At a minimum, the following information shall be provided:

1. A site plan showing the total number and location of all proposed housing units and the number and location of proposed housing units which qualify the housing development for density bonus housing units.
2. The manner in which the applicant shall satisfy the affordability requirements for the housing units which qualify the housing development for density bonus units.
3. A description of any requested incentives and concessions, waivers or modification of development standards, or modified parking standards. For all incentives and concessions, except mixed use development, the application shall include evidence that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions. For waivers or modifications of development standards, the application shall include evidence that the waiver or modification is necessary to make the housing units economically feasible and that the development standard from which a waiver or modification is requested will have the effect of precluding the construction of the housing development at the densities to which the applicant is entitled pursuant to this article and with the concessions and incentives permitted by this article.

B. Approval of Incentives. Reductions in development standards for developments featuring density bonus units may be approved by the planning commission. The

provision of any other incentives shall be subject to the approval of the city council. The council or commission shall approve the above incentives or concessions, notwithstanding any other provisions of this chapter, unless it makes a written findings in compliance with state law (Government Code Section 65915(d)).

Amendments to Chapter 19.50 (Special Use Standards)

Section 19.50.033 (Emergency Shelters) is hereby added to read as follows:

19.50.033 Emergency Shelters

This section provides development and operational requirements for emergency shelters, as defined in Division VIII, Chapter 19.92 (Definitions).

A. Site Development Standards. In addition to any other applicable requirements of the Development Code and any other applicable statutes and regulations, all emergency shelter facilities shall be subject to the following development standards:

1. Client Intake and Waiting Area. Each emergency shelter facility shall provide an indoor client intake and waiting area.
2. Exterior Lighting. Exterior lighting shall be provided throughout the facility to ensure the safety of all persons on-site. The placement, illumination, and shielding of such lighting shall be subject to the applicable provisions of the Municipal Code.
3. Proximity to Other Emergency Shelters. No emergency shelter facility shall be less than 300-feet from any other emergency shelter facility. In determining the distance between two emergency shelter facilities, the distance shall be measured from the property line of one facility to the nearest property line of another facility.

B. Permitted Amenities and Services. A proposed emergency shelter facility offering immediate and short-term housing may provide on-site supplemental services and amenities to the homeless individuals and families staying at such facility. These on-site services and amenities may include, but are not limited to the following:

1. Recreation Area. An indoor and/or outdoor recreation area may be provided.
2. Counseling Center. A counseling center for job placement, education, health care, legal or mental services, or similar services intended to assist homeless clients may be provided.
3. Laundry Facilities. Laundry facilities, located within an enclosed structure may be provided.
4. Kitchen and Dining Hall. A kitchen for the preparation of meals serving on-site clients and a dining hall may be provided.
5. Client Storage. A client storage area for the personal belongs of the on-site clients may be provided.

C. Operational standards. All Emergency Shelter Facilities shall be subject to the following operational standards:

1. **Maximum Stay.** The maximum stay of any individual shall not exceed 120 days in a 365-day period.
2. **Availability of Beds.** Stays at an emergency shelter facility shall be on a first-come first-serve basis with clients housed on-site. Clients shall have no guaranteed bed for the next night.
3. **Hours of Operation.** Clients may only be permitted on-site and admitted to the emergency shelter facility between 5:00 PM to 9 AM. All clients shall vacate the emergency shelter facility no later than 9:00 AM.
4. **Minimum Staffing Requirements.** A minimum of one employee for each 15 beds within an emergency shelter facility shall remain awake and on-duty during the emergency shelter facility's hours of operation.
5. **Counseling Referrals and Reporting.** Any counseling programs are to be provided with referrals to outside assistance agencies.

D. Safety, Security, and Operational Plan. A Safety, Security and Operational Plan shall be submitted to the Police Chief for review and approval, prior to initial occupancy of an emergency shelter facility. The site-specific Safety, Security and Operational Plan shall address all of the following:

1. **Facility Management.** The provisions necessary to manage the ongoing emergency shelter facility's needs, both on and off-site, including, but not limited to, the separation of individual male and female sleeping areas, provisions of family sleeping areas, and the various services and functions of such facility shall be provided.
2. **Client Congregation.** The specific measures used by the emergency shelter facility to discourage clients from congregating off-site and/or disturbing nearby uses during the hours when clients are not allowed on site at the emergency shelter facility.
3. **Admittance and Discharge.** Procedures for the daily management of admittance and discharge shall be provided.
4. **Refuse Collection.** The refuse collections schedule to provide the timely removal of associated client litter and debris on and within the vicinity of the emergency shelter facility shall be provided.
5. **Alcohol and Drug Regulation.** The provisions for addressing how the operator will ensure that the emergency shelter facility remains alcohol and illegal drug free at all times.

6. Contact Information. The operator shall provide the City with the most current contact information for the operator of the facility during the normal daytime business hours, and the nighttime contact information for the "person on duty" when the emergency shelter is receiving and housing clients. The appropriate email addresses, phone numbers and fax numbers shall be provided.

The Safety, Security and Operational Plan shall include a site plan and a floor plan of the emergency shelter facility. The Safety, Security and Operational Plan approved by the Police Chief shall remain in effect for the entire life of the emergency shelter facility, unless an amended plan is prepared by the operator and approved by the Police Chief.



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 8B

Meeting Date: 06/02/2014

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Discussion, Consideration and Possible Action to Approve the 2014-15 City Council Goals

Summary

On May 5th the City Council held a goal-setting work study session facilitated by the City Manager during which they each discussed what they envisioned for the upcoming year through their individual top five goals. Following presentation and discussion of the individual goals, Council determined the major categories which provide the general focus.

The 2014-15 seven major categories include:

- ❖ Balancing City Character
- ❖ Fiscal Management
- ❖ Infrastructure
- ❖ Policy & Leadership
- ❖ Public Service
- ❖ Recreation & Community Resources
- ❖ Water

Within the seven major categories, the Council then directed which of their individual goals was relevant to each category and directed that the City Manager to prepare the final report on Council goals. As a part of the overall Council goals report, the City Manager was further directed to create a list of action items which will be the key elements used to accomplish the Council goals. There are 31 key elements within the seven major categories. Many of these key elements will be incorporated into the proposed 2014-15 Operating and Capital Budget.

Recommended Council Action

Receive report and approve the 2014-15 Council goals

Alternative Actions

Direct changes to Council Goals

Financial Impact

Undetermined

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

City Manager's Report on 2014-15 Council Goals

cc:

CITY OF SONOMA

COUNCIL GOALS 2014-2015

"TO PROVIDE SOUND MUNICIPAL LEADERSHIP IN A MANNER THAT ENSURES SONOMA REMAINS A SAFE, HEALTHY & VIBRANT COMMUNITY"

BALANCING CITY CHARACTER

To promote effective communication between City Council, residents, and businesses so that decisions reflect the community's desires and expectations; provide open dialog which is responsive to residents, and is characterized by ethical behavior, stability, public trust, transparency, confidence in the future, and cooperative interaction among civic leaders, residents, business representatives, and staff, while recognizing and respecting legitimate differences of opinion on critical issues facing the City; recognize the City's economic attributes and build a cohesive relationship which allows the City to continue to thrive.

- ❖ Increase community dialog through series of Town Hall forums
 - Scheduled quarterly with established topics
 - Create survey tool through website to poll topics
- ❖ Promote effective discussion on the City's tourism-based economy
 - How can we balance tourism with Sonoma "Hometown feel"?
 - Create tourism education in marketing pamphlets explaining Sonoma's "way of life"
- ❖ Set policy for community events not to impact our City in negative ways
 - Have City staff or event coordinator on-site during events to insure compliance
- ❖ Implement and practice Smart Growth Strategies
 - Review design standards that encourages social, civic and physical activity

FISCAL MANAGEMENT

Maintain fiscal responsibility that ensures short and long-term prosperity through effective fiscal planning and efficient management of the taxpayers' assets; apply sound budget strategy to assure financial sustainability in the General and Enterprise Funds through the continued application of sound financial policies; maintain stable reserve levels.

- ❖ Maintain a Balanced City Budget & Capital Improvement Plan; no reduction in services
- ❖ Develop a strategy to address long-term pension liabilities; establishment of a Pension Stabilization/Reserve Fund
- ❖ Identify long-term strategy to address or restructure the Cemetery Fund deficit
- ❖ Continue to seek opportunities for new revenue sources or grant revenue to augment existing revenues
- ❖ Initiate long-term plan to address the potential phase-out of Measure J Sales Tax; review options for future ballot measure

INFRASTRUCTURE

To provide reliable, safe and effective infrastructure (streets & roads, sidewalks, transportation, parking and pedestrian safety) throughout the City; work with Sonoma County and Caltrans to increase maintenance on connector streets and/or State Hwy 12 through downtown Sonoma.

- ❖ Maintain Streets Capital repair program including sidewalk repairs; focus on sustaining PCI rating of 70% or above
 - Work with property owners regarding shared responsibilities
- ❖ Encourage County and State agencies to enhance streets that interact with City streets
- ❖ Pedestrian traffic-review signalization and pedestrian signage
- ❖ Increase promotion of bicycle riding and walking
- ❖ Transportation: Review options for increasing public transit within Sonoma, taxi cabs, shuttles
- ❖ Parking: Continue outreach to business owners to avoid employee parking around the Plaza; review options for creating publicly-owned parking lots
- ❖ Pursue available grant opportunities and cost-saving or green efficiencies
 - Pursue LED street lighting replacement program for energy efficiency (zero% financing availability to reduce costs)
- ❖ Initiate Street signage replacement program to meet retro reflectivity standards for headlight visibility
 - Consider unique Sonoma “historic design” street signage

POLICY & LEADERSHIP

Provide continuing leadership as elected officials and residents of the community; review Mission and Vision Statement to assure that it reflects the current economic, environmental and social climate and creates a visual image for the community; take steps to assure a safe and vibrant community; respond to County, State and Federal legislative issues with a focus on retaining local control.

- ❖ Review Mission and Vision Statement for the City of Sonoma
 - Determine method of involvement of public process/community engagement
- ❖ Provide commissions more training to assure there is a real understanding of expectations
 - Provide increased training budget to cover costs
- ❖ Develop and implement standards for the Design Review & Historical Preservation Commission to use in its decision-making
 - Certified Local Government standards
 - Establish a series of relative topics to be discussed by the DRHPC
- ❖ Review options for increasing availability of affordable rental housing to low income residents working in the city
 - Support State legislation related to funding for affordable housing
- ❖ Continue implementation of Climate 2020 Plan principles

PUBLIC SERVICE

Expand efficiencies with a focus on providing excellent customer service; openly share information about City actions, events and decisions; increase the awareness of City programs and promote community participation; improve public access to City information.

- ❖ Continued outreach to the public to assure that City procedures and processes are transparent and understandable
- ❖ Continue efforts to streamline internal processes to allow for greater ease of public use of Sonoma's Building and Planning process
- ❖ Revise/adopt changes to the Appeal process; evaluate transparent and expedient processing, needs, staff hours and involvement

RECREATION & COMMUNITY RESOURCES

Promote coordination of efforts of local and regional non-profits, community youth groups, School District and Sonoma Valley organizations; work with County to address lack of County resources available and potential long-range opportunities to share resources with the City

- ❖ Encourage the creation of a Community-wide website for all youth activities, adult activities and major local events
- ❖ Review Recreation Funding Policy
- ❖ Outreach to County of Sonoma to open discussions for a long-term solution to provide a structured recreation program Valley-wide
 - Seek grants or other monies available
 - Review programs in place in other cities/counties
 - Research options for Park/Recreation District

WATER

Develop long-term strategies to address current and future infrastructure needs, promote water conservation while maintaining a stabilized rate structure; strengthen Capital infrastructure needs with a focus on enhancing the City's local water supply; promote and support the value of water conservation to protect local resources.

- ❖ Enhance Sonoma's water reduction goals by providing the public the tools they need to increase conservation
 - Town Hall meetings, press releases, collaboration with VOM Water District with water wise solutions
 - Review per capita water consumption; modified to reflect industry consumption
 - Increase promotion of existing conservation programs
 - Engage hotels and commercial businesses in water conservation strategy
- ❖ Review options to increase capacity through new sources/more storage (current capacity 15.5 million gallons)
- ❖ Pre-planning for Disaster Preparedness (automatic shutoff valves in aqueduct, pre-staged spare parts, pre-staged equipment, etc.)



CITY OF SONOMA
 City Council
 Agenda Item Summary

Agenda Item: 10A
Meeting Date: 06/02/2014

Department Administration	Staff Contact Gay Johann, Assistant City Manager/City Clerk
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Agenda Item Title

Councilmembers' Reports on Committee Activities.

Summary

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

MAYOR 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