

# CITY OF SONOMA

SPECIAL MEETINGS OF THE CITY COUNCIL  
MONDAY MAY 16, 2016



JOINT STUDY SESSION WITH THE  
PLANNING COMMISSION 5:00 – 7:00 P.M.  
EMERGENCY OPERATIONS CENTER (EOC)  
175 First Street West, Sonoma CA

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

&

CONCURRENT MEETINGS OF THE SONOMA CITY COUNCIL & CITY COUNCIL AS THE  
SUCCESSOR AGENCY TO THE DISSOLVED SONOMA COMMUNITY DEVELOPMENT  
AGENCY 7:00 P.M.

Community Meeting Room, 177 First Street West, Sonoma CA

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## AGENDA

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

### 5:00 P.M. – JOINT STUDY SESSION (HELD IN THE EOC)

#### CALL TO ORDER

#### ROLL CALL:

CITY COUNCIL: Hundley, Cook, Agrimonti, Edwards, Gallian

PLANNING COMMISSION: Coleman, Cribb, McDonald, Roberson, Sek, Wellander, Willers, Felder

**SS.1:** Joint meeting of the City Council and the Planning Commission to discuss housing issues.

### 7:00 P.M. – CONCURRENT CITY COUNCIL AND COUNCIL AS SUCCESSOR AGENCY MEETING (HELD IN THE COMMUNITY MEETING ROOM)

#### CALL TO ORDER & PLEDGE OF ALLEGIANCE

ROLL CALL: (Hundley, Cook, Agrimonti, Edwards, Gallian)

### 1. COMMENTS FROM THE PUBLIC

*At this time, members of the public may comment on any item not appearing on the agenda. It is recommended that you keep your comments to three minutes or less. Under State Law, matters presented under this item cannot be discussed or acted upon by the City Council at this time. For items appearing on the agenda, the public will be invited to make comments at the time the item comes up for Council consideration. Upon being acknowledged by the Mayor, please step to the podium and speak into the microphone. Begin by stating and spelling your name.*

### 2. MEETING DEDICATIONS

### 3. PRESENTATIONS

**Item 3A:** Recognition of Brandon Ruiz for his Senior Project - Purchase of a K9 Bite Suit

#### **4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL**

*All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.*

**Item 4A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.** (Standard procedural action - no backup information provided)

**Item 4B: Approval of the minutes of the May 2, 2016 City Council Meeting.**  
Staff Recommendation: Approve the minutes.

**Item 4C: Authorization for City Manager to Execute a Purchase Agreement under a State Purchasing Contract for the purchase of a New (Replacement) Building Inspector Vehicle.**  
Staff Recommendation:

**Item 4D: Adopt resolution of the City Council of the City of Sonoma authorizing on its behalf the submittal of a payment program application by a lead agency for the Beverage Container Recycling City / County Payment Program.**  
Staff Recommendation: Adopt resolution.

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

*All items listed on the Consent Calendar are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of the Council, staff, or public request specific items to be removed for separate action. At this time Council may decide to change the order of the agenda.*

**Item 5A: Approval of the portions of the minutes of the May 2, 2016 City Council meeting pertaining to the Successor Agency.**  
Staff Recommendation: Approve the minutes.

#### **6. PUBLIC HEARING – None Scheduled**

#### **7. REGULAR CALENDAR – CITY COUNCIL**

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

**Item 7A: City Clerk Certification of Referendum Petition to Repeal Ordinance 01-2016 “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA ADDING CHAPTER 9.60 TO THE SONOMA MUNICIPAL CODE TO REGULATE AND PROHIBIT THE USE OF LEAF BLOWERS WITHIN THE CITY’S LIMITS”.** (City Attorney)  
Staff Recommendation: Receive and file the Clerk’s certification of referendum petition.

**Item 7B: Discussion, Consideration and Possible Action on a First Reading of an Ordinance Regulating Second-Hand Smoke by Prohibiting Smoking in and Around Workplaces, Public Places and Multi-Unit Housing.** (City Manager, Assistant City Attorney)  
Staff Recommendation: Approve first reading of the ordinance.

**Item 7C: Discussion, Consideration and Possible Action to Establish a Decorum Policy for Public Meetings (Requested by Mayor Gallian).** (City Manager)  
Staff Recommendation: Council discretion.

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

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

**9. COUNCILMEMBERS' REPORTS AND COMMENTS**

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

**11. COMMENTS FROM THE PUBLIC**

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

**12. PUBLIC COMMENTS REGARDING CLOSED SESSION**

*Public testimony on closed session item(s) only.*

**13. CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

- Significant exposure to litigation pursuant to Cal. Gov't Code section 54956.9(d)(2): one potential case
- Initiation of litigation pursuant to Cal. Gov't Code section 54956.9(d)(4): one potential case

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Cal. Gov't Code section 54956.8. Property: Sebastiani Theater, 472 First Street East, Sonoma, CA. Agency negotiators: City Manager, Carol Giovanatto; City Attorney, Jeffrey Walter; City Planning Director, David Goodison. Negotiating party: David Seyranian, Sebastiani Building Investors, Inc., Sebastiani Theatre Foundation. Under negotiation: Price and terms of payment of lease.

**14. RECONVENE IN OPEN SESSION & REPORT ON CLOSED SESSION**

**15. ADJOURNMENT**

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on May 12, 2016. 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: SS-1

Meeting Date: 05/16/16

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**Department**

Planning

**Staff Contact**

David Goodison, Planning Director

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**Agenda Item Title**

Joint meeting of the City Council and the Planning Commission to discuss housing issues.

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**Summary**

The City Council has invited the Planning Commission to participate in a joint study session to discuss issues and options for addressing Sonoma's housing needs. As staff understands it, the discussion is intended to be fairly open-ended, meaning that while the City's Regional Housing Needs Allocation would be part of the conversation, broader community housing needs, such as workforce housing and middle-income housing, are up for discussion as well. That said, because the purview of the Planning Commission pertains to land use, the joint meeting will focus on issues and ideas that are relevant to land use and zoning. The City Council may choose to have subsequent discussions of potential housing programs and funding concepts that are not directly related to land use regulations and incentives.

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**Recommended Council Action**

Discuss and provide direction to staff.

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**Alternative Actions**

N.A.

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**Financial Impact**

N.A.

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**Environmental Review**

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

**Status**

- Approved/Certified
  - No Action Required
  - Action Requested
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**Alignment with Council Goals:**

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

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**Attachments:**

1. Supplemental Report
  2. Housing Element Implementation Update
  3. Housing Opportunity Site Inventory
  4. Affordable Housing Overlay Information and Examples
  5. Junior Second Units: Talking Points
  6. Draft Minutes and meeting notes
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**cc:** Planning Commission

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**MEMO**

**To:** City Council and Planning Commission  
**From:** Planning Director Goodison  
**Re:** Joint meeting of the City and the Planning Commission to discuss housing issues

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**Background**

The City Council has invited the Planning Commission to participate in a joint study session to discuss issues and options for addressing Sonoma’s housing needs. As staff understands it, the discussion is intended to be fairly open-ended, meaning that while the City’s Regional Housing Needs Allocation would be part of the conversation, broader community housing needs, such as workforce housing and middle-income housing, are up for discussion as well. Because the purview of the Planning Commission pertains to land use, the joint meeting will focus on issues and ideas that are relevant to land use and zoning. The City Council may choose to have subsequent discussions of potential housing programs and funding concepts that are not directly related to land use regulations and incentives.

**Defining Housing Needs**

*Sonoma’s Regional Housing Needs Objectives:* The starting point for discussing Sonoma’s housing needs is the Regional Housing Needs Assessment (RHNA), also known as the “fair share” allocation. State law requires all regional councils of governments, including the Association of Bay Area Governments (ABAG), to periodically update the existing and projected housing needs for its region at various household income levels and determine the portion allocated to each jurisdiction within the region. When these updates occur, State Law further requires that each affected jurisdiction update its Housing Element to address the revised housing needs assessment. Based on the most recent RHNA, which was issued in 2013, the fair share allocation for the development of affordable housing that is addressed in Sonoma’s Housing Element update (adopted in March 2015) is as follows:

<b>Table 1: Sonoma’s Regional Housing Needs Allocation by Household Income Category: 2015-2023</b>				
<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>Above-Moderate</b>	<b>Total</b>
24	23	27	63	137

Source: ABAG.

The City’s legal responsibility with regard to the Housing Element and its fair share allocation is to show that opportunities exist that allow for the units to be built. It is not the City’s responsibility to fund and build every unit. Nonetheless, it is evident that the housing market will not produce low and very-low income units without substantial incentives, including financial assistance. While staff expects that the focus of the study session will be on affordable housing, it should be noted that almost half of the Sonoma’s RHNA objective is for market-rate units.

*Household Income:* The most important factor affecting housing opportunity is household income. In order to define housing needs and opportunities in a consistent manner, the State of California identifies five income categories, which are modified based on household size (Sonoma’s average household size in 2010 was 2.2 for owner households and 1.9 for renter households). The table below sets forth the five basic classifications and associated household income levels, updated for 2015.

<b>Table 2: Household Income Categories and Income Limits</b>					
<b>Income Category</b>	<b>% County Adjusted Median Income (AMI)</b>	<b>2015 Sonoma County Income Limits</b>			
		<b>1 person household</b>	<b>2 person household</b>	<b>3 person household</b>	<b>4 person household</b>
Extremely Low	0-30% AMI	\$17,400	\$19,850	\$22,350	\$24,800
Very Low	31-50% AMI	\$28,950	\$33,050	\$37,200	\$41,300
Low	51-80% AMI	\$45,500	\$52,000	\$58,500	\$65,000
Moderate	81-120% AMI	\$69,350	\$79,300	\$89,200	\$99,100
Above Moderate	120%+ AMI	> \$69,350	> \$79,300	> \$89,200	> \$99,100

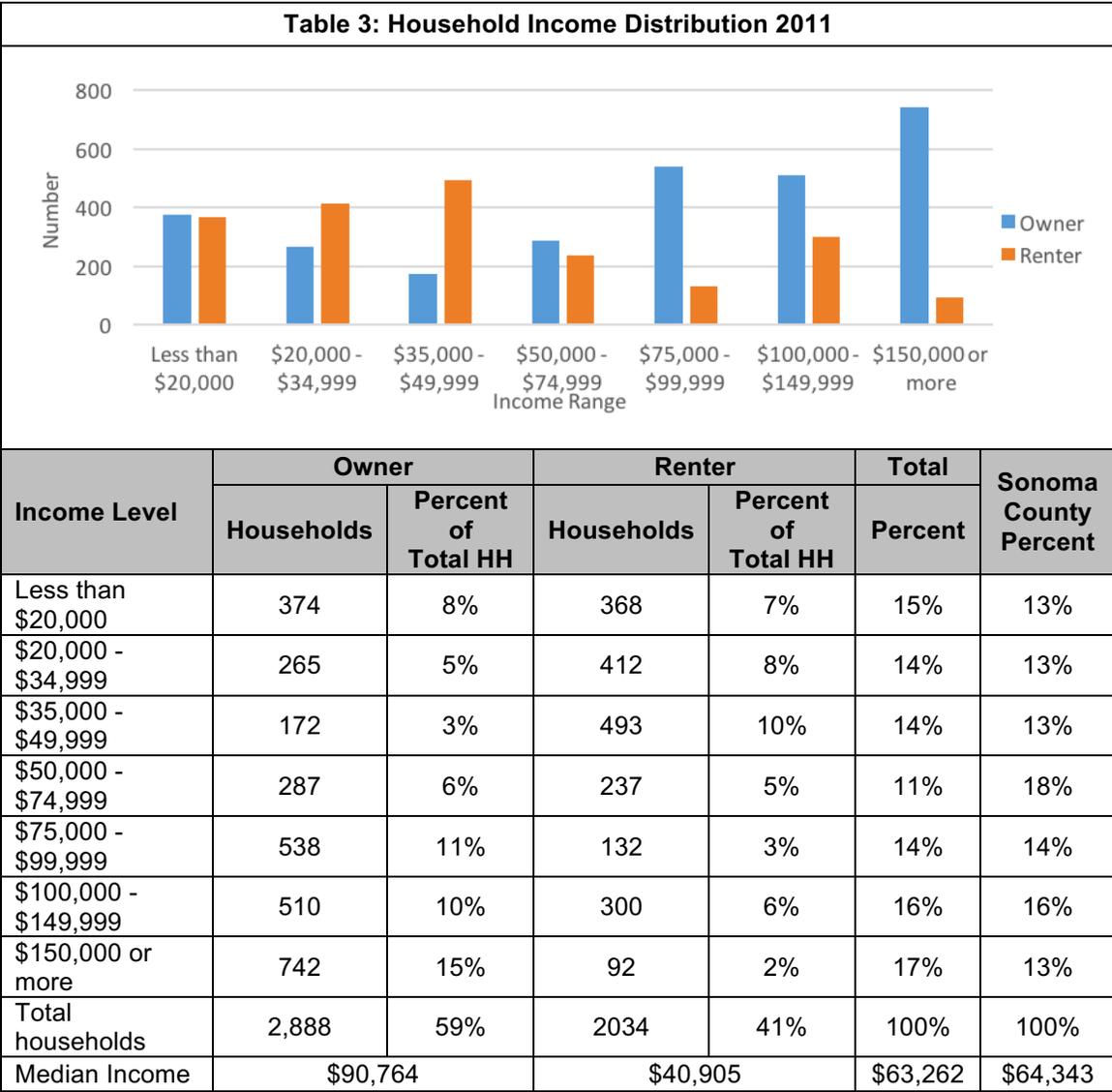
Source: California Department of Housing and Community Development, 2015 Income Limits.

\*Sonoma County’s 4-person Area Median Income is \$82,600

Households with incomes below 30 percent of the area median (defined as extremely low income households) are considered at risk of homelessness.

In assessing housing affordability, a related concept to that of household income is “overpayment”. Overpayment is defined as spending more than 30 percent of gross household income on housing. The most recent information in this regard comes from the 2010 census, which found that 55 percent of renters and 46 percent of homeowners in Sonoma overpaid for housing. The percentage of overpaying households was 12 percent higher than the County-wide average. As detailed in the Housing Element, an assessment of 2014 market rents showed that median rents in Sonoma were well above the level affordable for very low and low income households, pricing many of the community’s lower income occupations out of the rental market. A similar assessment of 2013/2014 sales prices showed that single-family homes generally are beyond the level affordable to moderate-income (120% AMI) household, with the exception of some of the smaller units sold. However, while more limited in number than single-family homes, condominium sales prices are generally affordable to moderate income households.

*Income Distribution:* As shown in the following table from the City’s Housing Element, there is a diversity of household income levels in Sonoma, but in comparison to the County as a whole, there is a somewhat larger proportion of households at both the lower income and the upper income levels. The median income in Sonoma was \$63,262 in 2011. Unsurprisingly, a significant disparity exists between owner and renter households. The median income for an owner household was \$90,764, more than twice the median income of renter households (\$40,905). Nearly 15 percent of renter households had incomes of less than \$35,000, compared with 13 percent of owner households. A higher percentage of renter households (10%) had incomes between \$35,000 and \$49,999 than owner households (3%).



Source: 2007-2011 American Community Survey (from City of Sonoma Housing Element).

**Meeting RHNA Objectives**

*2007-2013 RHNA:* Sonoma’s previous RHNA totaled 353 units. As shown on the table below, a total of 156 units were constructed, of which approximately half (77 units) were divided between two affordable housing developments, Sonoma Valley Oaks (a rental development) and the Wildflower subdivision (an ownership development). In addition, 7 inclusionary units were built, all at the moderate income level. The inclusionary units represent a relatively low percentage of units built because few market-rate projects constructed during the review period exceeded the 5-unit threshold at which inclusionary units are required. The 2007-2013 RHNA period coincided with a deep recession and the overall level of housing development was much less than anticipated. Because the City had access to redevelopment funds designated for affordable housing, it remained able to implement housing projects during this period. As a result, more than half of the units constructed during the previous RHNA term were covenanted affordables.

<b>Table 4: 2007-2013 RHNA Objectives</b>			
<b>Income Level</b>	<b>RHNA Construction Objectives</b>		
	<b>Goal</b>	<b>Accomplished</b>	<b>% Achieved</b>
Very Low (31-50% AMI)	73	40	55%
Low (51-80% AMI)	55	31	56%
Moderate (81-120% AMI)	69	24	35%
Above Moderate (>120% AMI)	156	61	39%
<b>Totals</b>	<b>353</b>	<b>156</b>	<b>44%</b>

*2015-2023 RHNA:* In comparison to the its 2007-2013 RHNA, Sonoma’s current RHNA objectives, totaling 137 units, are substantially reduced (see Table 1). That said, meeting them at the lower income levels may be challenging as the City’s primary local source of funding for affordable housing—the Low/Moderate Housing Redevelopment set-aside—has been eliminated. Typically, the most difficult units to produce are those at the Very Low and Low income levels, for which the RHNA objectives are 24 units and 23 units, respectively. To meet this need, the Housing Element focuses on the development of a site located at 20269 Broadway with an affordable rental project, seeking a minimum of 39 units. This objective is set forth Implementation Measure 2, “Land Assembly and Write-down”. The Broadway site was purchased by Sonoma’s Community Development Agency in 2007 with the intent of developing it with affordable housing. In 2012, ownership of the site was transferred from the Agency to the Sonoma County Community Development Commission as a result of the termination of redevelopment agencies throughout California.

Since that time, the City has been working with the CDC to assure that the site is used for its intended purpose. This process is on track, as in 2015 the CDC issued a request for proposals to identify a non-profit development partner to assist it in developing affordable housing on the site, which led to the selection of Satellite Affordable Housing Associates (SAHA). SAHA has proposed a project of 49 units, including 19 one-bedroom apartments, 15 two-bedroom apartments and 15 three-bedroom apartments. The average level of affordability would be at 45.5% of the Area Median Income (AMI), with 16 units affordable to extremely-low income individuals and households at 30% AMI. Ten units would be reserved for veterans, of which five would be set aside for disabled veterans and five for homeless veterans. The estimated development cost of approximately \$20,500,000 relies upon 9% tax credit financing, a competitive funding program available for rental affordable housing. If implemented, the Broadway project would substantially achieve Sonoma’s 2015-2023 RHNA objectives for housing at the Very Low and Low income levels. (Note: while seniors would eligible to reside in the project, it would not be age-restricted.)

With regard to moderate income housing, for which the RHNA objective is 27 units, the Housing Element identifies the City’s inclusionary requirement as the main program source. Since the current economic environment is more favorable to market-rate housing development—which the inclusionary ordinance relies upon—this objective appears achievable over the eight-year term of the RHNA period. As a starting point, in 2015, 5 moderate income inclusionary units

were constructed. Another 12 have been approved but are not yet built. Between the development of the Broadway site with very-low and low income affordable apartments and the expected development of moderate income inclusionary units, it seems likely that Sonoma can meet its current RHNA objectives using existing housing programs and implementation measures.

### **Seniors and Senior Housing**

Seniors represent one of Sonoma's larger special needs groups with respect to housing. As detailed in the Housing Element, senior citizens (65 years and older) represent 25 percent of the community, significantly greater than the 14 percent seniors countywide. Seniors often have special housing needs due to limited income, higher health care costs, and physical limitations. Senior households are defined as households with one or more persons over the age of 65 years. The 2010 Census identified 1,831 senior households, comprising 37 percent of Sonoma households. About 63 percent of those senior households were lower income, earning less than \$50,000 annually. Over two-thirds of the City's senior households lived alone, encompassing 1,244 seniors. Two-thirds of Sonoma senior households were homeowner households, and one-third of these homeowners expended more than 35 percent of income on housing. One-third of Sonoma's seniors were renters, and nearly three-quarters of these renters (73%) overpaid for housing (over 30% of income spent on rent). The City and has actively supported the development and preservation of affordable rental housing for seniors, including Village Green (34 units), Sonoma Creek Apartments (34 units), Cabernet Apartments (7 units), and Maysonave Apartments I and II (18 units). In addition, Sonoma has accommodated a number of of senior congregate care facilities addressing a wide range of living arrangements, including Wine County House, Sonoma Hills, and Vintage Sonoma.

Mobile homes are an important housing resource for seniors. Since 1993, the City has implemented a mobile home park rent control ordinance as a means of preserving the affordability of its mobile home parks. For those residents not on long-term leases, the ordinance ensures stable rents. However, park owners are permitted to charge a new base rent for a mobile home space whenever a coach-in-place sale or lawful space vacancy occurs. As called for in the Housing Element, the City Council recently completed a comprehensive update of the City's mobile home park rent control ordinance. The Housing Element also includes a related implementation measure calling for consideration to be given to establishing a "Senior Only" zoning overlay that could be applied to the mobile home parks within city limits. By way of the background, each of the City's mobile home parks was originally developed as a senior-only facility, but this was at the choice of their respective developers. Within the past five years, the Moon Valley Mobile Home Park recently converted to an all-age facility, but Pueblo Serena and Rancho de Sonoma remain senior-only. In some communities, restrictions have been adopted, including zoning overlays, that regulate or prohibit the conversion of senior-only parks to all-age facilities as a means of preserving senior housing.

### **The Homeless**

The County of Sonoma, through the Community Development Commission, conducts "point-in-time" homeless surveys during the last two weeks of January. The 2015 survey (the most recent available) identified 131 homeless individuals in unincorporated area of Sonoma Valley and 27

homeless individuals within the city limits of Sonoma (down from 62 in 2013). Of the 27 persons counted within city limits, 14 were sheltered. The City maintains an emergency shelter at 151 First Street West (on the Police Station property), constructed in 2008. The shelter has a maximum capacity of 12 beds and the maximum stay is four months. The shelter typically operates at 80 to 90 percent capacity, although during busy times there can be a waiting list. The City contracts with the non-profit Sonoma Overnight Support (SOS) to run the shelter. SOS, in turn, maintains relationships with a variety of County agencies and non-profit organizations to help provide assistance and long-term housing options to its clients.

**“Workforce Housing”**

In discussions of housing and housing development, reference is often made to “workforce housing” and housing that is affordable in a relative sense, as opposed to covenanted affordable housing, which is subject to restrictions on rent or resale levels. There is no single accepted definition of workforce housing, but in essence it refers to housing that is affordable to workers and close to their jobs. In terms of the more formal definitions discussed above, the income range commonly associated with “workforce housing” is from 60 - 120% of area median income. However, this income range highlights a problem with the term in that, as shown in Table 5, below, there are number of occupations commonly found in Sonoma resulting in household incomes significantly less than that range. In other words, low wage jobs are part of the work force and a rental unit affordable at the low income level is as much a workforce housing unit as a condominium or PUD affordable at the 120% income level.

<b>Table 5: Sonoma County Wages for Select Occupations - 2013</b>			
<b>Very Low Income (&lt; \$33,050 - 2 person household)</b>	<b>Hourly Wage</b>	<b>Annual Income</b>	<b>Max. Monthly Affordable Housing Cost</b>
Wait Staff	\$10.73	\$22,311	\$558
Home Health Aides	\$11.50	\$23,914	\$598
Restaurant Cooks	\$12.18	\$25,335	\$633
Child Care Workers	\$12.76	\$26,546	\$664
Janitors and Cleaners	\$13.03	\$27,092	\$677
Security Guards	\$13.39	\$27,855	\$696
Retail Salespersons	\$13.62	\$28,322	\$708
<b>Low Income (\$33,051 - \$52,000 - 2 person household)</b>	<b>Hourly Wage</b>	<b>Annual Income</b>	<b>Max. Monthly Affordable Housing Cost</b>
Emergency Medical Technicians and Paramedics	\$18.00	\$37,449	\$936
Transit Bus Drivers	\$18.24	\$37,935	\$948
Customer Service Representatives	\$19.05	\$39,613	\$990
General Maintenance and Repair Workers	\$20.79	\$43,243	\$1,081
Bookkeeping, Accounting, and Auditing Clerks	\$20.82	\$43,307	\$1,083
Construction Laborers	\$21.74	\$45,237	\$1,131
Graphic Designers	\$24.90	\$51,788	\$1,295

<b>Moderate Income (\$52,001 - \$79,300 - 2 person household)</b>	<b>Hourly Wage</b>	<b>Annual Income</b>	<b>Max. Monthly Affordable Housing Cost</b>
Computer Support Specialists	\$27.75	\$57,733	\$1,443
Elementary School Teachers	n/a	\$58,259	\$1,456
Architectural and Civil Drafters	\$29.03	\$60,377	\$1,509
Librarians	\$32.67	\$67,962	\$1,699
Accountants and Auditors	\$34.89	\$72,560	\$1,814
Loan Officers	\$36.17	\$75,221	\$1,881
Real Estate Agents	\$36.33	\$75,547	\$1,889

Source: California Occupational Employment Statistics 2013 (1st Quarter) – Santa Rosa - Petaluma MSA (Sonoma County) Income categories based on two person household with single wage earner.

Max affordable housing cost based on standard of 30% of income on housing, including rent/mortgage, utilities, taxes, insurance, HOA fees.

A breakdown of occupations held by Sonoma residents is available from the 2007-2011 American Community Survey. Educational, Health, and Social Services was the leading industry (23%), followed by Arts, Accommodation and Food Services (15%); Professional scientific, management and administrative (10%); Retail Trade (10%); and Manufacturing (9%). Approximately 30 percent of jobs were in lower paying retail, hospitality, construction, and service-related industries, with wages that present a challenge to finding affordable housing within the City.

<b>Industry Sector</b>	<b>Sonoma</b>		<b>County</b>
	<b>Number</b>	<b>Percent</b>	<b>Percent</b>
Educational, health, and social services	1,141	23%	20%
Arts, entertainment, recreation, accommodation, and food services	728	15%	9%
Professional, scientific, management, administrative, and waste management services	521	10%	11%
Retail trade	482	10%	13%
Manufacturing	443	9%	10%
Finance, insurance, real estate, and rental and leasing	366	7%	7%
Construction	364	7%	8%
Public administration	309	6%	4%
Other services (except public administration)	237	5%	6%
Wholesale trade	166	3%	3%
Transportation and warehousing, and utilities	89	2%	3%
Information	92	2%	2%
Agriculture, forestry, fishing and hunting, and mining	41	1%	3%
Employed civilian population 16 years and over	4,979	100%	100%

Source 2007-2011 American Community Survey

In addition to employment and household income, another element related to the concept of workforce housing is the commute pattern. Table 7, below, shows the commute times for Sonoma’s workforce as of 2012. Of the 4,110 workers in Sonoma 16 years old or older who work outside the home, 39 percent, or 1,594 workers, have a travel time to work of 15 minutes or less. The majority of Sonoma’s workers, 67 percent, drive to work alone, 11% walk or bike, while only 2% use transit. Approximately 11% of the workforce works from home.

<b>Table 7: 2012 Travel Time to Work</b>			
	<b>Sonoma</b>		<b>California</b>
Workforce	4,110	110%	15,466,086
<b>Travel Time</b>	<b>Number</b>	<b>Percentage</b>	<b>Percentage</b>
Less than 15 minutes	1,594	38.8%	25.2%
15-29 minutes	843	20.5%	35.8%
30-44 minutes	529	12.9%	21.1%
45 minutes or more	1,144	27.8%	17.9%

Source: City of Sonoma Circulation Element Background Report/2008-2012 American Community Survey

The most critical distinction to made about the concept of workforce housing is that it refers to units that are not restricted by affordable housing covenants. This does not mean that such units lack value in terms of meeting community housing needs. For example, in a recently approved 11-unit apartment project, two units were subject to the City’s inclusionary requirement and will therefore be subject to restrictions on rents and household income. The other nine units would be market-rate. Those market rate units, once built, will also contribute to the City’s stock of rental housing and, in a relative sense, they will be more affordable than many other types of units. Similarly, the seven-unit condominium development under construction at 405 Fifth Street West will include one inclusionary unit, but as relatively small townhomes, all of the units will contribute to the diversity of the City’s housing stock. All of that said, it is staff’s view that the term “workforce housing” has limited value in terms of developing and implementing land use regulations, because it is not well defined and the units to which the term refers are ultimately not restricted in price or rent.

### **Housing Element Sites Inventory**

A required component of every Housing Element is a site inventory, which is described by the Department of Housing and Community Development (HCD) as follows:

*The element must include a detailed land inventory and analysis including a site specific inventory listing properties, zoning and general plan designation, size and existing uses; a general analysis of environmental constraints and the availability of infrastructure, and evaluation of the suitability, availability and realistic development capacity of sites to accommodate the jurisdiction’s share of the regional housing need by income level.*

The site inventory in Sonoma’s Housing Element identifies nine properties within city limits having an estimated development capacity to accommodate an estimated 314 very low and low income units, 15 moderate income units, and 72 above-moderate income units (see attached). An additional 10 sites identified in the inventory are located outside of city limits but within the sphere of influence, mainly in the Four Corners area (in the vicinity of Broadway and Napa/Leveroni Road). In combination with projects that were approved but built at the time the

Housing Element was adopted, the inventory demonstrates that there is sufficient land capacity within city limits at the proper density to accommodate Sonoma’s RHNA.

<b>Income Level</b>	<b>Very Low/Low</b>	<b>Moderate</b>	<b>Above-Moderate</b>
RHNA	47	27	63
Site Capacity	314	15	72
Units in Process	1	15	96
Capacity v. Net RHNA	+280	+3	+105

As shown in the table above, the inventory shows excess development capacity compared to the RHNA objectives. Having excess capacity is necessary because the City cannot necessarily dictate that any particular site included in the inventory will be developed at a particular level of affordability. To put it another way, the inclusion of a site in the inventory does not represent a mandate that it be developed with affordable housing or with housing of any particular type or density, except as regulated by the site’s land use and zoning designation. The inventory is simply a demonstration of land capacity. It should also be noted that affordable units can and will be developed in sites that are not included in the inventory. For example, the Planning Commission recently reviewed a development concept for a property at 870 Broadway, not included in the inventory, that called for 30 residential units (at a density of 16 units per acre), including six inclusionary affordable units. An observation staff would emphasize about the sites inventory is that, per State law, its purpose is to demonstrate the capacity to meet the City’s RHNA objectives. Except for market-rate units, of course, these objectives are met through the development of covenanted affordable housing.

**Additional Concepts for Promoting Affordable Housing**

The purpose of the joint study session is to discuss concepts for promoting the development of affordable housing, including housing that may not be income restricted by covenant, but that is likely to be relative affordable due to a smaller size or based on unit type (e.g., apartments and condominiums). As a starting for discussion, some broad concepts that the City Council and Planning Commission may wish to discuss are as follows:

1. *Cottage Housing:* As suggested by the Planning Commission, the recently updated Housing Element includes a new program through which Development Code would be amended to accommodate “Cottage Housing”. This direction is set forth in Implementation Measure H-5, “Alternative Housing Models:”

*Sonoma recognizes the changing housing needs of its population, including a growing number of non-family households, aging seniors in need of supportive services, and single-parent families in need of childcare and other services. To address such needs, the City can support the provision of non traditional and innovative housing types to meet the unique needs of residents, such as co-housing, shared housing, and assisted living for seniors, among others. Two unique housing typologies the City is particularly interested in pursuing are cottage housing and junior second units.*

*Cottage housing developments are groupings of small, attached or detached single-family dwelling units, often oriented around a common open space area, and with a shared area for parking. Cottage housing is typically built as infill development in established residential zones and can provide increased density and a more affordable alternative to traditional single-family housing. Rather than codifying all parameters of cottage development, a more flexible approach of design guidelines and design review may be appropriate.*

Per the Housing Element, the objective is to have Development Code amendments in place by 2017. A Cottage Housing ordinance represents an allowance/incentive, not a requirement.

2. *Junior Second Units:* Implementation measure H-11a of the Housing Element also calls upon the City to evaluate and adopt standards junior second units. “Junior Second Units” are attached second units typically created through the conversion of an existing bedroom or other extra room within a residence. A Junior Second Unit is limited in size, even in comparison to a standard second unit, and features an efficiency kitchen. The Junior Second Unit concept is much less expensive to implement than a standard second unit, because it is a retrofit rather than new construction. A set of talking points further explaining the concept (forwarded to staff by Mayor Gallian) is attached.
3. *Mobile Home Park Senior Overlay Zone: MH “Senior-Only” overlay.* Implementation measure H-11a of the Housing Element calls upon the City to “evaluate regulatory mechanisms, such as a senior-only zoning overlay, for mobile home parks to maintain to senior-only occupancy restrictions.”
4. *Update Inclusionary Requirement/Develop Housing Impact fees:* The Housing Element calls for a review and update of the inclusionary requirement, in which residential developments of five or more units provide a percentage of affordable housing. This review is proposed because the moderate income affordable units that are typically provided by developers under this program are often comparable in price to market-rate condominium units, making them difficult to re-sell. It may be preferable to require fewer units at the low income level of affordability. As a related task, a nexus study providing a basis for housing impact fees on residential and commercial development will be prepared as a means of partially off-setting the loss of redevelopment funds for affordable housing programs. This program is in process and the City Council recently selected a consultant to help implement it.
5. *Minimum Density Requirement:* The City could consider establishing a minimum density requirement for development in the Mixed Use zone. This could be a difficult problem, however, as the Mixed Use zone is applied to a wide range of property types, not all of which are appropriate for residential development. As it is not contemplated in the Housing Element, Council authorization would be required to pursue this direction. Amendments to the General Plan would be required to implement this concept.
6. *Overlay Zone Requirements and Incentives:* The City could consider reviving the affordable housing overlay concept. Typically, a housing overlay zone combines incentives, such as density increases, allowances for greater height and reduced parking, and even fee waivers, with requirements for a minimum number or percentage of covenanted affordable housing

units at designated income levels. Staff would note that most if not all of the zoning incentives available through a housing overlay zone are already allowed for through the density bonus process. Depending on how it is implemented, this approach could establish requirements, not just incentives. As it is not contemplated in the Housing Element, Council authorization would be required to pursue this direction. Amendments to the General Plan would be required to implement this concept. Information and examples of the housing overlay zone concept are attached.

7. *Redesignate Additional Sites as "Housing Opportunity"*: The City already has a General Plan land use designation of "Housing Opportunity" that establishes a relatively high minimum density and prohibits uses other than housing. This designation could be applied to other parcels within city limits or the sphere of influence through a General Plan amendment process. If applied to a property currently designated Mixed Use, this change would preclude any commercial component. As it is not contemplated in the Housing Element, Council authorization would be required to pursue this direction.
8. *Maximum Unit Sizes/Limitations on Unit Types*: The City could consider developing General Plan and zoning requirements that specify a maximum median unit size in certain zoning districts, possibly in conjunction with limitations on unit types. Staff is looking for examples of this approach, but have yet to find any relevant to Sonoma. Amendments to the General Plan and the Development Code would be required to implement this concept. As it is not contemplated in the Housing Element, Council authorization would be required to pursue this direction.
9. *Increased Inclusionary Requirement for Mixed Use Development*: In a preliminary discussion of housing issues and conducted by the Planning Commission at its meeting of April 14, 2016, the suggestion was made to require an increased inclusionary requirement for mixed use developments, on the premise that the commercial component could help support the provision of additional affordable housing. The enhanced inclusionary requirement could take the form of a lower level of affordability or a larger percentage of affordable units. This concept could perhaps be discussed as part of the pending update of the inclusionary ordinance (see item 4, above).
10. *Four Corners Area*: Evaluate the Gateway Commercial designation applied to the Four Corners area (Broadway and Napa/Leveroni Road) as an opportunity for the development of higher density housing clustered around a commercial subcenter.

With respect to the concepts discussed under #6 and #7, staff would note that the Housing Opportunity Land use designation has in the past only been employed in situations where the City owned or controlled the property or following extensive consultation with the property owner.

## **Recommendation**

Discuss and provide feedback to staff.

## Housing Element Program Progress Summary

Housing Program	Program Goal/Objective	Target Time Frame	Current Status
<b>Housing Diversity</b>			
<b>H-1</b> Inclusionary Housing Ordinance	Integrate affordable units within market rate development. Re-evaluate City's inclusionary program, and amend to strengthen and improve effectiveness.	Amend Ordinance by 2017.	<b>On schedule.</b> City Council scheduled to select consultant for this task on April 20 <sup>th</sup> . (See also H8)
<b>H-2</b> Land Assembly and Write-Down	Facilitate development of affordable housing. Coordinate with County Housing Authority in issuance of RFP for the Broadway site; develop with minimum 39 low income rental units.	2015- Issue RFP 2018- Complete construction on the Broadway site.	<b>On schedule.</b> RFP was issued by CDC in 2015 and a Development partner has been selected (Affordable Housing Associates). The neighbor outreach and predevelopment process are underway. The City Council has contributed \$100,000 to fund predevelopment costs.
<b>H-3</b> Partnerships with Affordable Housing Developers	Build partnerships with affordable housing providers. Partner with non-profits by providing incentives. Work with County on farmworker housing needs.	Annually meet with County representatives re: potential funding applications.	Ongoing.
<b>H-4</b> Adaptive Reuse	Introduce housing in non-residential areas, restore buildings, and provide live/work space. Evaluate elimination of vacation rentals.	Evaluate ordinance modifications by 2018.	<b>Ahead of schedule.</b> Ordinance eliminating vacation rentals an adaptive re-use option will be reviewed by the City Council on April 20th.
<b>H-5</b> Alternative Housing Models	Support the provision of non-traditional, innovative housing types to meet unique needs. Offer flexible zoning to foster alternative housing types. Evaluate and adopt standards for cottage housing and junior second units.	Adopt development standards for cottage housing and junior second units by 2017.	Program not yet initiated.
<b>H-6</b> Second Dwelling Units	Evaluate prohibiting use of second units as vacation rentals.	Evaluate ordinance revisions by 2017.	<b>Ahead of schedule.</b> Ordinance prohibiting the use of second units as vacation rentals will be reviewed by the City Council on April 20th.

Housing Program	Program Goal/Objective	Target Time Frame	Current Status
<b>Housing Affordability</b>			
<b>H-7</b> Affordable Housing Funding Sources	Leverage local funds to maximize assistance. Actively pursue variety of funding sources for affordable housing. Support developers in securing outside funding.	Annually as RFPs are issued.	Ongoing. Current priority is the Broadway project.
<b>H-8</b> Affordable Housing Impact Fees	Require residential and non-residential development to offset their impact on affordable housing demand through payment of an impact fee. Conduct a nexus study to evaluate the establishment of an affordable housing impact fee on residential and non-residential development.	Conduct nexus study by 2017.	On schedule. City Council scheduled to select consultant for this task on April 20 <sup>th</sup> . (See also H8)
<b>H-9</b> Section 8 Rental Assistance	Assist extremely low and very low-income households with rental payments. Encourage landlords to register units with Housing Authority; prepare handout for rental property owners.	Ongoing.	Ongoing.
<b>Housing and Neighborhood Preservation</b>			
<b>H-10</b> Housing Rehabilitation Program	Maintain quality of housing stock. Advertise availability of program on website and via handouts. Seek to assist 30 lower income households.	Assist 30 households by 2023.	Ongoing.
<b>H-11</b> Mobile Home Park Rent Stabilization and Conversion Ordinance	Maintain mobile home parks as important source of affordable housing. Enforce mobile home park rent stabilization and conversion ordinances. Evaluate strengthening the City's existing ordinance.	2015 - evaluate strengthening ordinance.	<b>Complete.</b> Council introduced an ordinance implementing a comprehensive update of MH rent control regulations at its meeting of April 4, 1016.
<b>H-11a</b> Mobile Home Park Senior-Only Occupancy Restrictions	Maintain age restrictions in senior-only parks as a means of preserving senior housing. Evaluate regulatory mechanisms, such as a senior-only zoning overlay, for mobile home parks to maintain to senior-only occupancy restrictions.	2015 - evaluate regulatory mechanisms 2016 - adopt ordinance as deemed appropriate.	<b>Behind schedule.</b> Program not yet initiated. This program was postponed, pending the completion of the update of the rent control regulations.

Housing Program	Program Goal/Objective	Target Time Frame	Current Status
<b>H-12</b> Condominium Conversion Ordinance	Provide protections for tenants in apartments and mobile homes proposed for conversion. Implement condominium and mobile home park conversion regulations.	Ongoing.	Ongoing.
<b>H-13</b> Preservation of Assisted Rental Housing	Preserve the existing affordable housing stock at risk of conversion to market rents. Initiate discussions with property owners; explore outside funding and preservation options; offer preservation incentives to owners; provide technical assistance and education to affected tenants.	Contact property owners within one year of potential expiration and complete other steps as necessary.	Ongoing.
<b>H-14</b> Affordable Housing Monitoring/ Annual Report	Provide monitoring and annual reporting of the Housing Element implementation progress, in compliance with State law. Review the Housing Element on an annual basis, provide opportunities for public participation, and submit annual report to the State.	By April 1st every year.	Ongoing.
<b>H-15</b> Design Guidelines and Design Review	Ensure excellence in architectural and community design. Continue to implement Sonoma's design review process.	Ongoing	Ongoing.
<b>Removing Governmental Constraints</b>			
<b>H-16</b> Growth Management Ordinance-Exception for Affordable Housing	Ensure growth management policies do not hinder affordable housing production or attainment of regional housing needs. Annually review effects of GMO on production of affordable housing and modify as necessary to provide adequate incentives consistent with Sonoma's current and future regional housing needs.	Annually.	Ongoing.

Housing Program	Program Goal/Objective	Target Time Frame	Current Status
<b>H-17</b> Parking Incentives and Modified Standards	Incentivize development of affordable, special needs, mixed use, live- work, and pedestrian oriented housing. Provide parking reductions on affordable projects, and other projects which meet community goals Re-evaluate multi-family parking standards and modify as appropriate.	Ongoing incentives. Re-evaluate standards by 2015.	<b>In progress/Behind schedule.</b> The City is revisiting its parking standards, but this program is behind schedule.
<b>H-18</b> Affordable Housing Density Bonus	Provide density and other incentive to facilitate affordable housing development. Implement City's density bonus provisions, advertise on website, and promote in discussions with developers.	Ongoing.	Ongoing.
<b>Equal Housing Opportunities</b>			
<b>H-19</b> Fair Housing Program	Promote fair housing practices and prevent housing discrimination. Refer fair housing complaints to Fair Housing of Sonoma County. Disseminate fair housing information.	Ongoing.	Ongoing.
<b>H-20</b> Universal Design	Increase accessibility in housing through Universal Design. Disseminate Universal Design Principals brochure, and inform residential development applicants.	Ongoing.	Ongoing.
<b>H-21</b> Reasonable Accommodation Procedures	Ensure fair access to housing for persons with disabilities, including developmental disabilities. Implement City's reasonable accommodation procedures.	Ongoing.	Ongoing.
<b>H-22</b> Homeless Services and Shelter	Assist the homeless and persons at risk of homelessness in obtaining shelter and services. Maintain Sonoma homeless shelter and support other providers and regional efforts.	Ongoing.	Ongoing.

Housing Program	Program Goal/Objective	Target Time Frame	Current Status
<b>Environmental Sustainability</b>			
<b>H-23</b> Green Building Program	Promote sustainable and green building design in development. Provide outreach and education on incorporating sustainability in project design.	Ongoing.	Ongoing.
<b>H-24</b> Energy Conservation Initiatives	Promote the installation of solar systems and water efficient technologies. Connect eligible affordable homes with GRID Alternatives. Advertise the Energy Independence Loan Program to residents and businesses.	Ongoing.	Ongoing.
<b>H-25</b> Sonoma Water Action Plan	Ensure projected water needs are met. Implement Water Action Plan. Conduct periodic reviews and modify as necessary to ensure adequate water supply to meet Sonoma's regional housing needs (RHNA). Advertise available water conservation programs.	Review Water Action Plan on bi-annual basis. Update website as new water conservation programs become available.	Ongoing. Note: The City is updating its Urban Water Management Plan.

Table H-2: Housing Opportunities - City Limits

SITE NO.	Site Address	Gross Acres	Existing Use	Current GP Designation	Current Zoning	Max. Density	Realistic Density (DU/AC)	Realistic Development Potential (Units)	Income Categories		
									Very Low & Low	Mod	Above Mod.
<b>NORTHEAST PLANNING AREA</b>											
1	216, 226 & 254 First Street East	2.63	Underutilized; 0.5 acre vacant, 0.5 acre parking; main commercial building is vacant	Mixed Use	R-S	20	20	53			
<b>CENTRAL-WEST PLANNING AREA</b>											
2	No address assignment	4.1	Vacant	Sonoma Residential	R-S	8	8	22			22
3	19910 Fifth Street West	1.51	Underutilized; vacant field	Medium Density Residential	R-M	11	10	15		15	
4	700 Curtin Lane	6.28	Underutilized; currently 1-2 units/6.28 acres; primarily agricultural	Sonoma Residential	R-S	8	8	50			50
<b>GATEWAY DISTRICT</b>											
5	45 & 69 Napa Road	3.53	Vacant	Gateway Commercial	C-G	20	20	71		71	
<b>BROADWAY CORRIDOR</b>											
6	20269 Broadway	1.97	Vacant	Mixed Use	MX	20	20	39			39

SITE NO.	Site Address	Gross Acres	Existing Use	Current GP Designation	Current Zoning	Max. Density	Realistic Density (DU/AC)	Realistic Development Potential (Units)	Income Categories			TOTAL OPPORTUNITY SITES*	
									Very Low & Low	Mod	Above Mod.		
<b>WEST NAPA STREET / SONOMA HIGHWAY CORRIDOR</b>													
7	477 West Napa Street	3.02	Vacant	Commercial	C	20	20	60	60	60	15	72	401
8	19320 & 19330 Sonoma Highway	2.52	Underutilized; Western part of site developed with several residential buildings. Resident relocation required.	Housing Opportunity	R-O	25	20	50	50	50	27	63	137
9	590 West Napa Street	2.04	Underutilized; has 1 home fronting West Napa St., most of lot is vacant; accessible from opposite block.	Mixed Use	MX	20	20	41	41	41	-	105	388
									314	15	72	401	
									47	27	63	137	Total RHNA
									1	15	96	112	Approved, Permitted since Jan 2014.**
									12	-	-	12	Projected Second Units
									280	3	105	388	"NET RHNA"

\*The unit distribution only serves to demonstrate that RHNA figures by income level could be accommodated by the unit capacity of the site inventory. New projects on these sites are not mandated to accommodate the exact units by income level as shown in the table.

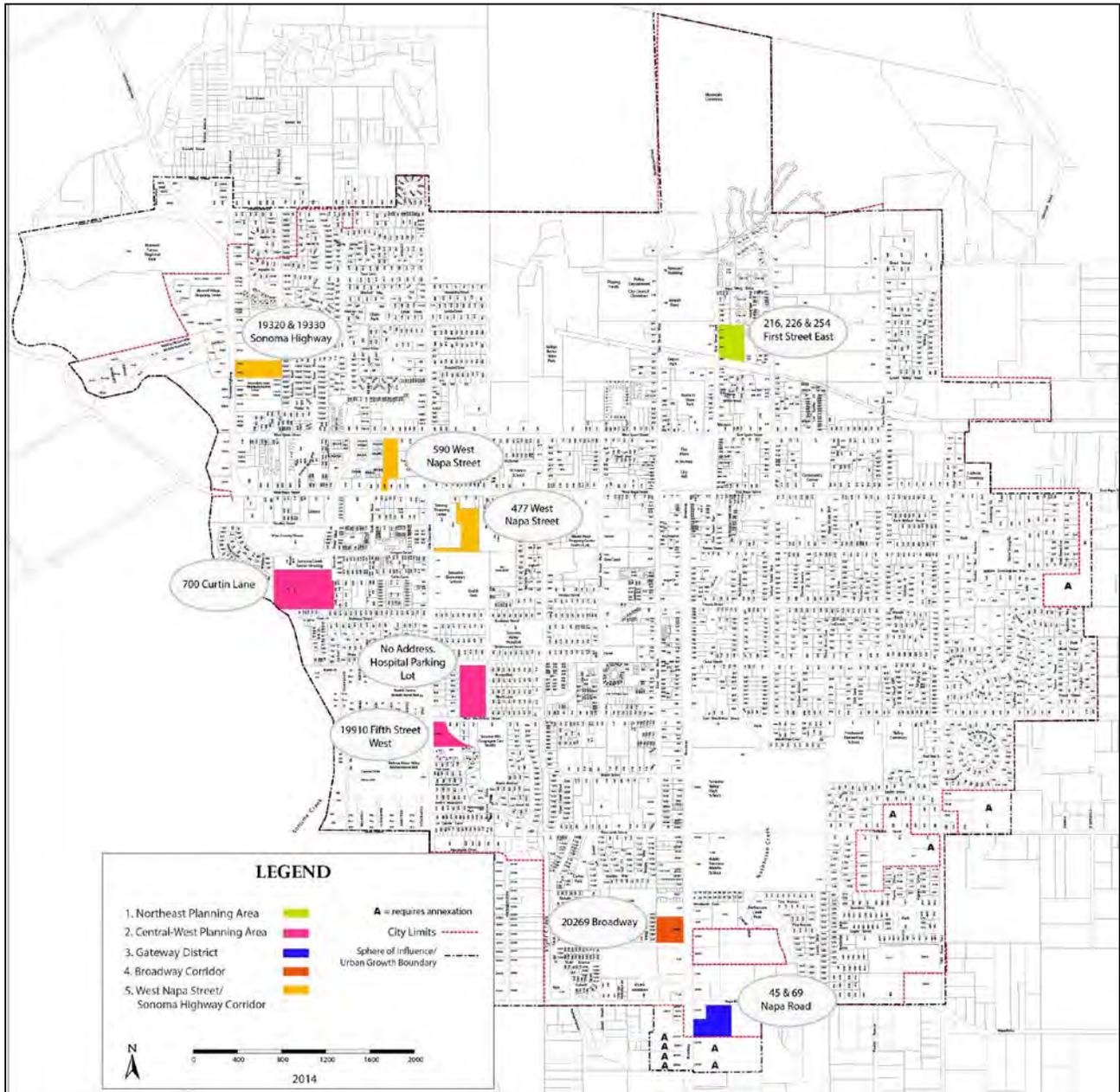
\*\* See Table H-5 for projects approved or under construction since January 2014.

Table H-3: Housing Opportunities Sites – Within Sphere of Influence

SITE NO	Site Address	Gross Acres	Existing Use	Current GP Designation	Current Zoning	Max. Density	Realistic Density (DU/ AC)	Realistic Development Potential (Units)
<b>CENTRAL-EAST PLANNING AREA</b>								
10	885 East Napa Street	7.06	Underutilized	Sonoma Residential	R-S*	8	8	56
<b>SOUTHEAST PLANNING AREA</b>								
11	438 Denmark Street	1.66	Underutilized	Low Density Residential	R-L*	8	4	8
12	455-475 Denmark Street (3 parcels)	5.5	Underutilized	Low Density Residential & Sonoma Residential	R-L & R-S*	7.2	5	30
13	600 Denmark Street	4.89	Vacant	Sonoma Residential	R-S*	8	5	39
14	20455 Fifth Street East	2.88	Underutilized	Mixed Use	MX*	20	10	28
<b>GATEWAY DISTRICT</b>								
15	20535 Broadway	1	Underutilized	Gateway Commercial	C-G*	20	20	20
16	20549 Broadway	1	Underutilized	Gateway Commercial	C-G*	20	20	20
17	20559 Broadway	1	Underutilized	Gateway Commercial	C-G*	20	20	20
18	20563 Broadway	1	Underutilized	Gateway Commercial	C-G*	20	20	20
19	20564 Broadway	2.5	Underutilized	Gateway Commercial	C-G*	20	20	50
20	20540 Broadway	5	Underutilized	Gateway Commercial	C-G*	20	20	100
							<b>TOTALS</b>	<b>391</b>

\* Zoning designation that would apply to the property/site upon annexation to the City.

Figure H-1: Housing Opportunity Site Map



## **Housing Overlay Zone (HOZ)**

### ***Summary and Benefits:***

Using a “carrot,” rather than a “stick,” approach to encourage the creation of additional affordable housing, Housing Overlay Zones (HOZ) provide a flexible tool that sits on top of conventional zoning designations. These areas offer developers incentives to provide the community with specific amenities and community benefits in exchange for specific concessions by the city. On sites where land is not zoned for residential use but a city would like to see affordable housing built, a housing overlay district may eliminate the time consuming process of amending a general plan to construct such housing.

Public Advocates, a Bay Area law firm specializing in social justice issues, points out:

To achieve these goals, HOZ policies are centered around four basic parameters that can be customized to best fit local needs:

1. Geographic scope of applicability;
2. Baseline affordability qualifications for developments to access HOZ incentives;
3. Incentives given to qualified developments; and
4. The extent of exemptions from discretionary project-level approvals.

Determining the most effective balance of these factors will depend on work by local communities; however, in general, more effective HOZs will have broad geographic applicability including in lower-density or commercial zones, meaningful affordability qualifications, valuable incentives, and reliable exemptions from discretionary approvals.

### ***Potential Policies:***

- Consider the implementation of a Housing Overlay Zone over locally designated Priority Development Areas (PDAs), and transit-accessible areas, to incentivize affordable housing inclusion in areas close to amenities and transit alternatives.
- Among the potential incentives it could include:
  - Enhanced density bonuses - possibly to encourage [parcel assembly](#) as well
  - Reduced parking ratios
  - Expedited permit processing
  - Increased allowable heights
  - By-right zoning or administrative approval of projects
  - In-lieu fees
  - Impact fee waivers

### ***Model Ordinances/Useful Sources:***

- **City of Menlo Park**, link: [http://www.menlopark.org/departments/pln/he/amendments/993\\_HE\\_Affordable\\_Housing\\_Overlay.pdf](http://www.menlopark.org/departments/pln/he/amendments/993_HE_Affordable_Housing_Overlay.pdf), <http://www.codepublishing.com/CA/menlopark/?MenloPark16/MenloPark1698.html>
- **City of Alameda**, link: [http://alameda.granicus.com/MetaViewer.php?meta\\_id=37217&view=&showpdf=1](http://alameda.granicus.com/MetaViewer.php?meta_id=37217&view=&showpdf=1)
- **King County, Washington**, link <http://www.kingcounty.gov/socialservices/Housing/ServicesAndPrograms/Programs/HousingDe>

[velopment/Incentives.aspx](#)

- **Orange County**, Affordable housing incentive withing commercially zoned properties, Link: [http://library.municode.com/HTML/11378/level3/TIT7LAUSBURE\\_DIV9PL\\_ART2THCOZO\\_CO.html#TIT7LAUSBURE\\_DIV9PL\\_ART2THCOZOCO\\_S7-9-148.1PUIN](http://library.municode.com/HTML/11378/level3/TIT7LAUSBURE_DIV9PL_ART2THCOZO_CO.html#TIT7LAUSBURE_DIV9PL_ART2THCOZOCO_S7-9-148.1PUIN)
- **Public Advocates**, *Factsheet: Housing Overlay Zones*, [http://www.publicadvocates.org/sites/default/files/library/affordable\\_housing\\_overlay\\_zone\\_fact\\_sheet\\_7-27-10.pdf](http://www.publicadvocates.org/sites/default/files/library/affordable_housing_overlay_zone_fact_sheet_7-27-10.pdf)

## Chapter 17.20 AHO AFFORDABLE HOUSING OVERLAY DISTRICT

### Sections:

- [17.20.010](#) Purpose.
- [17.20.020](#) Applicability.
- [17.20.030](#) Definitions.
- [17.20.040](#) Uses permitted with a development agreement.
- [17.20.050](#) Development incentives.
- [17.20.060](#) Assurance of affordability.
- [17.20.070](#) Pre-application procedure.
- [17.20.080](#) Application – Development plans and map required.
- [17.20.090](#) Findings.

### **17.20.010 Purpose.**

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- A. The affordable housing overlay (AHO) district is intended to facilitate the provision of affordable housing units as defined in Section [17.20.030](#) through the retention and rehabilitation of existing units, or the construction of new units. The AHO district is intended to provide the opportunity and means for the city to meet its regional fair share allotment of such units, and to implement the policies and goals of the housing element of the city's general plan.
- B. These regulations are intended to encourage the development of affordable housing units by assisting both the public and private sector in making the provision of these units economically viable, while providing assurances to the city that these units will maintain a high degree of quality and will remain affordable to the target population over a reasonable duration of time.
- C. These regulations are further intended to encourage the provision of affordable housing through the combination of the AHO district with multiple-family residential zoning districts within the city where the affordable housing projects are determined to be feasible and are consistent with the city's general plan.
- D. The affordable housing overlay provides a density increase for affordable housing development that in most cases exceeds density bonuses permitted by state law (Government Code Section [65915](#)). Consequently, a development may utilize the affordable housing overlay as an alternative to the [use](#) of state density bonus but may not utilize both the affordable housing overlay and state density bonuses.
- E. The affordable housing overlay is intended to provide a means of directing and simplifying the process for creating and maintaining affordable housing.
- F. The affordable housing overlay is also intended to provide incentives to developers whether in new or rehabilitated housing, to maintain rental units for the long term, e.g., not less than fifty-five years, and affordable ownership units in perpetuity. (Ord. [950](#) § 1, 2010)

### **17.20.020 Applicability.**

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The regulations set forth in this chapter may be applied to specific sites meeting the following criteria:

- A. Be located in the multiple-family residential zoning districts;
- B. Is not located in the R-1 zoning district;
- C. One acre in size. (Ord. [950](#) § 1, 2010)

#### **17.20.030 Definitions.**

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- A. “Affordable housing” means housing capable of being purchased or rented by a household with “very low,” “low,” or “moderate” income levels at an “affordable housing cost” or “affordable rent,” as those terms are defined by the state of California.
- B. “Affordable housing overlay district” means a zoning district that applies in addition to existing zoning designation where the city encourages the provision of affordable housing units as described in this chapter.
- C. The “very low,” “low,” and “moderate” income levels are defined by the state of California in Sections 50105, 50079.5, and 50093, respectively, of the California Health and Safety Code, and in Subchapter 2 of Chapter 6.5 of Division 1 of Title 25 of the California Code of Regulations, commencing with Section 6900. These income levels are:
  - 1. Very Low Income. Up to and including fifty percent of the Santa Cruz County median income, adjusted for [family](#) size, as defined by the state law;
  - 2. Lower Income. Fifty-one percent to eighty percent of Santa Cruz County median income, adjusted for [family](#) size, as defined by the state law;
  - 3. Moderate Income. Eighty-one percent to one hundred twenty percent of Santa Cruz County median income, adjusted for [family](#) size, as defined by state law.
- D. “Affordable housing cost” and “affordable rent” are defined in Sections 50052.5 and 50053, respectively, of the California Health and Safety Code, and in Subchapter 2 of Chapter 6.5 of Division 1 of Title 25 of the California Code of Regulations, commencing with Section 6900.
- E. All of the state laws and regulations referenced above, or their successors, as the same from time to time may be amended, are incorporated herein as though fully set forth. In the event of any inconsistency or discrepancy between the income and affordability levels set forth in this chapter and the levels set in state laws and regulations, the state provisions shall control. (Ord. [950](#) § 1, 2010)

#### **17.20.040 Uses permitted with a development agreement.**

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The following [uses](#) are permitted with the execution of a development agreement by the city and the developer in accordance with the provisions of California Government Code Section [65864](#) et seq.

- A. Residential developments at a density greater than normally permitted by the underlying, multiple-family zoning district (up to twenty units per acre), when the development provides a substantial level of affordable housing units, as defined in Section [17.20.030](#). A substantial level is defined herein as a minimum of fifty

percent of the units in the project be income restricted affordable housing, of which, no less than fifty percent of those units (twenty-five percent of the total) shall be affordable to households earning low, very low and extremely low incomes. A greater level of affordability will not allow a greater level of density. The twenty units/acre limit shall be based on a calculation that includes all existing and all new units on the land area that is being included in the calculation.

B. Accessory [uses](#) or [structures](#) incidental to the principally permitted [use](#). (Ord. [950](#) § 1, 2010)

### **17.20.050 Development incentives.**

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A. General. In order to reduce costs associated with the development and construction of affordable housing, the property development standards set forth in subsection C of this section are established for the AHO district. These property development standards represent a relaxation of standards normally applied to housing in the city and are established in order to facilitate and promote the development of affordable housing in the city and shall be extended upon issuance of a design permit for architectural and site review. As a further inducement to the development of affordable housing beyond the relaxation and flexibility of development standards, the city, where appropriate, may also extend one or more of the development incentives set forth in subsection D, the selection of which shall depend on the quality, size, nature, and scope of the project being proposed. Incentives shall be targeted to improve the project design or to yield the greatest number of affordable units and required level of affordability, so as to permit the city to meet its regional fair share allotment of affordable housing and the goals of the housing element of the city's general plan. It is also the intent of the city to facilitate affordable housing by encouraging developer involvement with the city's redevelopment [agency](#) and other public and private entities concerned with the provision of affordable housing and by cooperating with such entities.

B. Eligibility. To be eligible for the property development standards set forth in subsection C of this section requires the developer to propose a housing development containing at least fifty percent affordable units. All affordable units can be in a single category or there can be a mixture of affordable unit types (although twenty-five percent of total must be affordable to low, very low or extremely low income households) which include:

1. Moderate income households; or
2. Lower income households; or
3. Very low income households; or
4. Extremely low income households.

C. Property Development Standards. The following development standards shall apply to affordable housing units in the AHO district:

1. General Design Standards. The affordable housing units shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the project site. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse

influences from the property. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and [use](#) of passive solar heating and cooling through proper placement of walls, windows, and landscaping. [Building](#) design and materials shall blend with the neighborhood or existing [structures](#) on the site.

2. Minimum Design Standards. Unless modified by the planning commission, the following design standards shall apply to a project that utilizes the density increases allowed by this section.

- a. The front facade and main entrance of [dwellings](#) adjacent to the front property line shall face the [street](#) and must be clearly articulated through the [use](#) of architectural detailing.
- b. The front entrance of the [dwelling](#) facing the [street](#) should be defined by at least one of the following: a porch of at least eight feet in width and depth, roof overhang, or similar architectural element.
- c. Except for a basement-level garage below grade, any garage, [carport](#) or other accessory [structure](#), attached or detached, shall be located at least fifteen feet behind the front of the principal [building](#) facing the front property line.
- d. Sidewalks shall be installed along all [street](#) frontages.
- e. Existing vegetation on perimeter shall be preserved to maintain a buffer to existing surrounding [structures](#). Existing significant trees are to remain whenever feasible.
- f. The planning commission may waive, or modify, any, or all, of these requirements when the commission finds it is infeasible to comply due to physical or other constraints on the [lot](#).

3. Minimum [Building Site](#) Area and [Lot Area](#) Per [Dwelling](#) Unit. There shall be no minimum [building site](#) area requirement for individual [lots](#) or individual [dwelling](#) sites in an affordable housing development. The [building site](#) area shall be designated on a site plan approved by the planning commission pursuant to Chapter [17.63](#), Architectural and Site Review.

4. Density. In multiple-family residential districts, overall density of site development within an AHO district shall not exceed twenty units per acre. A development may utilize the affordable housing overlay as an alternative to the [use](#) of state density bonus but may not utilize both the affordable housing overlay and state density bonuses. Density averaging may be used to achieve an overall acceptable density level for a project. As used herein, "density averaging" means meeting the density requirements by averaging the density on a project-wide basis so as to permit higher density levels in certain project portions in exchange for advantageous project design features. In all zoning districts, density permitted by the AHO district shall not exceed what can be accommodated by the site while meeting parking, unit size, and other development standards.

5. Building Height. The [building height](#) shall not exceed two-stories or twenty-seven feet from existing grade or finish grade, whichever is more restrictive.

6. Setbacks. The minimum setbacks from the [lot line](#) of the project shall be determined through

approval of a design permit/architectural and site review with the exception of setbacks from property lines adjacent to R-1 zoned property, which shall be a minimum of twenty feet for first floors and fifty feet for second floors.

7. Lot Coverage. The maximum [lot](#) coverage for a proposed project shall be determined through the design permit/architectural and site review.

8. Parking. R-1 parking standards shall apply with a minimum two spaces per unit. In addition, a minimum of one visitor [parking space](#) for every seven units shall be required.

9. Common Open Space. Common open space shall comprise the greater of: (a) ten percent of the total area of the site; or (b) seventy-five square feet for each [dwelling](#) unit. Land occupied by [buildings](#), [streets](#), driveways, [parking spaces](#), utility units, and trash enclosures shall not be counted in satisfying the open space requirement; land in landscaping and passive and active recreation/open space with a minimum depth/width of five feet shall be counted, and land occupied by recreational [buildings](#) and [structures](#) shall be counted.

10. Streets. All public [streets](#) within or abutting the proposed planned development shall be dedicated and improved to city specifications for the particular classification of [street](#); all private [streets](#) shall meet fire code and access standards.

11. Accessory [Uses](#) and [Structures](#). [Accessory uses](#) and [structures](#) shall be located as specified on the site plan as approved by the planning commission.

12. Signs. Signs shall be permitted only to the extent allowed under Chapter [17.57](#) and must be approved by the planning commission.

D. Additional Development Incentives. In addition to the relaxed and flexible development standards set forth in subsection C of this section, the city may offer other development incentives should the developer meet the eligibility requirements. For example, exceptions, waivers or modifications of other development standards which would otherwise inhibit density and achievement of affordable housing goals for the development site, including, but not limited to, placement of [public works](#) improvements. (Ord. [950](#) § 1, 2010)

#### **17.20.060 Assurance of affordability.**

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Affordable housing units developed under this chapter shall remain available to persons and families of very low, low and moderate income, at an affordable housing cost or affordable rental cost, as those income and affordability levels as defined in Section [17.20.030](#), for a period of not less than fifty-five years, unless a longer period is required by a construction or mortgage financing program, mortgage insurance program, California Redevelopment Law, or housing grant, loan or subsidy program. The period of affordability required hereunder shall run concurrently with any period of affordability required by any other [agency](#); provided, however, that the affordability period shall not be less than as set forth in this section. The project developer shall be required to enter into an appropriate agreement with the city to ensure affordability is maintained for the required period. (Ord. [950](#) § 1, 2010)

### **17.20.070 Pre-application procedure.**

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Prior to submitting an application for an affordable housing development, the applicant or prospective developer should hold preliminary consultations with the community development department, redevelopment [agency](#), and other city staff as may be desirable, to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data. Such preliminary consultations should include information on potential federal, state, and local affordable housing funding availability, and program requirements in guaranteeing the project's consistency with the objectives of this overlay district. (Ord. [950](#) § 1, 2010)

### **17.20.080 Application – Development plans and map required.**

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An application for an affordable housing development must be for a parcel or parcels of land, is under the control of the person, corporation, or entity proposing the development. The application shall be accomplished by the submittal of the following plans and maps with the city's standard application form:

- A. A boundary survey map of the property or, if the applicant proposes to subdivide the property, a subdivision map;
- B. Topography of the property and the preliminary proposed finished ground shown at contour intervals of not to exceed two feet;
- C. The gross land area of the development, the present zoning classification and land [use](#) of the area surrounding the proposed development, including the location of [structures](#) and other improvements;
- D. A general development plan with at least the following details shown to scale and dimensions:
  - 1. Location of each existing and each proposed [structure](#) in the development area, the [use](#) or [uses](#) to be contained therein, the number of stories, gross [building](#) and [floor areas](#), approximate location of entrances thereof,
  - 2. All [streets](#), curb cuts, driving lanes, parking areas, public transportation points and illumination facilities for the same,
  - 3. All pedestrian walks, malls and open areas for [use](#) of occupants and members of the public,
  - 4. Location and height of all walls, fences and screen planting, including a detailed plan for the landscaping of the development and the method by which such landscaping is to be accomplished,
  - 5. Types of surfacing, such as paving or turfing to be used at various locations,
  - 6. A preliminary grading plan of the area;
- E. Plans and elevations of [building](#) and [structures](#) sufficient to indicate the architectural style and construction standards;
- F. The proposed means for assuring the continuing existence, maintenance and operation of the project as an affordable housing project;

G. Such other information as may be required by the director to allow for a complete analysis and appraisal of the planned development. (Ord. [950](#) § 1, 2010)

### **17.20.090 Findings.**

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In approving a development project which utilizes the affordable housing overlay zone, the city council, upon the recommendation of the planning commission, shall make the following findings to ensure that the application is appropriate to the purpose and the location:

- A. The concessions granted for density and deviation from design standards, are commensurate with the level of affordability. Specifically, the greater the extent of concessions and incentives, the greater the level of affordability.
- B. The design of the proposed project, even with the concessions for density and deviation from design standards, is appropriate for the scale and style of the site (where additional units are being added to an existing development) and surrounding neighborhood. Specifically, the development will provide an attractive visual transition and will not significantly impact the integrity of the surrounding neighborhoods.
- C. The developer has agreed to enter into an agreement to maintain the affordability of the project specific to the requirements of the city and any funding sources with greater or longer affordability requirements.
- D. If located within the coastal zone, the project is found to be in conformity with the Local Coastal Program, including, but not limited to, sensitive habitat, public viewshed, public recreational access and open space protections. (Ord. [950](#) § 1, 2010)

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**The Capitola Municipal Code is current through Ordinance 1004, passed September 24, 2015.**

Disclaimer: The City Clerk's Office has the official version of the Capitola Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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## Chapter 16.98 AFFORDABLE HOUSING OVERLAY

### Sections:

- [16.98.010](#) Purpose and goal.
- [16.98.015](#) Applicability.
- [16.98.020](#) Affordable housing requirement.
- [16.98.030](#) Density bonus.
- [16.98.040](#) Incentives.
- [16.98.050](#) Fee waivers.
- [16.98.060](#) Continued affordability.
- [16.98.070](#) Design.

### **16.98.010 Purpose and goal.**

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The purpose of the affordable housing overlay ("AHO") zone established by this chapter is to encourage the development of affordable housing for low, very low and extremely low income households. The AHO serves to implement the housing element goal of providing new housing that addresses affordable housing needs in the city of Menlo Park by establishing development regulations for designated housing opportunity sites. The AHO is also intended to address those housing projects which provide a greater percentage of low and very low income units than identified in Government Code Section [65915](#). (Ord. 993 § 2 (part), 2013).

### **16.98.015 Applicability.**

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This chapter shall apply to the Menlo Park El Camino Real and Downtown specific plan area and those properties zoned R-4-S (AHO) (high density residential, special—affordable housing overlay). (Ord. 993 § 2 (part), 2013).

### **16.98.020 Affordable housing requirement.**

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(a) For smaller projects that propose more than five (5) but less than one hundred (100) residential dwelling units, to qualify for the AHO and the density bonus and incentives provided pursuant to this chapter, a residential development project shall provide a minimum of twenty-one percent (21%) low income units or twelve percent (12%) very low income units. If a smaller project proposes to provide both low and very low income units, the minimum percentage of units to qualify for the AHO shall be more than the additive amount necessary to achieve a thirty-five percent (35%) density bonus as described in Government Code Section [65915](#). For example, a project that proposes to provide ten percent (10%) low (twenty percent (20%) density bonus) and five percent (5%) very low (twenty percent (20%) density bonus) would qualify for the AHO because the total additive density bonus under Government Code Section [65915](#) would be a forty percent (40%) density bonus.

(b) For larger projects that propose one hundred (100) or more residential dwelling units, to qualify for the AHO and the density bonus and incentives provided pursuant to this chapter, a residential development project shall provide a minimum of twenty-one percent (21%) low income units or twelve percent (12%) very low income units. If a larger project proposes to provide both low and very low income units, the minimum

percentage of units to qualify for the AHO shall be the additive amount necessary to achieve more than a thirty-five percent (35%) density bonus. For purposes of this subsection (b), to determine the additive percent density bonus required to qualify for the AHO, the density bonus percentages shall be as described in Government Code Section [65915](#) and as described in Table 1 below. For example, a project that proposes to provide ten percent (10%) low (twenty percent (20%) density bonus pursuant to Government Code Section [65915](#)) and four percent (4%) very low income (seventeen and one-half percent (17.5%) density bonus pursuant to Table 1) would qualify for the AHO because the total additive density bonus pursuant to Government Code Section [65915](#) and Table 1 would be a thirty-seven and one-half percent (37.5%) density bonus.

**Table 1**

<b>Low Income (%)</b>	<b>Density Bonus (%)</b>
5	12.5
6	14
7	15.5
8	17
9	18.5
<b>Very Low Income (%)</b>	<b>Density Bonus (%)</b>
2	12.5
3	15
4	17.5

(c) The percentage of low or very low income units shall be calculated as a percentage of the maximum base unit density of the property, not including any public benefit density. The low or very low income percentage required to qualify for the AHO shall not include the below market rate units required to be provided by for-sale residential development projects and commercial development projects pursuant to the city's below market rate housing program, Chapter [16.96](#).

(d) Those projects located in the Menlo Park El Camino Real and Downtown specific plan area that qualify for the AHO shall be eligible for the density bonus and incentives identified in this chapter. The density bonus applies only to the residential component of a project in the Menlo Park El Camino Real and Downtown specific plan area and does not act to entitle a project to more office, retail or other nonresidential density.

(e) To qualify for the AHO, a project must accommodate a full range of income levels. At least twenty-five percent (25%) of the affordable units in a project must be very low and/or extremely low income units or at least fifteen percent (15%) of the affordable units in a project must be extremely low income. (Ord. 993 § 2 (part), 2013).

### **16.98.030 Density bonus.**

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- (a) **Low Income.** A project that provides twenty-one percent (21%) low income units shall be entitled to a thirty-six and one-half percent (36.5%) density bonus. For each additional percentage of low income units above twenty-one percent (21%) or above the percentage of low income units provided to qualify for the AHO where a mix of low and very low income units is provided, the project shall be entitled to an additional one and one-half percent (1.5%) density bonus, up to the maximum density bonus identified in subsection (c) of this section.
- (b) **Very Low Income.** A project that provides twelve percent (12%) very low income units shall be entitled to a thirty-seven and one-half percent (37.5%) density bonus. For each additional percentage of very low income units above twelve percent (12%) or above the percentage of very low income units provided to qualify for the AHO where a mix of low and very low income units is provided, the project shall be entitled to an additional two and one-half percent (2.5%) density bonus, up to the maximum density bonus identified in subsection (c) of this section.
- (c) The maximum density bonus available pursuant to this chapter, whether achieved by provision of low, very low or a mix of low and very low income units, is sixty percent (60%). The density bonus percentages used to calculate the total additive density bonus for a project that proposes a mix of low and very low income units shall be calculated pursuant to Section [16.98.020](#) and this section. The density bonus provided pursuant to the AHO is not additive with and shall not be combined with the density bonus provided pursuant to state density bonus law, Government Code Section [65915](#).
- (d) For purposes of this chapter, any decimal fraction of less than one-half (0.5) shall be rounded down to the nearest whole number and any decimal fraction of one-half (0.5) or more shall be rounded up to the nearest whole number. (Ord. 993 § 2 (part), 2013).

### **16.98.040 Incentives.**

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- (a) **Floor Area Ratio.** A project shall be permitted to increase the floor area ratio by an amount that corresponds to the increase in allowable density identified in Section [16.98.030](#) and an additional five percent (5%) or other increase reasonably sufficient to make development of low and very low income multiple-bedroom units and family housing feasible.
- (b) **Stories/Height.** A project that is entitled to up to a forty-five percent (45%) density bonus under this AHO shall be entitled to a maximum height of four (4) stories, but not more than forty-eight (48) feet. A project that is entitled to a density bonus above forty-five percent (45%) under this AHO and in which at least fifty percent (50%) of the affordable units are very low and extremely low income or at least twenty-five percent (25%) of the affordable units are extremely low income, shall be entitled to a maximum of five (5) stories, but not more than sixty (60) feet.
- (c) **Parking.** Unless modified herein, the parking requirements in the underlying zoning designation of the property shall apply. The parking requirements in the AHO shall be modified for each affordable unit as follows:
- (1) **Number of Spaces.**

- (A) A studio requires 0.8 parking spaces.
  - (B) A one (1) bedroom requires one (1) parking space.
  - (C) A two (2) bedroom or larger unit requires one and one-half (1.5) parking spaces.
  - (D) For projects located in the station area or station area sphere of influence, each affordable unit shall be granted a reduction of 0.2 parking spaces from the minimum that would otherwise be required.
- (2) In the Menlo Park El Camino Real and Downtown specific plan area, projects qualifying for the AHO shall be required to provide either the number of spaces per subsection (c)(1) of this section, or as specified in the Menlo Park El Camino Real and Downtown specific plan, whichever is less.
  - (3) A senior citizen housing project as defined in Sections [51.3](#) and [51.12](#) of the Civil Code shall be required to provide no more than 0.8 parking spaces per dwelling unit.
  - (4) The spaces required for the affordable units need not be covered or located in a garage or carport.
  - (5) If two (2) spaces are being provided for any one (1) affordable dwelling unit, the spaces may be in tandem.
  - (6) Long-term bicycle parking shall be required at no more than one-half (0.5) space per unit.
  - (7) Any requirement for electric vehicle parking or plug-in hybrid recharging stations shall be reduced by fifty percent (50%) or may be met by providing an equivalent number of car sharing spaces.
- (d) Contiguous parcels that touch or contiguous parcels in the same zone that are in close proximity may calculate density, floor area ratio, building coverage, paving, landscaping and required parking across the parcels; provided, that there is a recorded agreement among the owner(s) of the parcels to transfer development rights between the parcels such that the maximum overall density of the combined parcels is not exceeded.
  - (e) Coverage. In addition to the amount necessary to physically accommodate the increased density provided for by this chapter, any applicable maximum building coverage and/or allowable paving requirement shall be increased by five percent (5%) and the minimum open space/landscaping requirement reduced by ten percent (10%) from the underlying zoning designation.
  - (f) Setbacks. In addition to the amount necessary to physically accommodate the increased density provided for by this chapter, required setbacks shall be reduced to five (5) feet, except when the parcel subject to the AHO abuts a parcel zoned single-family residential, in which case the setbacks identified in underlying zoning shall control.
  - (g) Open Space. In addition to the amount necessary to physically accommodate the increased density provided for by this chapter, any common and/or private open space may be reduced by up to fifty percent (50%) from the underlying zoning.

(h) **Maximum Facade Height.** Where an increase in the overall height is permitted to be above forty (40) feet, the building profile shall be set at a height of thirty-two (32) feet and the maximum number of major step backs shall be one (1).

(i) The incentives provided pursuant to the AHO are not additive with and shall not be combined with the incentives provided pursuant to state density bonus law, Government Code Section [65915](#).

(j) **Specific Plan Exemptions.** Notwithstanding the foregoing, certain requirements in the Menlo Park El Camino Real Downtown specific plan area shall not be modified pursuant to this section:

(1) The maximum FAR shall be limited to the public benefit levels.

(2) The front and side setbacks facing a public right-of-way.

(3) Building facade height.

(4) Massing and modulation standards including major portions of a building facing a street should be parallel to the street, building breaks, building facade modulation and building profile, and upper story facade length. (Ord. 993 § 2 (part), 2013).

#### **16.98.050 Fee waivers.**

(a) **Processing Fees.** Those projects that provide at least fifty percent (50%) of the units in the base project for low income households or twenty percent (20%) for very low income households shall be entitled to a fee waiver for all the processing fees associated with the various applications for development.

(b) **Other Fees.** Projects qualifying for the AHO shall be entitled to a reduction in all other fees in an amount that corresponds to the increase in allowable density identified in Section [16.98.030](#). Any project requesting a reduction or waiver of the traffic impact fee, park dedication fee, building construction street impact fee, Menlo Park El Camino Real Downtown specific plan preparation fee, or other fee(s) in excess of that percentage reduction shall apply for the requested reduction or waiver, which shall be subject to a discretionary review and approval process. The city council shall be the final decision maker regarding any such request. (Ord. 993 § 2 (part), 2013).

#### **16.98.060 Continued affordability.**

Prior to issuance of building permits, the applicant shall execute an agreement with the city, to be executed by the city manager without review by the housing commission, planning commission or city council, in a form acceptable to the city attorney ensuring the continued affordability of the affordable dwelling units for a period of not less than fifty-five (55) years. (Ord. 993 § 2 (part), 2013).

#### **16.98.070 Design.**

Development utilizing the AHO shall be subject to compliance review relative to adopted objective design standards and such compliance shall be determined by the community development director or his/her designee. Development in the Menlo Park El Camino Real Downtown specific plan area shall be subject to the architectural control process identified in the Menlo Park El Camino Real Downtown specific plan. No

other discretionary action shall be required, unless the applicant requests a variance from the requirements of the AHO or requests architectural control for modification of the objective design standards. Low and very low income units must be constructed concurrently with market rate units and shall be integrated into the project and be comparable in construction quality and exterior design to any market rate units. The low and very low income units may be smaller in size and have different interior finishes and features than market rate units so long as the features are durable, of good quality and consistent with contemporary standards for new housing as determined by the community development director in his/her sole and absolute discretion. Notwithstanding the foregoing, the number of bedrooms in the low and very low income units shall at minimum be consistent with the mix of market rate units. For example, if the market rate units consist of fifty percent (50%) one (1) bedroom, twenty-five percent (25%) two (2) bedroom and twenty-five percent (25%) three (3) bedroom units, the low and very low income units must match this breakdown. Applicants may elect to include a higher percentage of units with more bedrooms. (Ord. 993 § 2 (part), 2013).

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**The Menlo Park Municipal Code is current through Ordinance 1013, passed January 27, 2015.**

Disclaimer: The City Clerk's Office has the official version of the Menlo Park Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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*Lily pad Homes*

## **Junior Accessory Dwelling Units (JADU) – Talking Points**

Fact – The traditional family (mother, father and one or more children) now makes up 33% of the population in California. ([California Census 2010](#))

Fact – There is a steady rise in households consisting of single-parent families, couples without children, empty nesters, retirees, young professionals and individuals of all ages. ([California Census 2010](#))

Fact – Approximately 60% of the housing stock in California is detached single-family and one couple or less live in the majority of these homes. ([California Census 2010](#))

Fact – Only 56% of the housing stock in California is owner occupied, and these households are generally bigger than renter households. ([California Census 2010](#))

Fact – The number of seniors will double in the next 20 years, going from 4.3M to 8.4M. There is not enough time to develop the necessary institutional housing. ([HCD Housing Update 2012](#))

Fact – Young professionals (25 – 34) rely on affordable rental housing for longer periods than previous generations due to low wages, the high cost of living, and outstanding student debt. ([HCD Housing Update 2012](#))

Fact – Homeowners are currently allowed to have roommates in all of their bedrooms with no additional permitting fees, parking, fire sprinklers or fire attenuation required.

Fact – Going through the permitting process makes loans for lower-income households available through [Housing Authority](#) agencies rehabilitation loan programs across the state.

Fact – A recent survey of homeowners 55 years and older in Corte Madera, CA confirms that 24% of homeowners, 171 households, are interested in creating JADUs in their homes. ([Age Friendly Corte Madera Survey 2014](#))

Fact – Baby boomers will live longer than previous generations and the vast majority wish to age in their home. ([HCD Housing Update 2012](#))

Fact – Affluent areas throughout California are experiencing a crisis because teachers, caregivers and other vital workers cannot afford housing in the communities where they work.

Fact – The overwhelming majority of households in California could not afford to rent or purchase their current home if they were coming into the housing market today.

Fact – Fannie Mae has introduced a new loan platform, available in December 2015 that will allow borrowers to qualify for a mortgage based on income from non-signing members of a household, as well as income generated from renting a second unit. ([Fannie Mae Press Release](#))

Fact – We are moving back toward a multi-generational housing model. Having an in-law apartment is the fastest growing trend in residential real estate, boosting home values, as an increasing number of families pool their resources. ([Wall Street Journal 2014](#))



## *Lily pad Homes*

Solution – JADUs privatize spare bedrooms creating flexible in-law apartments that allow for multi-generation housing opportunities in existing homes.

Solution – Because all the water, sewer and energy, road use and parking for existing bedrooms has already been accounted for in the original permit for the home, no additional utility service, parking or infrastructure should be required for the development of JADUs.

Solution – A simple and inexpensive permitting process for JADUs allows for the redevelopment of single-family homes, creating additional housing that is flexible and better suited for the changing demographic of California's population.

Solution – JADUs are the low-hanging fruit in the housing equation. They offer an abundant low-cost, low-impact and high-benefit solution to the affordable housing crisis in California.

Solution – JADUs offer the only new housing option that makes housing more affordable for both renters and homeowners.

Solution – No fire sprinklers or fire attenuation should be required for JADUs because the interior door leading to the main living area remains, offering the option to privatize a bedroom(s) creating a flexible, independent housing unit.

Solution – Development of JADUs will not require capital investment from local, state or federal programs because homeowners finance the development of these housing units.

Solution – JADUs are a more affordable housing option because they are small in size, and are an unconventional form of housing.

Solution – JADUs offer an abundant source of new smaller homes, helping to stabilize the rental housing market in California due to increased supply.

Solution – JADUs will allow seniors the opportunity to age in their home by generating income and offering housing to caregivers, possibly in lieu of payment.

Solution – JADUs allow homeowners to temporarily house loved ones, caregivers and people who work in the community, as well as families who need temporary housing due to environmental emergencies.

Solution – JADUs will help us meet the goals of the California Global Warming Act by allowing people to live in the communities where they work and by more efficiently utilizing the built environment.

Solution – JADUs offer an insurance policy in homes, providing a fallback position in case of unexpected events such as: loss of a job, divorce, injury or illness.

Solution – A home is most people's largest, most personal investment. JADUs allow homes to be flexible enough to meet a homeowner's changing needs during the period of ownership.

Comm. Roberson agreed with principle of making certain allowances through the Planned Development permit process, including in the Mixed Use zone, as long as concessions are made by the applicant. Comm. Coleman concurred.

Comm. Heneveld is satisfied that the proposed changes reflect the direction given by the Commission at the previous discussion.

Chair Felder, Comm. Wellander, and Comm. Willers expressed support for the 55-year inclusionary housing term restriction. Comm. Wellander clarified with staff the 55-year term applies to all three affordable housing types. Comm. Coleman stated that he would prefer additional investigation on this subject in light of some of the comments made in the public hearing. Commissioners discussed whether this portion of the draft Ordinance should be set aside for the time being, but the consensus was to proceed with it as drafted.

Comm. Heneveld made a motion to forward the proposed Development Code amendments to the City Council, with a recommendation for approval, subject to a change the language in section 3.d of Exhibit "C" (Mixed Use Zoning District), to make reference to the Housing Element. Comm. Roberson seconded. The motion was approved 6-1 (Comm. Coleman dissenting).

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**ITEM #5 – DISCUSSION – Discussion of Affordable Housing Overlay zone and related concepts.**

Planning Director Goodison presented staff's report.

Planning Director Goodison is pleased to report that a Joint Study session on housing issues will be held with the City Council.

**Chair Felder opened the item to public comment.**

Fred Allebach, Sonoma Valley resident, noted that many definitions are used with regard to affordable housing and he would appreciate greater clarity and consistency. He recommended that staff clarify the terms frequently used to describe affordable housing for seniors and the work force and preferred that affordable housing developments be spread out rather than concentrated in one area.

Dave Ransom, Sonoma Valley resident, is encouraged by the commissioner's comments that suggest a commitment to offer more affordable housing.

Planning Director Goodison noted that the City Council shared with the concerns expressed over the limited supply of affordable housing units. The City Council is engaged in a number of actions aimed at promoting affordable housing, including a revised mobile home park ordinance to limit rent increases for seniors.

JJ Abodeely, Sonoma Valley resident, agreed with Fred Allebach that housing definitions need more clarification. In his view there are the following needs; 1) build more housing of all types, 2) grow funding sources for affordable housing; 3) streamline the development process.

Anna Gomez, Sonoma Valley resident, is of the opinion that services are not in place to accommodate more housing developments.

Lynda Corrado, Sonoma resident, believed that affordability can be attained with smaller units.

Frank Hines, resident, said that people are doubling up on housing to live in Sonoma.

Ed Routhier, resident, stated that achieving affordability is a broader housing issue that is not limited only to providing affordable housing exclusively, but housing of all types.

**Chair Felder closed the item to public comment.**

Comm. Roberson expressed disappointment that there are not enough choices in housing types for work force and seniors and that few applications are made for rental and condominium developments.

Comm. Willers noted that City no longer has redevelopment funds with which to purchase sites for affordable housing. He noted that the City is looking at impact fees, but even if these are adopted, there needs to be sites to acquire. In his view, these sites are the Housing Opportunity sites identified in the Housing Element. He wants to protect those sites for affordable housing, especially those within city limits. In his view, in the absence of redevelopment funds, the only way to accomplish land banking is through mixed use zoning. Although he likes the cottage housing concept, it may be mostly applicable as an alternative to traditional single-family housing and may not last as an affordable option over time.

Comm. Cribb is satisfied that many planning tools are in place and there is no need to rezone or predesignate properties with artificial restrictions. He would like to pursue a different model in which affordable units are mingled with market rate housing. In his view, low and very low income units need subsidies to be developed, but he would prefer that to occur in a mixed setting of units of various income levels. He is concerned that the funding component is lacking, which needs to be addressed. He expressed the view cottage housing is a viable concept, as long as there is variety in income levels with restrictions on the affordable units to preserve them as such. However, to achieve this goal, funding options need to be made available, which occurs at a different level than what the Planning Commission addresses.

Chair Felder concurred with many of Comm. Cribb's comments, in that there are many tools already in place. He stated that the Commission has a responsibility to use those tools to protect options for affordable housing and take advantage of opportunities as they emerge.

Comm. McDonald agreed with Comm. Cribb and Chair Felder and felt the General Plan and zoning code are progressive with respect to affordable housing. He suggested that the City needs to focus on impact fees and in-lieu fees to help provide funding for affordable housing programs. He suggested that real estate transfer tax revenues might be a source of revenue in this regard.

Comm. Coleman concurred with his fellow commissioners that more affordable units and housing of all types should be built. He noted that fees on new development are often quite high, which works against affordability.

Comm. Roberson recommended including and promoting incentives in the Development Code so developers are encouraged to build more rentals and condominium units. In his view, incentives are more powerful and more equitable than disincentives, such as new fees and taxes. He felt that while many pieces are in place, they do not always work together well to accomplish housing goals. Few development applications come forward with units aimed at the lower or even the middle income segments of the market. He feels that we cannot say that the

current set of tools is fully successfully and he is interested in having further discussions on the inclusionary requirement and the concept of minimum densities. However, he finds some of the other concepts presented in the staff report somewhat troubling with respect to property rights.

Chair Felder closed the item for this agenda, but suggested further discussion on the subject.

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**Item #6 – Discussion Review of draft Circulation Element update revised policies.**

Planning Director Goodison presented staff's report.

**Chair Felder opened the item to public comment.**

Anna Gomez, Sonoma Valley resident, is concerned with traffic safety if there are more developments resulting in more trips by new residents and visitors.

**Chair Felder closed the item to public comment.**

Comm. McDonald recommended a designated area for transportation pick up/drop off in the Plaza district to reduce traffic congestion during the tourist season.

Following Commission discussion, Planning Director Goodison received direction on some further revisions to the draft policies.

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**Item #7 – Discussion Continued discussion of the parameters and conduct of study sessions.**

Planning Director Goodison presented staff's report.

**Chair Felder opened the item to public comment.**

No public comment.

**Chair Felder closed the item to public comment.**

Chair Felder suggested that once the guidelines are finalized, they should be formally adopted as an expression of policy.

Comm. Willers noted that Commission comments during a study session should reflect individual views and that straw votes or polls should not be taken.

Comm. Wellander wants massing to include the broader site parameters beyond the specific project site.

Comm. McDonald suggested that staff should report on any feedback from neighborhood meetings prior to a study session.

Planning Director Goodison will prepare guidelines for study session protocol for review and adoption at the next regular meeting.

CITY OF SONOMA

PLANNING COMMISSION

Regular MEETING

April 14, 2016

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

Meeting Notes

Present: Chair Felder, Comms. Cribb, Heneveld, McDonald, Wellander, Willers

Absent: Comm. Coleman, Roberson

Others

Present: Planning Director Goodison, Administrative Assistant Morris

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**Item #7 – Public Hearing – Discussion of upcoming joint meeting with the City Council concerning housing issues.**

**Applicant/Property Owner: Caymus Capital LLC**

Planning Director Goodison reviewed the staff report.

**Chair Felder opened the item for public comment.**

David Eicher, Valley resident, noted that the Planning Commission and the City Council have expressed concerns about this issue and he is happy to see that there will be a joint meeting. He has suggested that the Council give the Planning Commission policy direction regarding variances and exceptions related to housing. Zoning should be discussed as well, including changes in the zoning designation of various properties.

**Chair Felder closed the item for public comment.**

Comm. McDonald stated that one item that might be considered is a study of underutilized properties for opportunities to add or redevelop with affordable housing.

Comm. Willers stated that for him a priority consideration is to re-look at zoning tools in light of the absence of redevelopment funding. In his mind, the only method available to create affordable housing is through zoning requirements. The Housing Element identifies housing opportunity sites. A next step might be to prioritize those sites in terms of meeting the City's fair share objectives. He would like to know the City Council's priorities in that regard.

Chair Felder noted that the housing opportunity sites represent options for the development of affordable housing, but they are not mandated to be developed in that manner. He agreed that it would be desirable to discuss whether they wish to treat these sites in a different way, for example

by developing an overlay that would require the development of opportunity sites with affordable housing.

Planning Director Goodison noted that the development of affordable housing, especially at the low and very low income levels, can only be accomplished with subsidies. Placing an overlay on a site to require an affordable housing development would not be sufficient to actually make that happen. Funding would also be necessary.

Chair Felder noted that another option for those sites would be to pursue affordable housing with a “lower-case ‘A’”, meaning that housing that is affordable on a relative basis, such as cottage housing or condominiums, not subsidized, covenanted affordable housing.

Planning Director Goodison agreed that this was indeed an option, but stated that if the City Council and the Planning Commission are interested in establishing requirements for the development of housing that is “relatively affordable”, it is first necessary to clearly define what is meant by that. He also noted that the concept of “relatively affordable housing” is not clearly linked to the housing opportunity site inventory in the Housing Element, since the purpose to that inventory is to identify available site options for the development of covenanted affordable units.

Comm. Willers expressed the view that the designation of sites with an allowance for high densities, such as the Mixed Use zone, which is necessary to allow for the option of affordable housing, also makes those sites more valuable, which can actually make it less likely that they will be developed in that manner. He would like to see a zoning mechanism for recapturing the value of the increased density allowance in the form of more affordable housing. For example, perhaps such sites should only be developed with 100% residential.

Comm. Cribb stated that in his view, allowing mixed use development in the Mixed Use zone is not antithetical to the concept of developing affordable housing, whether in the form of covenanted housing or housing that is relatively affordable. In addition, he pointed out that the Mixed Use zone explicitly allows mixed uses, so while residential-only development is an option, it would be difficult to mandate that. He expressed the view that the commercial component of a mixed use development may actually allow the developer to subsidize the the housing component. Rather than eliminating the opportunity for a commercial component, his suggestion would be to require a greater percentage of inclusionary affordable units for a development in the Mixed Use that where a commercial component is proposed.

Comm. Willers agreed with Comm. Cribb’s concept and brought up the guideline in the Mixed Use zone in which, in new development, 50% of the building area is normally required to take the form of residential development. Since this rule is limited to building area, it does not address density, which makes it less effective than it could be.

Comm. McDonald noted an example of mixed use development San Francisco in which the ground-floor commercial component has proved to be difficult to rent, which is something that the City should be careful about. It is important avoid creating mandates for markets that don’t exist or building products that no one wants.

Comm. Cribb expressed the view that there are many examples of commercial properties in Sonoma where the addition of a residential component could be quite successful.

Planning Director Goodison agreed, but noted that since such properties already had a commercial element and are already zoned to allow for an additional residential component

should the owners desire to pursue that option, different incentives would be needed than would be applicable to a new development.

Comm. Willers stated that this would be a good point of discussion for the City Council—what are the incentives that could encourage existing commercial shopping centers (as an example) to add a residential component?

Comm. Cribb noted that it was important to be visionary and think of this as a long-term process, not something that will be solved overnight.

Comm. Willers agreed, and noted that soon enough, the City will be undertaking a comprehensive update of the General Plan, as the Urban Growth Boundary is due to expire in 2020.

Planning Director Goodison noted as a long-range opportunity, without even changing the Urban Growth Boundary, it might be possible to re-think the Gateway Commercial designation that has been applied to the Four Corners area and cast it as an opportunity for the development of relatively affordable housing clustered around a commercial subcenter.

Chair Felder closed the discussion.



City of Sonoma  
City Council  
Agenda Item Summary

City Council Agenda Item: 3A

Meeting Date: 05/16/2016

**Department**

Administration

**Staff Contact**

Carol, Giovanatto, City Manager

**Agenda Item Title**

Recognition of Brandon Ruiz for his Senior Project - Purchase of a K9 Bite Suit

**Summary**

Sonoma Valley High School student Brandon Ruiz chose to raise funds for the purchase of a bite suit for the Police Department K9 unit as his Senior Project. A bite suit is a padded suit worn by the K9 Deputy for his protection while training the K9 for a situation in which they would need to bite someone. The total cost of the suit was \$1,870.00.

According to Deputy Jeff Sherman, Brandon approached him back in October for assistance with his senior project, which is a graduation requirement at SVHS. Brandon is interested in being a Peace Officer, with the goal of being a K9 Handler. He requested to shadow Deputy Sherman and for his project, show what a viable resource the K9's are to Law Enforcement. In addition to learning about K9's and how they work by attending a number of scheduled K9 Trainings, Brandon also needed to put in volunteer hours, which he did by standing outside Pet Food Express soliciting donations for a K9 Bite Suit for the Sonoma PD K9 Program.

The Sonoma County Sheriff's Department and the Sonoma Police Department join the City in thanking Brandon for this important contribution to the K9 unit.

**Recommended Council Action**

Mayor Gallian to present a Certificate of Appreciation to Brandon Ruiz.

**Alternative Actions**

N/A

**Financial Impact**

The contribution value of the bite suit was \$1,870.

**Environmental Review**

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

**Status**

- Approved/Certified
- No Action Required
- Action Requested

**Attachments:**

Certificate of Appreciation  
Photo and Go Fund Me Page Print Out

**Alignment with Council Goals:**

PUBLIC SERVICE & COMMUNITY RESOURCES - *"Provide continued leadership as public officials and residents of the community; display values exemplified through the extensive community-wide volunteerism by participation and actions; promote synergy of local and regional non-profits, community youth groups, School District and Sonoma Valley organizations; recognize that local agencies and non-profits fill vital roles with services that the City does not provide."*

cc: Deputy Sherman, Brandon Ruiz via email

**CITY OF SONOMA**  
**CERTIFICATE OF APPRECIATION**

PRESENTED TO

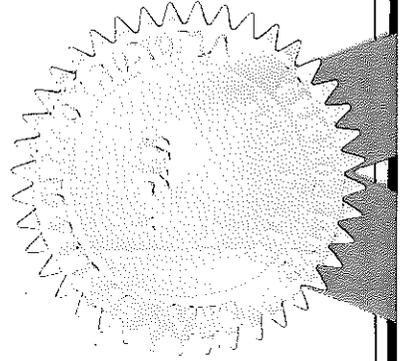
**BRANDON RUIZ**

IN RECOGNITION OF HIS CONTRIBUTION OF A

**K9 UNIT BITE SUIT**

PRESENTED THIS 16<sup>th</sup> DAY OF MAY 2016

\_\_\_\_\_  
Laurie Gallian, Mayor





ARDDOGS  
REQUISITES  
1 A

Search Help Start a Fundraiser

SHARE

TWEET

DONATE

# K-9 Training Bite Suit for Sonoma



SONOMA, CA

ANIMALS

**\$455** of \$2,000

Raised by 10 people in 3 months

**Donate Now**

SHARE ON FACEBOOK

**261** SHARES

SHARE

TWEET



Created January 30, 2016  
Brandon Ruiz

UPDATE #2

2 MONTHS AGO

Be the first to like this update

I just would like to inform everyone that we have reached our goal thanks to generous donations from the community of Sonoma. A huge thank you to the Bear Flag Auxiliary #1953 for donating a total of \$1,000. All of the independent donations from our small fundraising events in front of the Pet Food Express here in Sonoma coupled with the generousness of everyone attending the SCSO K9 Crab Feed that we have happily reached our goal and the SCSO will receive their new bite suit.

Subscribe to Updates Show More

SHARE

TWEET

DONATE

I am raising money on behalf on the Sonoma County Deputy Sheriff K-9 Association as a Senior Project. The Senior Project is a graduation requirement for Sonoma Valley High School. The goal of the project is for seniors to find a topic that interest them and is something they will learn from. The purpose of raising money is to purchase a new Bite Suit for the Sonoma County Sheriff Department K-9 Unit. A K-9 Bite Suit is a padded suit worn by K-9 Deputy's while training their K-9's for a situation in which they would need to bite someone. The suit is completely safe for the Deputy and for the

10 DONATIONS

RECENT

**\$100**

Lynne Re  
2 months ago

In loving memory of all the K-9 officers who have worked for the department. I wish it could be ten times this amount.

**\$50**

Chris Spallino  
2 months ago

**\$15**

Christy Kaiser  
3 months ago

**\$100**

Linda Kelly  
3 months ago



**\$50**

K-9.

Search Help Start a Fundraiser



Candace Jauron

SHARE 3 months ago TWEET DONATE

Little by little you'll reach your goal. The K-9 association is very lucky to have you doing this for them. Keep up the good work ! Very proud of you

\$25

JoAnn Benham  
3 months ago

\$30

Jamie Kelly  
3 months ago



\$50

Shawn King  
3 months ago

\$25

James Monte  
3 months ago

1

I have 2 rescue German shepherds

\$10

Anonymous  
3 months ago

1

1-10 of 10 donations

261 SHARES

SHARE

TWEET

DONATE

COPY, PASTE & SHARE: <https://www.gofundme.com/h4m9vq84>

What is GoFundMe?  
Fundraising made easy >>

REPORT

POSTER

LINK

CONTACT

3 COMMENTS

Please use Facebook to leave a comment below:

CONTINUE

Nothing gets posted to your wall. Only your Facebook name & photo are used.

Most

Recent



Megan Cates 3 months ago

2

It's a project that means something to him, not for you decide or judge. Either support and help him in his cause or move on. Negativity is never needed.



Kathy Wilk 2 months ago

Congratulations on reaching your goal!!!!



Crysta McFarland 3 months ago



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

City Council Agenda Item: 4B

Meeting Date: 05/16/2016

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**Department**

Administration

**Staff Contact**

Gay Johann, Assistant City Manager/City Clerk

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**Agenda Item Title**

Approval of the minutes of the May 2, 2016 City Council Meeting.

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**Summary**

The minutes have been prepared for Council review and approval.

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**Recommended Council Action**

Approve the minutes.

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**Alternative Actions**

Correct or amend the minutes prior to approval.

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**Financial Impact**

N/A

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**Environmental Review**

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

**Status**

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

**Attachments:**

Minutes

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

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**cc:** N/A

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**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**



**Monday, May 2, 2016**

**6:00 p.m.**

\*\*\*\*

**MINUTES**

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

**OPENING**

Mayor Gallian called the meeting to order at 6:00 p.m. Paula Arguello led the Pledge of Allegiance.

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

OTHERS PRESENT: Assistant City Manager/City Clerk Johann, City Attorney Walter, Public Works Director Takasugi, Police Chief Sackett, Finance Director Hilbrants

**1. COMMENTS FROM THE PUBLIC**

Michelle Richey, Anne Wray and Dave Ransom spoke regarding the need for affordable housing and the evictions taking place on West Spain Street by developer Steve Ledson. Wray stated that the City should establish a safe parking area so the homeless could sleep in their vehicles.

Bob Mosher, Raj Ryer and Ellen Fetty expressed concerns about the proposed affordable housing development at 20269 Broadway.

Jack Wagner suggested the City look into reports that wine contained glyphosate, an ingredient found in Round Up weed killer.

Robert Taylor express concern that the Water Agency released 40,000 acre feet of water in March and questioned that decision during a drought.

**2. MEETING DEDICATIONS - None**

**3. PRESENTATIONS**

**Item 3A: Community Resilience Challenge Proclamation**

Mayor Gallian read aloud the proclamation recognizing May 2016 as Community Resilience Challenge Month and presented it to Gretchen Schubeck of Daily Acts. Ms. Schubeck stated

there were many ways people could participate including harvesting rainwater, planting a garden, hanging a clothesline, hosting a potluck, and installing drip irrigation systems.

**Item 3B: Letter Carriers' Stamp Out Hunger Food Drive Day Proclamation**

Mayor Gallian read aloud the proclamation recognizing May 14, 2016 as Letter Carriers' Stamp Out Hunger Food Drive Day and presented it to Paula Arguello. Ms. Arguello reported that it was the largest food drive in America with over a billion pounds of food collected. She stated that food collected in Sonoma stayed local and was donated to FISH and Saint Leo's Food Pantry.

**Item 3C: Presentation of the 2015 Police Department Annual Report**

Chief Sackett presented the 2015 annual Police Department report. He stated that violent crimes increased by 9% and property crimes, primarily in the area of theft, increased 33% and he added that the crime rates were still very low. He stated that a considerable portion of the property crimes were attributed to a rash of catalytic converter thefts that occurred over the summer months.

Chief Sackett invited Deputy Matt Regan up to the podium and announced that he would be transferring out of the department due to a promotion within the Sheriff's Department. Matt served as the School Resource Officer for nine years and did an excellent job.

**Item 3D: Recognition of the Service of Mark Heneveld on the Planning Commission**

Mayor Gallian presented Mark Heneveld a certificate of appreciation and thanked him for eight years of service on the Planning Commission. Mr. Heneveld thanked the Council for the opportunity to serve and thanked staff for their invaluable assistance through the years.

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

**Item 4A: Waive Further reading and Authorize Introduction and/or Adoption of Ordinances by Title Only.**

**Item 4B: Approval of the minutes of the April 18, 2016 City Council Meeting.**  
(Removed from Consent, see below)

**Item 4C: Approval of application by Sonoma Valley Firefighter's Association for temporary use of City streets for the Hit The Road Jack event on Sunday, June 5, 2016.**

**Item 4D: Approve the Notice of Completion for Field of Dreams Well No. 8 Project No. 1402 constructed by Piazza Construction and Direct the City Clerk to File the Document.**

**Item 4E: Adopt Resolution to Approve the Final Parcel Map for the 3-lot Parcel Map at 226 and 230 Newcomb Street known as the Coralie Grace Subdivision Parcel Map No. 441, Accept all offers of dedication, and Authorize the City Manager to execute a Subdivision Improvement Agreement.**

**Item 4F: Approve the Notice of Completion for the LED Streetlight Conversion Project completed by Tanko Street Lighting, Inc. and Direct the City Clerk to File the Document.**

**Item 4G: Adoption of an ordinance amending the Development Code by implementing Housing Element measures and clarifying provisions related**

**to the Mixed Use zone and Planned Development permits.** (Removed from Consent, see below)

Clm. Agrimonti removed Consent Items 4B and 4G. The public comment period was opened and Phyllis Moser also requested removal of 4G.

It was moved by Clm. Cook, seconded by Clm. Edwards, to approve the items remaining on the Consent Calendar. The motion carried unanimously.

**Item 4B: Approval of the minutes of the April 18, 2016 City Council Meeting.**

Clm. Agrimonti requested a minor change to the minutes. The public comment period opened and closed with none received. It was moved by Clm. Agrimonti, seconded by Clm. Cook, to approve the minutes as amended. The motion carried unanimously.

**Item 4G: Adoption of an ordinance amending the Development Code by implementing Housing Element measures and clarifying provisions related to the Mixed Use zone and Planned Development permits.**

Clm. Agrimonti questioned the timing of the ordinance. Mayor Gallian responded that it had been discussed and introduced at the last meeting.

Mayor Gallian invited comments from the public. Phyllis Moser, noting that on the previous agenda the ordinance included a finding of categorical exemption, asked what that meant.

Assistant City Manager Johann responded that the question had been asked at the last meeting and Planning Director Goodison had explained that the findings related to the categorical exemption only applied to adoption of the ordinance and did not apply to any development projects.

City Attorney Walter added that the ordinance was making modifications to the Development Code which required a determination be made if the adopted ordinance had any significant impacts. He said development projects were subject to their own environmental analysis on a case by case basis.

Raj Ryer, referencing a proposed affordable housing project on Broadway, stated that major accommodations had already been made to the developer.

Phyllis Moser requested a further explanation. Attorney Walter stated that the City had a General Plan which set forth the general contours of how land in the City was to be used. It also had a Development Code which implemented the General Plan.

Clm. Edwards stated that one portion of the ordinance had been mandated by State Law and some of the other changes had been discussed by the Planning Commission at many meetings including during the time he was still on the Planning Commission.

Clm. Hundley confirmed that one section in the ordinance was not a change but was a clarification that a Planned Development permit was an allowed option in the Mixed Use Zone.

Clm. Agrimonti questioned a section mentioning affordable housing. Attorney Walter responded that was part of the already existing ordinance and was not a change.

It was moved by Clm. Agrimonti, seconded by Clm. Edwards, to adopt Ordinance No. 03-2016 entitled 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 AND CLARIFYING PROVISIONS RELATED TO THE MIXED USE ZONE AND PLANNED DEVELOPMENT PERMITS. The motion carried unanimously.

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

**Item 5A: Approval of the portions of the minutes of the April 18, 2016 City Council meeting pertaining to the Successor Agency.**

The public comment period was opened and closed with none received. It was moved by Clm. Agrimonti, seconded by Clm. Cook, to approve the minutes as amended in 4B above. The motion carried unanimously.

**6. PUBLIC HEARING – None Scheduled**

**7. REGULAR CALENDAR – CITY COUNCIL**

**Item 7A: Discussion, consideration and possible action to endorse Measure AA, the San Francisco Bay Clean Water, Pollution Prevention, and Habitat Restoration Measure.**

Assistant City Manager Johann introduced Caitlin Cornwall who provided a power point presentation and explanation regarding the proposed ballot measure. She reported that People for a Clean and Healthy Bay, a coalition of environmental and business organizations as well as elected officials and community leaders, were seeking endorsements for Measure AA, the San Francisco Bay Clean Water, Pollution Prevention, and Habitat Restoration Measure. The measure had been placed on the June 7, 2016 ballot by the San Francisco Bay Restoration Authority after six years of public hearings and research. She said it would appear on the ballots of all nine Bay Area counties, including Sonoma County. Passage of the measure would enact a \$12-per-year parcel tax that would generate \$500 million over 20 years for critical tidal marsh restoration projects around San Francisco Bay. The Authority's governing board of elected officials from throughout the Bay Area would provide and administer project grants from Measure AA funds, with input from many community members on its Advisory Committee, and oversight from an Independent Citizens Oversight Committee.

Mayor Gallian invited comments from the public. Maureen Middlebrook and Ted Elliott added their support for Measure AA and urged the Council to endorse it.

Clm. Hundley stated the bay's connection to Sonoma was close and she supported the measure both personally and as a Councilmember.

Clm. Cook stated that although he did not take raising property taxes lightly, there was enough of a benefit from this that he would support it.

Mayor Gallian stated her enthusiasm from the day she first heard of this. She felt it was an excellent plan and that it was important to take action now to protect the bay and the wetlands. She pointed out that the southern part of the City would be most affected by the rising of water levels.

It was moved by Clm. Hundley, seconded by Clm. Edwards, to endorse Measure AA. The motion carried unanimously.

**Item 7B: Discussion, consideration and possible action to Approve a Resolution for a Pass-Through Water Rate Adjustment of the Sonoma County Water Agency's Wholesale Water Rate Increase for Fiscal Year 2016-2017.**

Public Works Director Takasugi reported that under the Sonoma County Water Agency (SCWA) Water Transmission Budget, Sonoma City wholesale water rates were expected to increase 6.94% for the Sonoma Valley Aqueduct rate for Fiscal Year 2016-2017. SCWA saw a 20% decrease in water deliveries for FY 15/16, due to drought conservation, which would normally translate into a rate increase of 20%. Through grants on capital projects, bond proceeds, and refinancing older bonds, the SCWA rate increase was brought down to a 6.94% increase for the Sonoma Valley Aqueduct.

Takasugi stated that State law (Government Code 53756) allowed water agencies to implement pass-through rate adjustments for changes in wholesale water costs. The City's 2014 rate study included estimated annual wholesale water costs adjustments at 4% per year. Since the SCWA 6.94% wholesale rate increase is higher than the City's 4% wholesale rate assumption, then the State law allowed for the City to pass-through the difference (2.94%) by resolution with a 30 day notice. When the wholesale rate increase was factored into the City's water rate model, the resulting rate increase to customers was 0.8% effective July 1, 2016. He stated that notice of the modest rate increase, if approved by Council, would be sent to customers in an upcoming water billing.

Clm. Hundley inquired why the City's water rate model reduced the amount of pass through. Takasugi explained that only 25% of the City's water rate was based on the wholesale cost of water.

Clm. Cook confirmed that the average residential water line was one inch in diameter.

The public comment period opened and closed with none received.

Clm. Cook stated that although he does not like to increase rates, he would support this increase because it was so low. He cautioned that, in the future, he would look for agencies to reduce expenditures rather than increase rates.

Clm. Hundley stated this was the frustrating part of conservation and she hoped people would look more into the recapturing and reuse of water.

Mayor Gallian stated that she had observed TAC and SCWA struggle over their budgets and that they tried to be as lean as possible. She stated that there would not be any releases from the State conservation requirements and that people need to continue to conserve.

It was moved by Clm. Hundley, seconded by Clm. Edwards, to adopt Resolution No. 11-2016 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ADOPTING A

WATER SERVICE RATE ADJUSTMENT FOR PASS THROUGH WHOLESALE WATER CHARGES FROM THE SONOMA COUNTY WATER AGENCY FOR FISCAL YEAR 2016-2017. The motion carried unanimously.

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

**9. COUNCILMEMBERS’ REPORTS AND COMMENTS**

Cm. Hundley reported attendance at the Arbor Day Celebration and the Extraordinary Adventure ribbon cutting.

Cm. Agrimonti reported attendance at the Arbor Day and Cinco de Mayo Celebrations. She stated that she would like to see Sonoma participate in the DEA take back day if possible.

Cm. Edwards noted that Rotary had started the Arbor Day Celebration in Sonoma and stated he had been out of town but that his wife and daughter were at the Arbor Day Celebration. He and his son had been in Boston and attended the last elephant performance at the Barnum and Bailey Circus.

Cm. Cook reported attendance at the Arbor Day Celebration, and the planting of a Jack London tree. He stated that with so many events taking place in the Arnold Field and Field of Dreams area there was a severe lack of parking which he would like to discuss at a future Council meeting. He also would like Council to look at the cemetery operations.

Mayor Gallian reported on the Ag and Open Space and Regional Climate Protection Agency meetings, the Cinco de Mayo and Arbor Day Celebrations.

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

**11. COMMENTS FROM THE PUBLIC - None**

**12. ADJOURNMENT**

The meeting was adjourned at 8:11 p.m.

I HEREBY CERTIFY that the foregoing minutes were duly and regularly adopted at a regular meeting of the Sonoma City Council on the     day of     2016.

\_\_\_\_\_  
Gay Johann  
Assistant City Manager/City Clerk



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

**City Council Agenda Item: 4C**

**Meeting Date: 5/16/16**

**Department**

Building

**Staff Contact**

Wayne Wirick, Development Service Director/Building Official

**Agenda Item Title**

Authorization for City Manager to Execute a Purchase Agreement under a State Purchasing Contract for the purchase of a New (Replacement) Building Inspector Vehicle.

**Summary**

The Building Department needs to replace its aging 1998 Ford truck used for Building Inspections. The vehicle was originally scheduled for replacement in 2013 however the purchase was deferred in an effort to get additional service life out the vehicle. The truck is experiencing increasing maintenance and repair costs and should be replaced.

To meet the recommendations of Vehicle Replacement Strategy 1 of the City's Greenhouse Gas Emissions Reduction Action Plan, staff recommends the replacement of the truck with a 5-door Hybrid-Electric Toyota Prius [see Attachment #1], by piggybacking on a state bid contract (State Contract #1-16-23-10C). The vehicle is expected to reduce annual CO2 emissions by 1,762 lbs. compared to similar sized conventional gas fueled vehicles.

Staff did research the costs and CO2 emission reductions (based on Department of Energy methodology) associated with an all-electric Ford Focus vehicle and determined that the \$10,854 difference in the 5-year total cost of ownership between the Hybrid-Electric Toyota Prius (\$36,808) and the Plug-In Electric Ford Focus (\$47,662) did not fully justify the very small reduction in CO2 emissions (1,038 lbs. annually) [see Attachment #2]

**Recommended Council Action**

Authorize the City Manager to purchase a new 2016 Hybrid-Electric Toyota Prius utilizing the State Bid Contract #1-16-23-10C for the replacement of the existing 1998 Ford F150 Building Department truck at a cost not to exceed \$26,000.

**Alternative Actions**

1. Do not replace the vehicle at this time.
2. Direct staff to evaluate other specific types of vehicles.

**Financial Impact**

The replacement of the vehicle is a budgeted expenditure (\$30,000) in the FY 2015/16 budget. Funding for the replacement of this vehicle has been set aside in the Vehicle Replacement Fund.

**Environmental Review**

Not Applicable

**Status**

No Action Required

**Attachments:**

- Attachment #1 – Quote for Hybrid-Electric Toyota Prius from Freeway Toyota
- Attachment #2 – Summary of 5-yr Total Cost of Ownership and Annual CO2 Reduction.

**Alignment with Council Goals:**

- **Fiscal Management** - *Maintain high level fiscal accountability that ensures short and long-term sustainability of City's financial position; provide for effective and efficient management of local taxpayers' dollars; apply prudent internal policies and practices to assure the most cost-effective methods are utilized; be wise with our resources.*
- **Policy & Leadership** - *Continue progress on elements of the Climate 2020 Plan Targets*

**cc:**

## Quote for Hybrid-Electric Toyota Prius from Freeway Toyota

**FREEWAY TOYOTA**

1835 Glendale Ave  
Hanford, CA. 93230

City of Sonoma

4/29/2016

Sonoma, CA.  
Attn: Brandon Bailey

As per your request for CA State Contract #1-16-23-10C Line Item #17

2016 Toyota Prius C (1223)	\$23446.00
8.75% Sonoma County Tax	\$ 2051.53
CA Tire Tax	\$ 8.75
Delivery to Sonoma	<u>\$ 195.00</u>
 Total per Unit	 \$25701.28

Protect against future mechanical or electrical issue's with Toyota Platinum Extra Care \$0 Deductible

5 Years / 100,000 Miles \$730.00

6 Years / 100,000 Miles \$950.00

7 Years / 125,000 Miles \$1445.00

Thank you for the opportunity to earn your business.

Patrick G Ireland

Government Fleet Manager

## 1 SCOPE

This specification establishes the minimum requirements for the State of California Fleet Vehicles. These vehicles will be used on highways, city/county roads and shall be designed to operate under typical ambient temperatures (which can range from 10° to 120° F).

## 2 SPECIFICATIONS AND STANDARDS

Specifications and standards referenced in this document in effect on the opening of the Request for Proposal form a part of this specification where referenced. Each vehicle delivered shall be fully compliant with all Federal and State regulations for vehicles in effect as of the date of manufacture.

### 2.1 DEFINITIONS:

- GVWR - Gross Vehicle Weight Rating
- CA - Cab to Axle
- WB – Wheelbase
- 4x2 – Two wheel drive
- 4x4 – Four wheel drive
- SUV – Sport Utility Vehicle
- AWD – All Wheel Drive

**2.2 SAFETY:** Each vehicle delivered shall conform to the Federal Motor Vehicle Safety Standards (FMVSS) and the California Vehicle Code (CVC) requirements in effect as of the date of manufacture.

**2.3 EMISSION CONTROL:** The engine shall be California Air Resource Board (CARB) certified to operate on-highway in the State of California at the time of manufacture. Any motor vehicle rated at 8,500 pounds GVWR or less which has a vehicle curb weight of 6,000 pounds or less shall meet or exceed California's Ultra-Low Emission Vehicle II (ULEV II) standards for exhaust emissions (13 CCR 1961).

**2.4 BRAKES:** All motor vehicle brake friction materials must meet the requirements as identified in Health and Safety Code Section 25250.51

## 3 REQUIREMENTS

### 3.1 GENERAL (APPLIES TO ALL VEHICLES):

Each vehicle shall be new (unused), current production as specified in the solicitation at the line item description. Vehicles bid must meet or exceed the requirements in the RFP line item description unless stated otherwise. Each vehicle shall be supplied with all equipment and accessories indicated as standard equipment in the manufacturer's published literature (or web site). Optional equipment necessary to meet the minimum requirements of this specification shall be included.

Vehicle classifications in this specification or at the line item description are consistent with The U.S. Environmental Protection Agency (EPA) and U.S. Department of Energy (DOE) Fuel Economy Guide found at [www.fueleconomy.gov](http://www.fueleconomy.gov). Vehicles shall be evaluated to ensure that they are listed in the proper class in the Fuel Economy Guide that matches the line item description with the following exceptions:

- Sport utility vehicles and passenger vans with a GVWR of more than 10,000 lbs.
- Other vehicles with a GVWR of 8,500 lbs. or more
- Special Purpose Vehicles shall be included in the evaluations as Vans

The following items (supplementing if necessary those items already cataloged as standard equipment) shall be furnished:

- Air Conditioning
- Automatic Transmission
- AM/FM Radio
- Original Equipment Manufacturer (O.E.M.) floor mat sets installed in all seating rows where the vehicle comes with carpeted floors
- If offered by the manufacturer, all vehicles with a GVWR under 10,000 lbs. shall include a mounted spare tire and wheel changing tools (if a full size spare is available, then it shall be included)

Wheel weights shall contain no more than 0.1 percent lead by weight (Health and Safety Code Section 25215.6).

## Summary of 5-yr Total Cost of Ownership and Annual CO2 Reduction

Vehicle Type	Initial Vehicle (Purchase/Install Cost)	5-yr Total Cost of Ownership ( <i>Per Department of Energy</i> )	Annual CO2 Reduction in lbs.	% of City's GHG CO2 Emissions Reduction Plan
Nissan Sentra (CV)	\$ 18,029	\$30,554	-	0
Toyota Prius Hybrid (HEV)	\$ 25,702	\$36,808	1,762	0.6%
Ford Focus (EV)	\$ 37,832 <sup>1</sup>	\$ 47,662	2,800	0.9%

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<sup>1</sup> Includes the installation of an EV Charging Station receptacle in the rear parking lot of the Sonoma Fire Station



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

City Council Agenda Item: 4D

Meeting Date: 05/16/2016

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**Department**

Finance

**Staff Contact**

DeAnna Hilbrants, Finance Director

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**Agenda Item Title**

Adopt resolution of the City Council of the City of Sonoma authorizing on its behalf the submittal of a payment program application by a lead agency for the Beverage Container Recycling City / County Payment Program.

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**Summary**

The State of California Department of Resources Recycling and Recovery (CalRecycle) administers a payment program to provide opportunities for beverage container recycling and litter cleanup activities. Pursuant to Public Resources Code Section 14581(a)(3)(A) of the California Beverage Container Recycling and Litter Reduction Act, CalRecycle is distributing \$10,500,000 in fiscal year 2015-16 to eligible cities and counties specifically for beverage container recycling and litter cleanup activities.

The City of Sonoma coordinates with the Sonoma County Waste Management Agency (SCWMA) to administer these programs and passes these funds through to SCWMA. The attached resolution authorizes SCWMA to complete all applications and other required documents on the City's behalf.

---

**Recommended Council Action**

Adopt resolution.

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**Alternative Actions**

Request more information. Council Discretion.

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**Financial Impact**

The minimum payment under this program is \$5,000. These funds are paid to the SCWMA who manages related programs on the City's behalf.

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**Environmental Review**

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

**Status**

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

**Attachments:**

Proposed Resolution

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**Alignment with Council Goals:**

Fiscal Management: *Maintain high level fiscal accountability that ensures short and long-term sustainability of City's financial position; provide for effective and efficient management of local taxpayers' dollars; apply prudent internal policies and practices to assure the most cost-effective methods are utilized; be wise with our resources.*

---

**cc:**

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**CITY OF SONOMA**  
**RESOLUTION NO. XX - 2016**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA AUTHORIZING ON ITS  
BEHALF THE SUBMITTAL OF A PAYMENT PROGRAM APPLICATION BY A LEAD  
AGENCY**

WHEREAS, pursuant to Public Resources Code sections 48000 et seq., 14581, and 42023.1(g), the Department of Resources Recycling and Recovery (CalRecycle) has established various Payment Programs to make payments to qualifying jurisdictions; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the administration of Payment Programs; and

WHEREAS, the Payment Program allows regional participation; and

WHEREAS, CalRecycle's procedures for administering Payment Programs require, among other things, a regional participant to formally authorize certain matters related to the application and administration of the Payment Program by its designated Lead Agency.

NOW, THEREFORE, BE IT RESOLVED that the City of Sonoma designates the Sonoma County Waste Management Agency to act as the Lead Agency and authorizes it to submit a Payment Program regional application on behalf of itself as Lead Agency and City of Sonoma. The Sonoma County Waste Management Agency is hereby authorized and empowered to execute all documents necessary to secure funds and implement the approved project.

BE IT FURTHER RESOLVED that this Resolution is effective until rescinded by the Signature Authority and/or this governing body.

**PASSED AND ADOPTED**, by the City Council of the City of Sonoma, County of Sonoma, State of California on May 16, 2016 by the following vote:

Ayes:  
Noes:  
Absent:

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Laurie Gallian, Mayor

ATTEST:

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Gay Johann, Assistant City Manager/City Clerk



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

City Council Agenda Item: 5A

Meeting Date: 05/16/2016

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**Department**

Administration

**Staff Contact**

Gay Johann, Assistant City Manager/City Clerk

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**Agenda Item Title**

Approval of the portions of the minutes of the May 2, 2016 City Council meeting pertaining to the Successor Agency.

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**Summary**

The minutes have been prepared for Council review and approval.

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**Recommended Council Action**

Approve the minutes.

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**Alternative Actions**

Correct or amend the minutes prior to approval.

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**Financial Impact**

N/A

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**Environmental Review**

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

**Status**

- Approved/Certified
- No Action Required
- Action Requested

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**Attachments:**

See agenda item 4B for the minutes

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

**cc:** NA

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

City Council Agenda Item: 7A

Meeting Date: 05/16/16

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**Department**

Administration

**Staff Contact**

Jeff Walter, City Attorney

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**Agenda Item Title**

City Clerk Certification of Referendum Petition to Repeal Ordinance 01-2016 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA ADDING CHAPTER 9.60 TO THE SONOMA MUNICIPAL CODE TO REGULATE AND PROHIBIT THE USE OF LEAF BLOWERS WITHIN THE CITY'S LIMITS".

---

**Summary**

On March 21, 2016 the City Council adopted Ordinance No. 01-2016 adding Chapter 9.60 to the Sonoma Municipal Code to regulate and prohibit the use of leaf blowers within the City's limits. A referendum petition to repeal the ordinance in its entirety was filed with the City Clerk on April 14, 2016. The City Clerk determined that the referendum petition form met the statutory requirements of the Elections Code and based on a prima facie review contained enough signatures. It was therefore deemed to be officially filed on April 14, 2016. The City Clerk then submitted the petition to the Sonoma County Registrar of Voters Office (ROV) for signature verification and count. On May 3, 2016 the ROV provided verification that the petition contained 995 valid signatures which was a sufficient number of signatures to meet the requirements of Elections Code sec. 9237 (10% of registered voters). The City Clerk notified the referendum proponents of that determination.

Pursuant to Elections Code Section 9114 the City Clerk (Election Official) must certify a sufficient petition to the City Council at the next regular meeting.

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**Recommended Council Action**

Receive and file the Clerk's certification of referendum petition.

---

**Alternative Actions**

N/A

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**Financial Impact**

N/A

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**Environmental Review**

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

**Status**

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

**Attachments:**

Certificate of Sufficiency

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**Alignment with Council Goals:**

n/a

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**cc:** Jerry Marino via email

CITY OF SONOMA

CERTIFICATE OF SUFFICIENCY OF  
REFERENDUM PETITION  
AGAINST

ORDINANCE NO. 01-2016  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA  
ADDING CHAPTER 9.60 TO THE SONOMA MUNICIPAL CODE TO  
REGULATE AND PROHIBIT THE USE OF LEAF BLOWERS WITHIN THE  
CITY'S LIMITS

I, Gay Johann, City Clerk of the City of Sonoma, California, do hereby certify:

That on April 14, 2016 proponents submitted to my office a petition for a referendum against Ordinance No. 01-2016 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA ADDING CHAPTER 9.60 TO THE SONOMA MUNICIPAL CODE TO REGULATE AND PROHIBIT THE USE OF LEAF BLOWERS WITHIN THE CITY'S LIMITS".

That pursuant to Election Code Section 9237, it has been determined that the Sonoma County Registrar's last official report of registration to the Secretary of State for the City of Sonoma was 6,383 registered voters and that 10% of said registration would require 639 valid signatures to qualify the referendum petition.

That in accordance with Election Code 9210(b), it has been determined that said petition contained 1217 (prima facie count) signatures. Pursuant to Elections Code Section 9211, petition signatures were examined by the Sonoma County Registrar of Voters Office as per Election Code Section 9114 and that Office has determined that 995 signatures are valid.

Therefore, the referendum petition against Ordinance No. 01-2016 submitted by the proponents is deemed to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Sonoma this 4<sup>th</sup> day of May, 2016.

  
\_\_\_\_\_  
Gay Johann  
Assistant City Manager/City Clerk



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

City Council Agenda Item: 7B

Meeting Date: 05-16-2016

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**Department**

Administration

**Staff Contact**

Valerie Pistole, Assistant City Attorney  
Carol E. Giovanatto, City Manager

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**Agenda Item Title**

Discussion, Consideration and Possible Action on a First Reading of an Ordinance Regulating Second-Hand Smoke by Prohibiting Smoking in and Around Workplaces, Public Places and Multi-Unit Housing

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**Summary**

The City of Sonoma currently prohibits smoking in a number of enclosed areas available to and customarily used by the general public and all businesses and places of employment under an ordinance enacted in 1992 by a vote of the electorate. Smoking outdoors or in private residences is not currently regulated by the City under this ordinance. In response to community concerns, the Council desired to modify the level of smoking regulations that show that increased tobacco regulation benefits the public health, safety and welfare and includes all outdoor areas and areas within multi-unit residents. Numerous studies conclude that secondhand smoke is harmful to individuals, and the U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke. Secondhand smoke in multi-unit housing poses health problems for non-smoking residents when it drifts from neighboring units, balconies, and outdoor spaces. When reviewing options for increased regulations, the City Attorney determined that due to the original enactment of the ordinance by voter approval, the Council had extremely limited capacity in which to change existing law. It was therefore determined that the 1992 ordinance must be repealed by a ballot measure prior to effectuating new and more expansive smoking regulations.

On March 21<sup>st</sup>, the Assistant City Attorney presented a memorandum to Council outlining the City's current ordinance regulations regarding smoking and potential expansion to a more comprehensive ordinance to encompass prohibitions in and around workplaces, public places and multi-unit housing. Following the presentation, discussion and public comment Council directed staff and the Assistant City Attorney to prepare a draft ordinance to Regulating second-hand smoke by prohibiting smoking in and around workplaces, public places and multi-unit housing. The council further directed that the new ordinance would have an effective date upon the repeal of the 1992 ordinance by affirmative vote in November.

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**Recommended Council Action**

Approve first reading of the ordinance.

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**Alternative Actions**

Decline to take action on the first reading. Direct additional changes.

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**Financial Impact**

To be determined.

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**Environmental Review**

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

**Status**

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

**Attachments:**

Supplemental Report  
SMC Chapter 7.24

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**Alignment with Council Goals:**

POLICY & LEADERSHIP: Provide continuing leadership as elected officials of the community by promoting increased health regulations.

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**cc:**

Elizabeth Emerson via email

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## SUPPLEMENTAL REPORT

Discussion, Consideration and Possible Introduction of an Ordinance of the City of Sonoma Adding Section 7.24 to the Municipal Code to Regulate Smoking and Tobacco Production Use

*For Council Meeting of May 16, 2016*

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Our office was directed by the Council to prepare an ordinance that addresses the regulation of smoking and tobacco product use. The ordinance would only go into effect after and if the voters of the City repeal the existing smoking regulations passed in 1992.

The ordinance covers the following *products and devices*:

- Any product containing tobacco whether smoked, chewed, snorted or ingested.
- Electronic smoking devices
- Smoke from tobacco, marijuana and cocaine

The ordinance includes the following locations:

- All enclosed and unenclosed public places
- All enclosed and unenclosed common areas of multi-unit residences (condominiums, duplexes and larger)
- All unenclosed recreational and service areas (such as, ATM's, mobile vendor lines and the like)

The ordinance *excludes* the following locations:

- Places of employment because of the passage of AB 7X2 on May 4, 2016, which creates uniform statewide standards regulating smoking in the workplace, preempting local regulations
- Inside private vehicles
- Inside in-law or second units of a single family residence, unless used as childcare facilities
- Inside mobile homes

The ordinance permits designated smoking areas that are a reasonable distance (20' or more) from where smoking is prohibited.

Additional provisions of the ordinance include:

- Prohibition of ashtrays and disposal of cigarette butts in non-smoking areas
- Requirement of "No Smoking" signs at entrance to non-smoking areas and at least one other conspicuous area
- Provision for penalties and enforcement (fine ranging from \$100 to \$1,000)
- Provision for the City Manager to coordinate with the County Health & Human Services Department for public education

**AN ORDINANCE OF THE CITY OF SONOMA  
ADDING SECTION 7.24 TO THE MUNICIPAL CODE TO  
REGULATE SMOKING AND TOBACCO PRODUCT USE**

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

**SECTION I. FINDINGS.**

The City Council of the City of Sonoma hereby finds and declares as follows:

WHEREAS, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

- The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke; and
- The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure; and
- The California Environmental Protection Agency (EPA) included secondhand smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm; and

WHEREAS, laws restricting the use of tobacco products have recognizable benefits to public health and medical costs with a review of over 80 peer-reviewed research studies showing that smokefree policies effectively do the following:

- Reduce tobacco use: tobacco use is reduced by median of 2.7 percent; and
- Reduce exposure to secondhand smoke: air pollution is reduced by a median of 88 percent and biomarkers for secondhand smoke are reduced by a median of 50 percent; and
- Increase the number of tobacco users who quit by a median of 3.8 percent; and
- Reduce initiation of tobacco use among young people; and
- Reduce tobacco-related illnesses and death: there is a 5.1 percent median decrease in hospitalizations from heart attacks and a 20.1 percent decrease in hospitalizations from asthma attacks after such laws are passed; and

WHEREAS, laws restricting electronic smoking devices use also have benefits to the public as evidenced by the following:

- Research has found at least ten chemicals known to the State of California to cause cancer, birth defects, or other reproductive harm, such as formaldehyde, acetaldehyde, lead, nickel, and toluene; and
- More than one study has concluded that exposure to vapor from electronic smoking devices may cause passive or secondhand vaping; and
- The use of electronic smoking devices in smokefree locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment; and
- The State of California’s Tobacco Education and Research Oversight Committee (TEROC) “opposes the use of e-cigarettes in all areas where other tobacco products are banned;” and

WHEREAS, smokeless tobacco is not a safe alternative to smoking and causes its own share of death and disease, as evidenced by the following:

- Smokeless tobacco use is associated with oral, esophageal, and pancreatic cancers; and
- Smokeless tobacco is associated with increased risk for heart disease and stroke, stillbirth and preterm delivery, and Parkinson’s disease; and

WHEREAS, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions; and

WHEREAS, as of January 2015, there are at least 348 California cities and counties with local laws restricting smoking in recreational areas, and 48 with local laws restricting smoking on sidewalks in commercial areas; and

WHEREAS, there is no Constitutional right to smoke;

NOW THEREFORE, it is the intent of the City Council, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking and tobacco use around non-tobacco users, especially children; by protecting the public from exposure to secondhand smoke where they live and play; by reducing the potential for children to wrongly associate smoking and tobacco use with a healthy lifestyle; and by affirming

and promoting a healthy environment in the City.

**SECTION II.** Section 7.24 of the Municipal Code is hereby added to read as follows:

**Sec. 7.24.010 DEFINITIONS.** The following words and phrases, whenever used in this chapter shall have the meanings defined in this section unless the context clearly requires otherwise:

- (a) “City” means the City of Sonoma, State of California.
- (b) “Child Care Facilities” means any family day care regulated by Sections 1597.30 through 1597.621 of the California Health & Safety Code and any day care center for children regulated by Section 1596.90 et seq. of the California Health & Safety Code. It does not include foster homes or residential care facilities.
- (c) “Common Area” means every Enclosed Area and Unenclosed Area of a Multi-Unit Residence that residents of more than one Unit of that Multi-Unit Residence are entitled to enter or use, including, for example, halls, paths, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, restrooms, laundry rooms, cooking areas, and eating areas.
- (d) “Electronic Smoking Device” means an electronic and/or battery-operated device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such a device, whether or not sold separately. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.
- (e) “Enclosed Area” means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has
  - (1) any type of overhead cover whether or not that cover includes vents or other openings and at least three (3) walls or other vertical constraint to airflow including, but not limited to, vegetation of any height, whether or not those boundaries include vents or other openings; or
  - (2) four (4) walls or other vertical constraints to airflow including, but not limited to, vegetation that exceed six (6) feet in height, whether or not those boundaries include vents or other openings.

- (f) “Multi-Unit Residence” means property containing two (2) or more Units except the following specifically excluded types of housing:
- (1) a mobile home park;
  - (2) a single-family residence; and
  - (3) detached or attached in-law or second unit to single family residence.
- (g) “Nonprofit Entity” means any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association, or other entity created for charitable, religious, philanthropic, educational, political, social, or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A government agency is not a Nonprofit Entity within the meaning of this chapter.
- (h) “Person” means any natural person, cooperative association, personal representative, receiver, trustee, assignee, or any other legal entity including a government agency.
- (i) “Public Place” means any place, publicly or privately owned, which is open to the general public regardless of any fee or age requirement.
- (j) “Reasonable Distance” means a distance of twenty (20) feet in any direction from an area in which Smoking is prohibited.
- (k) “Recreational Area” means any area that is publicly or privately owned, controlled or used by the City and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes but is not limited to parks, picnic areas, playgrounds, sports fields, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, skateboard parks and amusement parks.
- (l) “Service Area” means any publicly or privately owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more Persons to receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. The term “Service Area” includes but is not limited to areas including or adjacent to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines, or cab stands.
- (m) “Smoke” means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts,

except when the combusting or vaporizing material contains no tobacco or nicotine *and* the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term “Smoke” includes, but is not limited to, tobacco smoke, Electronic Smoking Device vapors, marijuana smoke, and crack cocaine smoke.

(n) “Smoking” means inhaling, exhaling, burning, or carrying any lighted, heated, or ignited cigar, cigarette, cigarillo, pipe, hookah, Electronic Smoking Device, or any plant product intended for human inhalation.

(o) “Tobacco Product” means:

(1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether Smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and

(2) Any Electronic Smoking Device.

(3) Notwithstanding any provision of subsections (1) and (2) to the contrary, “Tobacco Product” includes any component, part, or accessory of a Tobacco Product, whether or not sold separately. “Tobacco Product” does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

(p) “Unenclosed Area” means any area that is not an Enclosed Area.

(q) “Unit” means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use Enclosed Area or Unenclosed Area, such as, for example, a private balcony, porch, deck, or patio. “Unit” includes but is not limited to an apartment; a condominium; a townhouse; a room in a long-term health care facility, assisted living facility, or hospital; a hotel or motel room; a room in a single room occupancy (“SRO”) facility; a room in a homeless shelter; a mobile home; a camper vehicle or tent; a single-family home; and an in-law or second unit.

#### **Sec. 7.24.020 PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN ENCLOSED PLACES**

(a) Smoking and the use of Tobacco Products is prohibited in the Enclosed Areas of the following places within the City of Sonoma:

- (1) Public Places; and
  - (2) Multi-Unit Residences and common areas.
- (b) Smoking and the use of Tobacco Products is prohibited by this chapter in all Enclosed Areas except as provided below.
- (1) Inside private vehicles.
  - (2) Inside single family residences except private residences licensed as Child Care Facilities.
  - (3) In-law or second units attached or detached to single family residence.

**Sec. 7.24.030 PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN UNENCLOSED AREAS**

- (a) Smoking and the use of Tobacco Products is prohibited in the Unenclosed Areas of the following places within the City:
- (1) Recreational Areas;
  - (2) Service Areas;
  - (3) Public Places;
  - (4) Common Areas of Multi-Unit Residences, provided, however, that a Person with legal control over a Common Area may designate a portion of the Unenclosed Area of the Common Area as a designated Smoking area if the area meets all of the following criteria:
    - (i) the area must be located a Reasonable Distance from any Unit or Enclosed Area where Smoking is prohibited by this chapter or other law; by binding agreement relating to the ownership, occupancy, or use of real property; or by designation of a Person with legal control over the property. In the case of a nonsmoking area created by agreement or designation, this provision does not apply unless the Person designating the Smoking area has actual knowledge of, or has been given notice of, the agreement or designation. A Person with legal control over a designated Smoking area may be obliged to modify, relocate, or eliminate that as laws change, as binding agreements are created, and as nonsmoking areas on neighboring property are established;

- (ii) the area must not include, and must be a Reasonable Distance from, Unenclosed Areas primarily used by children and Unenclosed Areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, swimming pools, school campuses, and sandboxes;
  - (iii) the area must be no more than ten percent (10%) of the total Unenclosed Area of the Multi-Unit Residence for which it is designated;
  - (iv) the area must have a clearly marked perimeter;
  - (v) the area must be identified by conspicuous signs;
  - (vi) the area must be completely within an Unenclosed Area; and
  - (vii) the area must not overlap with any Enclosed or Unenclosed Area in which Smoking is otherwise prohibited by this chapter or other provisions of this Code, state law, or federal law; and
- (5) Other Public Places, provided that Smoking is permitted on streets and sidewalks used only as pedestrian or vehicular thoroughfares, unless otherwise prohibited by this chapter or other law.
- (b) Nothing in this chapter prohibits any Person or Nonprofit Entity with legal control over any property from prohibiting Smoking and Tobacco Product use on any part of such property, even if Smoking or the use of Tobacco Products is not otherwise prohibited in that area.

**Sec. 7.24.040 REASONABLE SMOKING DISTANCE REQUIRED**

- (a) Smoking in all Unenclosed Areas shall be prohibited within a Reasonable Distance from any doorway, window, opening, crack, or vent into an Enclosed Area in which Smoking is prohibited except while the Person Smoking is actively passing on the way to another destination.
- (b) Smoking in Unenclosed Areas shall be prohibited within a Reasonable Distance from any Unenclosed Areas in which Smoking is prohibited under Sec. 7.24.030 of this chapter, except while the Person Smoking is actively passing on the way to another destination and provided Smoke does not enter any Unenclosed Area in which Smoking is prohibited.

- (c) The prohibitions in subdivisions (a) and (b) shall not apply to Unenclosed Areas of private residential properties that are not Multi-Unit Residences.

**Sec. 7.24.050 OTHER REQUIREMENTS AND PROHIBITIONS**

- (a) No Person or Nonprofit Entity shall knowingly permit Smoking or the use of Tobacco Products in an area which is under the legal or de facto control of that Person or Nonprofit Entity and in which Smoking or the use of Tobacco Products is prohibited by law.
- (b) No Person or Nonprofit Entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area under the legal or de facto control of that Person or Nonprofit Entity and in which Smoking or the use of Tobacco Products is prohibited by law, including, without limitation, within a Reasonable Distance required by this chapter from any area in which Smoking or the use of Tobacco Products is prohibited. Notwithstanding the foregoing, the presence of ash receptacles in violation of this subsection shall not be a defense to a charge of Smoking or the use of Tobacco Products in violation of any provision of this chapter.
- (c) No Person shall dispose of used Smoking or Tobacco Product waste within the boundaries of an area in which Smoking or Tobacco Product use is prohibited, including within any Reasonable Distance required by this chapter.
- (d) A Person or Nonprofit Entity that has legal or de facto control of an area in which Smoking and the use of Tobacco Products is prohibited by this chapter shall post a clear, conspicuous and unambiguous “No Smoking” and “No Use of Tobacco Products” or “Smokefree” and “Tobacco-Free” sign at each point of ingress to the area, and in at least one other conspicuous point within the area. The signs shall have letters of no less than one inch in height and shall include the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the Reasonable Distance requirement set forth in Sec. 7.24.040. At least one sign with the County phone number to which complaints can be directed must be placed conspicuously in each place in which Smoking is prohibited. For purposes of this section, the City Manager or his / her designee shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the City. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of Smoking or the use of Tobacco Products in violation of any other provision of this chapter.

- (e) No Person or Nonprofit Entity shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another Person who seeks to attain compliance with this chapter.
- (f) Each instance of Smoking or Tobacco Product use in violation of this chapter shall constitute a separate violation. For violations other than for Smoking, each day of a continuing violation of this chapter shall constitute a separate violation.

**Sec. 7.24.060 PENALTIES AND ENFORCEMENT.**

- (a) The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.
- (b) Each incident of Smoking or use of Tobacco Products in violation of this chapter is an infraction subject to a one hundred dollar (\$100) fine or otherwise punishable pursuant to Section 1.12.010 of this code. Other violations of this chapter may, at the discretion of the City Manager, be prosecuted as infractions or misdemeanors when the interests of justice so require. Enforcement of this chapter shall be the responsibility of the City Manager. In addition, any peace officer or code enforcement official also may enforce this chapter.
- (c) Violations of this chapter are subject to a civil action brought by the City of Sonoma, punishable by a civil fine not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) per violation.
- (d) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this chapter.
- (e) Any violation of this chapter is hereby declared to be a nuisance.
- (f) In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the City Attorney, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.
- (g) Any Person acting for the interests of itself, its members, or the general public (hereinafter "Private Enforcer") may bring a civil action in any court of competent jurisdiction, including small claims court, to enforce this chapter against any Person who has violated this chapter two or more times. Upon proof of the violations, a court shall

grant all appropriate relief, including: (1) awarding damages; and (2) issuing an injunction or a conditional judgment.

- (h) Except as otherwise provided, enforcement of this chapter is at the sole discretion of the City. Nothing in this chapter shall create a right of action in any Person against the City or its agents to compel public enforcement of this chapter against private parties.

**Sec. 7.24.070 PUBLIC EDUCATION.**

The City Manager or his or her designee shall coordinate with the County of Sonoma Health and Human Services Department to ensure that the citizens and community of Sonoma may participate in the County's existing tobacco education program. The program will explain and clarify the purposes and requirements of this chapter to citizens affected by it, and to guide Persons, Landlords, Employers, and Nonprofit Entities in their compliance with it. However, lack of such education shall not provide a defense to a violation of this chapter.

**Sec. 7.24.080 OTHER LAWS.**

It is not the intention of this chapter to regulate any conduct where the regulation of such conduct has been preempted by the State of California.

**SECTION III. STATUTORY CONSTRUCTION & SEVERABILITY**

It is the intent of the City Council of the City of Sonoma to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or its application to any Person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases of this ordinance, or its application to any other Person or circumstance. The City Council of the City of Sonoma hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof independently, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases hereof be declared invalid or unenforceable.

**SECTION IV. SEVERABILITY.**

If any section, subsection, sentences, clause phrase or word of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Sonoma hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

**SECTION V. EFFECTIVE DATE AND PUBLICATION.**

This ordinance of the City of Sonoma shall be effective thirty (30) days after the date the voters of the City repeal the Chapter 7.24 of the Municipal Code Ordinance 92.22 passed by the voters in 1992. Before expiration of fifteen (15) days after its passage, this ordinance or a summary thereof as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Sonoma, along with the names of the members of the City Council voting for and against its passage.

**SECTION VI. CEQA FINDINGS.**

This ordinance is exempt from the California Environmental Quality Act (“CEQA”) under 14 Cal. Code Regs. Section 15061(b)(3) because it can be seen with certainty that there is no possibility that its adoption will have a significant adverse effect on the environment. It is also categorically exempt under 14 Cal. Code Regs. Section 15308 because the ordinance constitutes a regulatory activity whose purpose is to protect air quality and prevent the adverse health effects of air pollutants caused by smoking.

**IT IS HEREBY CERTIFIED** that the foregoing ordinance was duly introduced at a regular meeting of the Sonoma City Council held on [date of introduction of Ordinance] and thereafter passed and adopted by the Sonoma City Council on the [day of adoption] of [month and year of adoption], by the following vote, to wit:

AYES: \_\_\_\_\_ COUNCILMEMBER:

NOES: \_\_\_\_\_ COUNCILMEMBER:

ABSENT: \_\_\_\_\_ COUNCILMEMBER:

ABSTAIN: \_\_\_\_\_ COUNCILMEMBER:

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LAURIE GALLIAN, MAYOR

ATTEST:

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GAY JOHANN, CITY CLERK



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

City Council Agenda Item: 7C

Meeting Date: 05/16/2016

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**Department**

Administration

**Staff Contact**

Carol E. Giovanatto, City Manager

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**Agenda Item Title**

Discussion, Consideration and Possible Action to Establish a Decorum Policy for Public Meetings (Requested by Mayor Gallian)

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**Summary**

Council Goals for 2015-16 includes POLICY & LEADERSHIP which states: *“Provide continuing leadership as elected officials of the community; promote the highest standard of ethics...”* In order to successfully accomplish this primary goal Mayor Gallian has suggested Council consider adopting a Decorum Policy for Public Meetings which would apply to all Council, Commission and Committee meetings. This type of decorum policy is envisioned to set uniform meeting and professional conduct standards, which are commonly found in various other governmental agencies. Once adopted this policy would be utilized for new and existing elected and appointed officials in concert with Brown Act and other trainings performed by the City Attorney’s office.

NOTE: This is a continued item from the March 21<sup>st</sup> Council meeting due to the lateness of the meeting.

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**Recommended Council Action**

Council discretion. If the Council wishes to pursue this type of policy, the City Manager and City Attorney will return with sample policies at a future Council meeting for the Council’s review.

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**Alternative Actions**

Council discretion.

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**Financial Impact**

To be determined.

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**Environmental Review**

**Status**

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

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

**Attachments:**

None

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**Alignment with Council Goals:**

POLICY & LEADERSHIP: *“Provide continuing leadership as elected officials of the community; promote the highest standard of ethics...”*

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**cc:**

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

<b>Agenda Item:</b>	<b>9</b>
<b>Meeting Date:</b>	<b>05/16/2016</b>

<b>Department</b> Administration	<b>Staff Contact</b> 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 GALLIAN	MPT AGRIMONTI	CLM. COOK	CLM. EDWARDS	CLM. HUNDLEY
City Audit Committee	LOCC North Bay Division Liaison	ABAG Alternate	ABAG Delegate	Cittaslow Sonoma Valley Advisory Council, Alt.
Marin/Sonoma Mosquito & Vector Control District	North Bay Watershed Association	City Audit Committee	Cittaslow Sonoma Valley Advisory Council	LOCC North Bay Division Liaison, Alternate
Sonoma County Mayors & Clm. Assoc. BOD	Sonoma County Mayors & Clm. Assoc. BOD, Alt.	City Facilities Committee	City Facilities Committee	Sonoma Clean Power Alt.
Sonoma County Trans. Authority & Regional Climate Protection Authority	Sonoma County Trans. & Regional Climate Protection Authority, Alternate	Oversight Board to the Dissolved CDA	Oversight Board to the Dissolved CDA, Alt.	Sonoma County M & C Assoc. Legislative Committee
Sonoma Disaster Council	Sonoma County Waste Management Agency	Sonoma Clean Power	Sonoma County Health Action & SV Health Roundtable	S. V. Citizens Advisory Commission
Sonoma Housing Corporation	Sonoma Disaster Council, Alternate	S.V. Economic Vitality Partnership, Alt.	Sonoma County M & C Assoc. Legislative Committee, Alt.	S.V. Economic Vitality Partnership
S.V.C. Sanitation District BOD	Sonoma Housing Corporation	S. V. Library Advisory Committee	Sonoma Valley Citizens Advisory Comm. Alt.	S. V. Library Advisory Committee, Alternate
S.V. Fire & Rescue Authority Oversight Committee	S.V.C. Sanitation District BOD, Alt.			
VOM Water District Ad Hoc Committee	S.V. Fire & Rescue Authority Oversight Committee			
Water Advisory Committee	VOM Water District Ad Hoc Committee, Alternate			
	Water Advisory Committee, Alternate			

**Recommended Council Action** – Receive Reports

**Attachments:** None