

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

Community Meeting Room, 177 First Street West, Sonoma CA



**Monday, November 7, 2016
6:00 p.m. Regular Meeting**

AGENDA

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

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

6:00 P.M. – REGULAR MEETING

RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE
ROLL CALL (Cook, Agrimonti, Edwards, Hundley, Gallian)
REPORT ON CLOSED SESSION

1. COMMENTS FROM THE PUBLIC

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

2. MEETING DEDICATIONS

3. PRESENTATIONS

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: Approve Extension of the Refuse Contract to Sonoma Garbage Collectors through May 2027 (City Manager)
Staff Recommendation: Approve the 5th Amendment to the contract with Sonoma Garbage Collectors, Inc.

Item 4C: Second Reading and Adoption of an Ordinance Amending Section 7.20.010 of the Municipal Code (Camping on Publically-Owned Property) (Planning Director)
Staff Recommendation: Conduct second reading and adopt ordinance.

Item 4D: **Approval of the Allocation of a City Funded Rental at the Sonoma Veteran’s Memorial Building as requested by the Sonoma Community Center for their Community Thanksgiving Dinner (City Clerk)**
Staff Recommendation: Approve the request.

Item 4E: **Approval and Ratification of the Appointment of Mr. Robert C. Demler to the Position of City Historian for a Term of Two Years (City Clerk)**
Staff Recommendation: Approve and ratify the nomination.

Item 4F: **Approval of the Minutes of the Regular City Council Meeting of September 19, 2016, and the Special Meetings of October 10, 2016 and October 20, 2016 (City Clerk)**
Staff Recommendation: Approve the Minutes

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.

6. PUBLIC HEARING

Item 6A: **Discussion, Consideration and Possible Action to Conduct Second Reading and Adoption of an Ordinance Amending Chapter 14.24 (Review, Rehabilitation and Abatement of Existing Seismically Unsafe Buildings) of the Sonoma Municipal Code (Development Services Director/Building Official)**
Staff Recommendation: Adopt the ordinance by title “An Ordinance of the City of Sonoma Amending Chapter 14.24 (Review, Rehabilitation and Abatement of Existing Seismically Unsafe Buildings) of the Sonoma Municipal Code”.

Item 6B: **Discussion, Consideration and Possible Action to Conduct Second Reading, Public Hearing and Adopt an Ordinance Repealing Chapter 14.10 of the Sonoma Municipal Code, Reenacting a New Chapter 14.10 Adopting and Amending New Construction Codes, and Adoption of Findings Determining the Ordinance to be Exempt under the California Environmental Quality Act (Development Services Director/Building Official)**
Staff Recommendation: 1) Hold a public hearing on the proposed ordinance. 2) Publicly read the title of the ordinance (second reading) and adopt the ordinance. 3) Direct the City Clerk to prepare, publish and post a summary of the ordinance with the vote of each council member indicated within 15 days as required by the Government Code.

Item 6C: **1) Discussion, Consideration and Possible Adoption of an Interim Urgency Ordinance Imposing a Moratorium on the Outdoor Cultivation of Nonmedical Marijuana and Making Findings that said Adoption is Exempt Under CEQA Pursuant to CEQA Guidelines Section 15061, Among Other Provisions**
2) Discussion, Consideration and Possible Adoption of an Interim Urgency Ordinance Imposing a Moratorium on the Indoor Cultivation of Nonmedical Marijuana, Except Under Certain Circumstances, and Making Findings that said Adoption is Exempt Under CEQA Pursuant to CEQA Guidelines Section 15061, Among Other Provisions (City Attorney)
Staff Recommendation: 1. Adopt an interim ordinance imposing a moratorium on the outdoor cultivation of nonmedical marijuana and making findings that said adoption is exempt under CEQA. 2. Adopt an interim ordinance imposing a moratorium on the indoor

cultivation of nonmedical marijuana, except under certain circumstances, and making findings that the adoption of said ordinance is exempt under CEQA.

7. REGULAR CALENDAR – CITY COUNCIL

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

Item 7A: Consideration, Discussion, and Possible Action to Adopt a Resolution Approving an Application by Destination Races for Temporary Use of City Streets for the Napa to Sonoma Wine Country Half Marathon on Sunday, July 16, 2017 (Special Events Manager)

Staff Recommendation: Adopt the resolution approving the use of city streets, which includes the conditions recommended by the Special Events Committee members, including Police, Fire, Public Works and Planning Departments.

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. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City Hall bulletin board on November 3, 2016. Rebekah Barr, MMC, City Clerk/Executive Assistant.

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.

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CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4B

Meeting Date: 11-7-2016

Department

Administration

Staff Contact

Carol E. Giovanatto, City Manager

Agenda Item Title

Approve Extension of the Refuse Contract to Sonoma Garbage Collectors through May 2027

Summary

In November 2014, Sonoma Garbage Collectors, Inc [SCG] requested a ten-year extension to its current agreement with the City. The Refuse Contract dated October 19, 1994 had been extended on four prior Council actions during its term and was, at that time, set to expire on May 31, 2017. Sonoma Garbage submitted a request for an extension period of ten years through May 31, 2027.

Following consideration of the proposal, the Council ultimately gave conditional approval of the ten year extension to the refuse franchise which would only become effective if the recycling processing facility for the City's recyclables is operational in three years.

At the October 17, 2016 Council meeting, the Council considered a request from SGC for full approval for the Contract Extension. As reported, the following milestones have been accomplished:

- Processing site has been established at 1180 Fremont Avenue
- Test loads of green waste have been processed
- Use Permit has been issued by the Sonoma County Permit and Resource Management Department
- SGC's Notification of the new Chip & Grind Operation has been accepted by the County permitting agency

Following review and discussion the Council approved the extension of the contract through May 2027 having met the requirements set forth under their conditional extension and directed staff to return with a contract amendment. The 5th amendment to the contract has been drafted and is presented for approval.

Recommended Council Action

Staff recommendation is to approve the 5th Amendment to the contract with Sonoma Garbage Collectors, Inc.

Alternative Actions

Request additional information.

Financial Impact

No direct financial impact.

Environmental Review

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

Status

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

Attachments:

Contract Amendment

Alignment with Council Goals:

The implementation and outcomes of establishing a local composting program aligns directly with the Council Goal on POLICY and LEADERSHIP (*Expand focus on elements of the Climate 2020*)

Plan Targets).

cc:

Sonoma Garbage Collectors, Inc.

Ken Wells

CITY OF SONOMA
RESOLUTION # ____ - 2016

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SONOMA APPROVING the 5th AMENDMENT TO THE FRANCHISE
AGREEMENT FOR REFUSE COLLECTION**

WHEREAS, the City of Sonoma has a franchise agreement with Sonoma Garbage Collectors, Inc., to perform solid waste collection services in the City of Sonoma; and

WHEREAS, City entered into a contract on October 19, 1994 with John D. Curotto, Margaret Curotto, and John D. Curotto, Jr. (Sonoma Garbage Collectors) for the exclusive right to collect and remove garbage and rubbish within the City. Said contract has been amended four times (collectively, the October 19, 1994, agreement and its four amendments shall be referred to as the "Contract"); and

WHEREAS, on November 18, 2002, the City consented to an assignment of the Contract from John D. Curotto, Margaret Curotto, and John D. Curotto, Jr. (Sonoma Garbage Collectors) to Sonoma Garbage Collectors, a California corporation; and

WHEREAS, on January 16, 2002, the City executed the First Amendment to Contract extending the original term expiration (May 31, 2007), for a term of five (5) additional years through May 31, 2012; and

WHEREAS, on January 16, 2007, the City executed the Second Amendment to Contract adding Section 26 to provide for additional services; and

WHEREAS, on August 22, 2007, the City executed the Third Amendment to Contract extending the term expiration (May 31, 2012), for a term of five (5) additional years through May 31, 2017; and

WHEREAS, on January 18, 2012, the City executed the Fourth Amendment to the Contract under which the Contractor reserved the right to dispose of garbage and rubbish at locations outside the County of Sonoma, among other things; and

WHEREAS, on November 3, 2014 the City gave tentative approval of an extension of the Contract's term for a term of ten (10) additional years through May 31, 2027 predicated on Contractor's proposal to construct and have in a fully operational mode a local composting facility including construction of a system designed to process all of the City's source separated organic, compostable waste stream prior to May 31, 2017; and

WHEREAS, Contractor has represented to the City that Contractor has met the timeframe by securing a site located at 1180 Fremont Avenue, acquired the necessary equipment, delivered test loads of processed green waste and secured all necessary County and environmental permits to operate a composting facility capable of processing all of the City's compostable waste. Said representations are contained in Contractor's letter to the City dated September 29, 2016, a true and correct copy of which is attached as Exhibit "A" and incorporated by this reference. Contractor has represented that said facility is fully operational and permitted at the present time; and

WHEREAS, City staff has independently verified the accuracy of Contractor's representations; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Sonoma in express reliance upon the Contractor's said representations, agrees to extend the Contract for an additional ten (10) year period through May 31, 2027 as written in the 5th Amendment to the Contract attached hereto as Exhibit A.

ADOPTED this 7th day of November, 2016, by the following vote:

AYES:
NOES:
ABSENT:

Laurie Gallian, Mayor

ATTEST:

Rebekah Barr, MMC, City Clerk

Exhibit "A"

Effective January 1, 2015

Monthly Rates for Weekly Curbside Pick-up

Service Level	Adopted Rates effective January 2015
Rate for refuse collection once each week	
20 gallon can	8.16
32 gallon can	13.39
64 gallon can	29.08
90 gallon can	44.61
2 cubic yard bin	173.00
3 cubic yard bin	259.29
4 cubic yard bin	346.00
Rate each pickup for refuse bins on a variable pickup schedule	
Each 2 cy bin	40.15
Each 3 cy bin	60.23
Each 4 cy bin	80.31
Compacted Refuse	
Front-Load Compactor 2 yd [1,000 lbs maximum weight] per pickup	167.48
Debris Box	
Debris Box 20 yd (includes 2 tons of waste)	451.03
Debris Box 30 yd (includes 3 tons of waste)	605.76

An additional charge of \$10 per month for each bin will be applied to bin service. Bin service includes curbside collection of food scraps and green waste, up to two additional containers (32, 64, or 94 gal.) provided. Waste in debris boxes above the included quantity will be charged at the prevailing Sonoma County waste disposal rate.

FIFTH AMENDMENT TO CONTRACT

This Fifth Amendment is executed at Sonoma, California on November ____, 2016, by and between the City of Sonoma, a municipal corporation, ("City") and Sonoma Garbage Collectors, a California corporation, ("Contractor").

RECITALS

WHEREAS, City entered into a contract on October 19, 1994 with John D. Curotto, Margaret Curotto, and John D. Curotto, Jr. (Sonoma Garbage Collectors) for the exclusive right to collect and remove garbage and rubbish within the City. Said contract has been amended four times (collectively, the October 19, 1994, agreement and its four amendments shall be referred to as the "Contract"); and

WHEREAS, on November 18, 2002, the City consented to an assignment of the Contract from John D. Curotto, Margaret Curotto, and John D. Curotto, Jr. (Sonoma Garbage Collectors) to Sonoma Garbage Collectors, a California corporation; and

WHEREAS, on January 16, 2002, the City executed the First Amendment to Contract extending the original term expiration (May 31, 2007), for a term of five (5) additional years through May 31, 2012; and

WHEREAS, on January 16, 2007, the City executed the Second Amendment to Contract adding Section 26 to provide for additional services; and

WHEREAS, on August 22, 2007, the City executed the Third Amendment to Contract extending the term expiration (May 31, 2012), for a term of five (5) additional years through May 31, 2017; and

WHEREAS, on January 18, 2012, the City executed the Fourth Amendment to the Contract under which the Contractor reserved the right to dispose of garbage and rubbish at locations outside the County of Sonoma, among other things; and

WHEREAS, on November 3, 2014 the City gave tentative approval of an extension of the Contract's term for a term of ten (10) additional years through May 31, 2027 predicated on Contractor's proposal to construct and have in a fully operational mode a local composting facility including construction of a system designed to process all of the City's source separated organic, compostable waste stream prior to May 31, 2017; and

WHEREAS, Contractor has represented to the City that Contractor has met the timeframe by securing a site located at 1180 Fremont Avenue, acquired the necessary equipment, delivered test loads of processed green waste and secured all necessary County and environmental permits to operate a composting facility capable of processing all of the City's compostable waste. Said representations are contained in Contractor's letter to the City dated September 29, 2016, a true and correct copy of which is attached as Exhibit "A" and incorporated by this reference. Contractor has represented that said facility is fully operational and permitted at the present time; and

WHEREAS, City staff has independently verified the accuracy of Contractor's representations; and

WHEREAS, on October 17, 2016, and in express reliance upon the Contractor's said representations, the City Council agreed to extend the Contract for an additional ten (10) year period through May 31, 2027, subject to the City and Contractor reaching a mutually agreeable written extension agreement:

AGREEMENT

NOW THEREFORE the parties agree as follows:

1. The current term extending through May 31, 2017, as set forth in Paragraph 1 of the Third Amendment to Contract (and in reference to Section 2 PERIOD GRANTED of the original October 19, 1994 Contract) is extended for an additional term of ten (10) years, through May 31, 2027.
2. All other terms and conditions of said Contract, shall continue in full force and effect.
3. The Recitals are incorporated into this Agreement.

CITY OF SONOMA

CONTRACTOR

Carol E. Giovanatto, City Manager

John D. Curotto, Jr., President

ATTEST:

Rebekah Barr, MMC, City Clerk

APPROVED AS TO FORM

City Attorney

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City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 4C

Meeting Date: 11/07/16

Department

Planning and Community Services

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Second Reading and Adoption of an ordinance amending section 7.20.010 of the Municipal Code (Camping on Publically-Owned Property).

Summary

At its meeting of October 17, 2016, as part of its discussion of implementing a safe parking program on a trial basis, the City Council voted 3-2 introduce an ordinance amending SMC section 7.20.010 to modify what is currently a prohibition on camping on publicly-owned property unless an exception is approved by the City Council based on rules set by the Parks and Recreation Commission. The amendment would remove the reference to the Parks and Recreation Commission and allow the Council to authorize camping on public property based on rules that it sets itself. This change would enable the City Council to consider establishing a safe parking program without having to refer the concept to the Community Services and Environment Commission (the successor to the parks and Recreation Commission). However, this ordinance amendment does not in itself establish or represent a commitment to any particular program.

Recommended Council Action

Conduct Second Reading and Adopt the attached ordinance amending SMC section 7.20.010.

Alternative Actions

N.A.

Financial Impact

Although the implementation of a safe parking program may entail costs to the City, the adoption of this ordinance amendment does not commit the City to such a program or any costs.

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Alignment with Council Goals

The consideration of a safe parking program falls within the City Council's Housing goal: *"To analyze policy and programmatic tools suggested by the 2015 Housing Element update; 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."*

Compliance with Climate Action 2020 Target Goals:

N.A.

Attachments:

1. Draft ordinance

cc: Kathy King, SOS

Richard Goertzen, Field of Dreams

CITY OF SONOMA

ORDINANCE # _____ - 2016

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA
AMENDING CHAPTER 7.20 OF THE SONOMA MUNICIPAL CODE BY
UPDATING THE PROVISIONS CONCERNING PROHIBITIONS ON CAMPING
ON PUBLICALLY-OWNED PROPERTY**

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

Section 1. Section 7.20 of the Sonoma Municipal Code is hereby amended as follows:

7.20.010 Camping prohibited where.

No ground, open space, building, hall, structure, or other real property owned by the city or in its possession or control shall be used by any person, persons or group of persons for camping, or for lodging either in the daytime or nighttime, nor shall any such place be used by any person for sleeping on the open ground, with or without bedding, during the hours of darkness, unless such place is specifically designated a campground or other public facility for camping, lodging or sleeping purposes by written order of this council, and then only pursuant to such rules and regulations as promulgated by the ~~park and recreation commission~~ City Council for the safe and proper conduct of such facilities.

Section 2. Exemption from Environmental Review.

The amendment to the Municipal Code effected by this ordinance is exempt from environmental review pursuant to Section (b)(3) of title 14 of the California Code of Regulations, because: 1) it will not result in a direct or reasonably foreseeable indirect physical change in the environment; and, 2) it can be seen with certainty that there is no possibility that the adoption of the ordinance may have a significant effect on the environment since the ordinance merely updates rule-making authority for camping regulations by substituting the “City Council” for the “park and recreation commission”, which is a commission that no longer exists.

Section 3. Effective Date.

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

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this 7th day of November 2016.

AYES:
NOES:
ABSENT:

Laurie Gallian, Mayor

ATTEST:

Rebekah Barr, MMC
City Clerk



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4D

Meeting Date: 11/07/2016

Department

Administration

Staff Contact

Rebekah Barr, MMC, City Clerk

Agenda Item Title

Approval of the Allocation of a City Funded Rental at the Sonoma Veteran’s Memorial Building as requested by the Sonoma Community Center for their Community Thanksgiving Dinner

Summary

Per the City’s agreement with Sonoma County, a City funded rental allows a group use of the facility for up to twelve hours on the date of their event as long as the building is left clean and is secured upon departure. All use of the facility is subject to the terms and conditions of the County’s standard use agreement for the building. Groups are required to provide a refundable security and cleaning deposit at the time of booking. Ten of the City funded rentals are allocated for weekend days (Friday 5 p.m. thru Sunday midnight), the remaining five must be used mid-week. City funded rent events may not be held on a County-observed holiday or any day that the use would conflict with use of the building by a Veterans organization, unless a special exception is granted by the Director of Sonoma County General Services.

John Tamiazzo, Executive Director, Sonoma Community Center, has requested a rent subsidy for their November 24, 2016 Annual Community Thanksgiving Dinner event. As this date is a holiday, request was made for an exception from the County to utilize one of the City’s allocated days for this event. The County has granted approval for the use.

If this request is approved, the City will have no weekend City funded rentals available for the remainder of the fiscal year. There are still four weekday rentals available.

Recommended Council Action:

Approve the request.

Alternative Actions:

Council Discretion.

Financial Impact

\$15,000 has been included in the 2016/17 budget to cover the cost of fifteen rentals.
 \$1,000 is remitted to the County for each City funded rental approved by Council.

Environmental Review

Status

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

- Approved/Certified
- No Action Required
- Action Requested

Attachments: 1) Letter from Carolyn Judy, Director, Sonoma County General Services Dept. 2) Letter from John Tamiazzo, Executive Director, Sonoma Community Center

Alignment with Council Goals:

Provide continuing leadership as elected officials and residents of the community by taking steps to assure a safe and vibrant community.

Compliance with Climate 2020 Action Plan Target Goals: N/A



SONOMA COUNTY
GENERAL SERVICES DEPARTMENT

CAROLINE JUDY
DIRECTOR

ADMINISTRATIVE SERVICES • ENERGY & SUSTAINABILITY • FACILITIES DEVELOPMENT & MANAGEMENT • FLEET OPERATIONS • PURCHASING

Date: October 24, 2016

To: Rebekah Barr
Assistant City Manager
City of Sonoma
No. 1 The Plaza
Sonoma, CA 95476

Subject: Free Event Days at the Sonoma Veterans Building

This letter is to serve as approval from the County of Sonoma General Services Department for the City of Sonoma to offer a weekend "Free Event Day" to the Sonoma Community Center for the use of the Sonoma Veterans Building on Thursday November 24, 2016 for their Thanksgiving Day Dinner event. This will count as a weekend "Free Event Day".

Per the Letter Agreement dated June 14, 2016 County Holidays are exempt from this agreement, however the County agrees that use of the facility for this event is beneficial to the community. As such we grant a one-time exemption to this agreement. Per the Agreement, prior to each designated "Free Event Day" the City of Sonoma will provide the County \$1,000 to offset the County's cost for providing the Building at no charge to the organization identified by the City.

Sincerely,

Caroline Judy
Director, General Services



Sonoma Community Center

October 5, 2016

Sonoma City Council
#1 the Plaza
Sonoma, CA 95476

Re: Request for Free Day at the Veteran's Building

Dear Mayor Gallian and members of the City Council:

The Sonoma Community Center hereby requests the use of a City-subsidized day at the Veterans Building on November 24, 2016.

The use of the Veterans' Building is necessary for the annual free Thanksgiving Dinner produced by Sonoma Community Center. Because the Sonoma Community Center does not use the dinner as a fundraiser, the free use of the building is critical to the success of the event.

This dinner has taken place in Sonoma for decades, and over 450 dinners are served to a broad cross-section of Sonoma Valley residents.

Thank you for your attention to this request and for your continued support of the free Thanksgiving Dinner.

Sincerely,

John Tamiazzo
Executive Director

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CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4E
 Meeting Date: 11/07/2016

Department

Administration

Staff Contact

Rebekah Barr, MMC, City Clerk/Executive Assistant

Agenda Item Title

Approval and ratification of the appointment of Mr. Robert C. Demler to the Position of City Historian for a Term of Two Years

Summary

The City Council created the voluntary position of City Historian in February 2008 by Resolution #04-2008 to assist the City of Sonoma with coordinating the preservation of historical records and resources and maintaining a link between the City's past, present and future.

George McKale was appointed to the position on March 19, 2008, and has served in that capacity since. He tendered his resignation in late August. The position was advertised and two applications were received – Ms. Amy Margaret Benz and Mr. Robert C. Demler. Upon review of the applications, it was noted that Ms. Benz did not meet all of the requirements as she resides outside of the City limits.

Mayor Gallian and Mayor Pro Tem Agrimonti interviewed Mr. Demler on October 26, 2016, and they have nominated Robert Demler for appointment to the position of City Historian for a two-year term.

Recommended Council Action

Approve and ratify the nomination.

Alternative Actions

Council discretion.

Financial Impact

N/A

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

1. Mr. Robert C. Demler's Application for Appointment
2. Resolution #04-2008 Establishing the Position of City Historian

Alignment with Council Goals:

N/A

cc: _____ via email



CITY OF SONOMA

APPLICATION FOR APPOINTMENT

CITY HISTORIAN

Please see
attached pages

NAME: Robert C. Demler, Jr.

HOME ADDRESS: _____

MAILING ADDRESS (If Different): _____

PHONE: _____ PHONE: _____

EMAIL: _____

HOW MANY YEARS HAVE YOU RESIDED IN SONOMA? _____

PRESENT OCCUPATION: _____

EDUCATION

SCHOOL	MAJOR	GRADUATION DATE & DEGREE

COMMUNITY SERVICE EXPERIENCE

ORGANIZATION	DATES SERVED	POSITION

(Use additional paper if necessary)

PROFESSIONAL EXPERIENCE

ORGANIZATION	DATES SERVED	POSITION

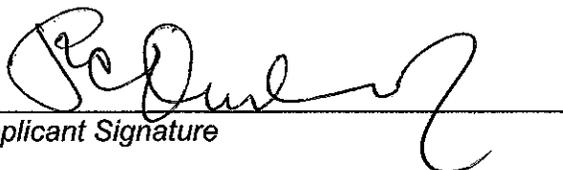
WHAT IS YOUR UNDERSTANDING OF THE ROLE AND RESPONSIBILITY OF THIS POSITION?

PLEASE LIST ANY SPECIAL KNOWLEDGE OR SKILLS (as it relates to City Historian: _____)

WHAT WOULD BE YOUR GOAL AS CITY HISTORIAN? _____

HOW WILL YOUR QUALIFICATIONS BEST SERVE THE COMMUNITY IN THIS POSITION?

WHY DO YOU WISH TO SERVE AS VOLUNTEER CITY HISTORIAN?:


Applicant Signature

10-20-2016
Date

CITY OF SONOMA - APPLICATION FOR APPOINTMENT AS CITY HISTORIAN

[These two pages are attachments to the official form.]

NAME: Robert C. Demler, Jr.

HOME ADDRESS: 649 First Street West #8, Sonoma, CA 95476-7050

PHONE: 707-996-3432 [Home]

PHONE: 707-536-6788 [Cell]

EMAIL: robertcdemler@gmail.com

HOW MANY YEARS HAVE YOU RESIDED IN SONOMA? Nineteen years as a resident and property owner [fifteen plus years as the owner of a historic Sonoma property]. I have been visiting Sonoma for over forty-five years!

PRESENT OCCUPATION: Banking Expert with The World Bank on an intermittent basis.

EDUCATION

SCHOOL	MAJOR	GRADUATION DATE & DEGREE
University of Texas [Austin, TX]	History Major with Business Minor	1962 B.A.
General Theological Seminary [New York City]	Theology	Attended from 1968 to 1971
Golden Gate University [San Francisco]	Foundation M.B.A. Courses	Attended from 1972 to 1974
U.S. Department of State	Diplomacy Skills Abroad	2007

COMMUNITY SERVICE EXPERIENCE

ORGANIZATION	DATES SERVED	POSITION
Sonoma League for Historic Preservation	2000 to present 2010 - 2016 2015 - 2016 2016	Life Member Director President President Emeritus
Sonoma Valley Historical Society	2000 to present	Life Member
General Vallejo Monument Citizens Committee	2015 to present	Chairperson
Sister Cities [French]	2014 to present	Member

PROFESSIONAL EXPERIENCE

ORGANIZATION	DATES SERVED	POSITION
Banking Institutions [Bank of America, Federal Reserve Bank, Standard Chartered Bank]	1971 - 2000 [mostly foreign postings]	Various up to Senior Vice President
U.S. Department of Treasury	2000 - 2011 [foreign postings]	Banking Advisor with Diplomatic Status
The World Bank	2012 to present [foreign postings]	Banking Expert [on an intermittent basis]

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

To contribute to the ongoing awareness of Sonoma's rich history by the general public as well as by the City Council and the City Commissions when appropriate and to participate in any City planning which treats the historical aspect in the areas in which the City can have some influence.

PLEASE LIST ANY SPECIAL KNOWLEDGE OR SKILLS (as it relates to City Historian:

- My awareness of the historical treasure that our City is.
- My experience in the Leadership role in the Sonoma League for Historical Preservation.
- My previous contributions to raising the public's awareness of Sonoma's history by:
 - ✓ Recommendation and acceptance for the installation of dual-name street Signs around the Plaza.
 - ✓ Recommendation and acceptance for the institution of 'Pueblo Day' for every June 24th to recognize the founding of the Sonoma Pueblo in 1835.
 - ✓ Institution of the QR Code project to identify significant Sonoma historical structures.
 - ✓ Work on the preservation of the Maysonnave Cottage
 - ✓ Arranging for a City Council/Commissions Workshop on Certified Local Government by the California Office of Historical Preservation

WHAT WOULD BE YOUR GOAL AS CITY HISTORIAN?

- To enhance the knowledge of Sonoma's history by the general public.
- To develop historical entries for the City's Website
- To contribute to the updating of the curriculum on Sonoma History for the public and private schools in Sonoma.
- To contribute to the development of a Heritage District at Depot Park and surrounding area.
- To develop interesting short stories of Sonoma history for publication in the local newspapers.

HOW WILL YOUR QUALIFICATIONS BEST SERVE THE COMMUNITY IN THIS POSITION?

- My continued decade-long involvement in promoting history and preservation in Sonoma will serve me well in this position.
- My wide-ranging personal contacts within Sonoma will serve me well in this position.
- My treasured relationship with the immediate past Sonoma City Historian who has committed to support me.
- My excellent relationships with the Sonoma City Council and Sonoma City Staff.

WHY DO YOU WISH TO SERVE AS VOLUNTEER CITY HISTORIAN?:

- I love Sonoma.
- I love history.
- I have a well-developed personal sense of community service and the experience as well as the tangible contributions to support this statement.

Applicant Signature:



Date: October 20, 2016

CITY OF SONOMA

RESOLUTION NO. 04 - 2008

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA
ESTABLISHING THE POSITION OF CITY HISTORIAN**

Whereas, the City of Sonoma has a rich and colorful history and occupies a place of prominence in the heritage of California; and

Whereas, the residents of Sonoma represent a tremendous resource for preserving the City's history and keeping it alive for the present and future generations of Sonomans; and

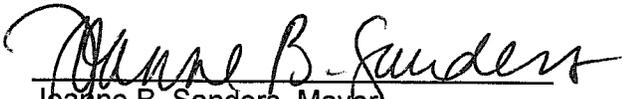
Whereas, the City would benefit from the designation of a City Historian to assist the City of Sonoma with coordinating the preservation of historical records and resources and maintaining a link between the City's past, present and future.

Now, therefore, be it resolved:

1. The honorary, volunteer position of City Historian is hereby created.
2. The City Historian shall be appointed by the City Council based on demonstrated knowledge of, and interest in, the history of the City of Sonoma.
3. The term of office shall be two years, with eligibility for reappointment, serving at the pleasure of the City Council.
4. The City Historian shall be a resident of the City of Sonoma at the time of appointment and shall maintain City residency during his or her tenure, and must be willing to abide by the City of Sonoma Code of Ethics and Values (Resolution No. 25-2001).
5. The duties and responsibilities of the City Historian shall include:
 - a. Coordination of the identification, maintenance and inventory of historical records and artifacts owned by the City of Sonoma.
 - b. Providing periodic updates to the City Council on the status, care and maintenance of historical artifacts in the City's possession.
 - c. Assisting with research by the public, City staff, and organizations engaged in historic preservation activities.
 - d. When requested, assisting with coordination of City activities which are of historical interest.
 - e. May make recommendations to the City Manager and City Council regarding the preservation of historical resources.
 - f. Serving as a resource for schools, visitors and others with an interest in the history of the City of Sonoma.
 - g. May coordinate and host public workshops and lectures regarding the history of the City of Sonoma.
 - h. Coordinate the responsibility for accepting donations of historical documents and items.
6. When expenses will be incurred in the pursuit of assembling, chronicling and preserving historical material of the City of Sonoma, the City Historian shall request prior approval from the City Manager for payment of such expenses.

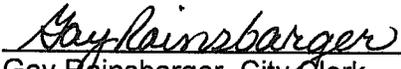
ADOPTED this 20th day of February 2008 by the following vote:

AYES: Cohen, Sebastiani, Brown, Barbose, Sanders
NOES: None
ABSENT: None



Joanne B. Sanders, Mayor

ATTEST:



Gay Rainsbarger, City Clerk



CITY OF SONOMA
City Council
Agenda Item Summary

City Council Agenda Item: 4F

Meeting Date: 11/07/2016

Department
Administration

Staff Contact
Rebekah Barr, MMC
City Clerk/Executive Assistant to City Manager

Agenda Item Title

Approval of the Minutes of the Regular City Council Meeting of September 19, 2016, and the Special Meetings of October 10, 2016 and October 20, 2016

Summary

The minutes have been prepared for Council review and approval.

Recommended Council Action

Approve the minutes.

Alternative Actions

Correct or amend the minutes prior to approval.

Financial Impact

N/A

Environmental Review

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

Status

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Minutes

Alignment with Council Goals: N/A

cc: N/A

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

Community Meeting Room, 177 First Street West, Sonoma CA



**Monday, September 19, 2016
6:00 p.m. Regular Meeting**

DRAFT MINUTES

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

6:00 P.M. – REGULAR MEETING

RECONVENE, CALL TO ORDER & PLEDGE OF ALLEGIANCE
ROLL CALL (Edwards, Hundley, Cook, Agrimonti, Gallian)
REPORT ON CLOSED SESSION

Mayor Gallian called the meeting to order at 6:05pm.

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

OTHERS PRESENT: City Manager Giovanatto, City Clerk Barr, City Attorney Nebb, Fire Chief Freeman, Planning Director Goodison, and Finance Director Hilbrants

1. COMMENTS FROM THE PUBLIC

Fred Allebach stated that there were only eight days left until the closing of the City Manager recruitment and he felt that the public should have input regarding the successful candidate.

2. MEETING DEDICATIONS

3. PRESENTATIONS

City Manager Giovanatto asked that Item 3B be moved up on the agenda as Ms. Sanders had a scheduling conflict. The item was moved up

Item 3A: Presentation by the Insurance Service Office (ISO) (Fire Chief)

Fire Chief Freeman introduced ISO Western Regional Manager Stephanie Ruscansky and Senior Field Representative Phillip Steele.

Ms. Ruscansky reviewed the ISO presentation and how the Class 1 designation was obtained.

Council Member Edwards inquired as to when the information was forwarded to insurance companies. Ms. Ruscansky responded that ISO sent out the new class ratings monthly to all of their partner insurance companies.

City Manager Giovanatto acknowledged the Fire Department, the Public Works Department and the Water Department.

Item 3B: Recognition of the Service of Joanne Sanders, Library Commissioner (City Clerk)

Mayor Gallian presented the certificate to Ms. Sanders.

Item 3C: Proclamation Proclaiming the Week of September 22-28, 2016 as “Falls Prevention Awareness Week” in the City of Sonoma (City Clerk)

Mayor Gallian presented the proclamation.

4. CONSENT CALENDAR/AGENDA ORDER – CITY COUNCIL

Mayor Gallian asked that Item 4B be pulled from the Consent Calendar and considered separately.

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

Item 4C: Adopt a Resolution distributing Growth Management Allocations for the 2016-17 Development year (Planning Director)

Item 4D: Approval of the Allocation of a City Funded Rental at the Sonoma Veteran’s Memorial Building as requested by State of California Department of Parks & Recreation Sonoma Sector of Parks (City Clerk)

Item 4E: Request by Sonoma Valley High School for Temporary use of City streets on October 21, 2016 to conduct the Annual Homecoming Parade (City Clerk)

Motion by Council Member Cook, seconded by Council Member Edwards, to approve the Consent Calendar as presented including Resolution #30-2016 and Item 4B pulled for separate consideration. Motion carried unanimously.

PULLED FOR SEPARATE CONSIDERATION

Item 4B: Resolution waiving Growth Management Ordinance processing restrictions for an affordable development proposed for 20269 Broadway, pursuant to section 19.94.070.G of the Sonoma Municipal Code (Planning Director)

Planning Director Goodison presented this item.

Bob Mosier on behalf of Lynn Watts, Larry Barnett, Fred Allebach, Laurence Adams and Ellen Fetti spoke regarding this item.

Planning Director Goodison stated that in regard to the CEQA and environmental impact review, the action the City Council was being asked to take was approval of the waiver. He noted that the waiver approval would be exempt from the CEQA requirements. Planning Director Goodison also noted that at such time as the project was started it would be put through all of the required review.

Motion by Council Member Hundley, seconded by Council Member Edwards, to adopt Resolution #31-2016 granting the proposed affordable housing project at 20269 Broadway a

waiver from the processing restrictions of the Growth Management Ordinance. Motion carried unanimously.

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

6. PUBLIC HEARING

Item 6A: Discussion, Consideration and Possible Action on the Review and Adoption of the Updated Circulation Element, including Adoption of a Negative Declaration (Planning Director)

Planning Director Goodison presented the report on this item. He noted that the Circulation Element is a policy document. It would not require zoning changes. There were no significant environmental impacts and the only correspondence received was from Caltrans with comments.

Mayor Gallian inquired how many years the Circulation Element was good for. Planning Director Goodison stated that there was no specific timeline to update the General Plan. He noted that it was meant to be a living document; it was modified and updated as needed. He stated that the traffic projections in the Circulation Element are projected out to the year 2040, however it was not Staff’s opinion that the General Plan as a whole would last the City until 2040 without substantial updates in the interim.

Council Member Agrimonti requested clarification on the intersections around The Plaza and their exemption from LOS standards. Director Goodison responded that around The Plaza it would remain Pedestrian First, however, this would not forestall the traffic issues being addressed at those intersections.

Mayor Gallian stated that she did not see Route 40 in the traffic routes, which was the current route to Sonoma. Director Goodison responded that he would ensure that it was included.

Mayor Gallian opened public comment.

Larry Barnett and Fred Allebach addressed the Council on the item.

Council Member Cook acknowledged Staff’s work on the circulation plan. He noted that collaboration with the County and the State was very important. Planning Director Goodison stated that the Circulation Element included policy statements on collaboration with the County and State.

Council Member Agrimonti acknowledged the Planning Commission and Staff for the work completed on the Circulation Element.

Motion by Mayor Pro Tem Agrimonti, seconded by Council Member Edwards, to approve Resolution #32-2016 adopting a finding of negative declaration with respect. Motion passed unanimously.

Motion by Mayor Pro Tem Agrimonti, seconded by Council Member Edwards to approve Resolution #33-2016 adopting the updated Circulation Element. Motion passed unanimously.

7. REGULAR CALENDAR – CITY COUNCIL

Item 7A: Follow-up Discussion, Consideration, and Possible Action on a Request by the League for Historic Preservation to Confirm that the Maysonnave House Lease Allows for Ancillary Events as a Means of Fundraising for the Upkeep of the Maysonnave House, located at 291 First Street East (Planning Director)

Planning Director Goodison presented the report to the City Council. He noted that

Council Member Hundley inquired what the term of the side letter would be. Planning Director Goodison responded that there was an actual lease in place and the referenced side letter does not represent a commitment that could not be changed.

Joe Costello, Larry Barnett, Robert Demler, Sheila O'Neil, Carin Skooglund, Ethel Dailey, Sam Clark, Gina Kuklis, Ron Chapman, Gene Dailey, Isaac Goodfriend, and Robert Corey addressed the Council on this matter.

Council Member Hundley expressed her concern regarding the question if a use permit was needed for a private lessee of public property. Planning Director Goodison noted that this was something that had not been looked at yet.

Mayor Pro Tem Agrimonti stated that she also wanted to apologize for the lack of noticing to the property owners on the first item. She noted that gift acceptance policies should be looked at.

Council Member Edwards stated that he had attended an event and was in support of the item moving forward.

Council Member Cook stated that he looked forward to the proposed item coming back to the City Council.

Mayor Gallian stated that this was a very important corridor in the City of Sonoma. She noted that she looked forward to the item coming back as well. Items that needed to be addressed were the noise level, amplified music, and parking.

Mayor Gallian called for a recess at 8:15pm.

The Council reconvened at 8:25pm.

Item 7B: Discussion, Consideration, and Possible Action on Options for the Maysonnave Cottage (289 First Street East), including a Proposal by the League for Historic Preservation (Planning Director)

Planning Director Goodison gave the staff report on this item. He noted that upon inspection by the City Building Inspector it was determined that any use of the interior of the cottage would trigger a requirement for seismic retrofit.

Council Member Edwards inquired if there was consideration of the Eucalyptus trees in the proposed scope. Planning Director Goodison stated that that work had already been scheduled for later in

Mayor Gallian inquired where the funding for the work that had already been done to clean up the house. City Manager Giovanatto responded that those costs were coming out of the General Public Works budget for clean-up, maintenance, and securing of the building.

Z'anne Clark, Susan Cort, Ethel Dailey, and Robert Demler spoke in favor of the proposal by the League of Historic Preservation.

Mayor Gallian asked for clarification on what the recommended action was for the item. Planning Director Goodison noted that the preparation of a scope of work to stabilize and secure the cottage was not linked to any action that the League may or may not take. The property belonged to the City and the City was responsible for it, so it was Staff's recommendation that direction be given to staff to prepare the scope of work. He then noted that the League's proposal was not submitted for approval at the meeting; they had presented it to gauge Council's interest; if Council was interested then Staff would ask that the item be referred to the Facilities Committee.

Council Member Cook stated that his biggest concern was for public safety. He felt that it needed to be moved on quickly and he would be in support of the item.

Council Member Edwards stated that he agreed with Council Member Cook - he felt this item had to be moved on quickly. He noted his concern with public safety and that he was also in support of the project.

Mayor Pro Tem Agrimonti expressed her concern with the dangerous situation at the Cottage and stated she was in support of this project as well.

Council Member Hundley stated that she too supported the project and would ask that Staff provide a list of proposed funding sources.

Mayor Gallian said that she was concerned about the funding sources as well and asked for clarification from Staff. She also inquired if the cost estimate that was quoted in the staff report was realistic. Planning Director Goodison noted that the estimate was a ballpark figure and there would be difficult choices as to what ended up on the scope of work.

City Manager Giovanatto responded that these sources were not identified at the current time and would have to be researched.

Motion by Council Member Hundley, seconded by Council Member Edwards, to direct staff to prepare a scope of work of work for stabilizing and securing the Maysonnave Cottage and to identify funding options; and 2) refer the League proposal to the Building Committee for review and for the development of a potential lease amendment with the League for Historic Preservation. Motion carried unanimously.

Item 7C: Discussion, Consideration and Possible Action on a Report by the Facilities Committee Regarding the Proposal by the HAVEN to Establish a Safe Parking Pilot Program for Sonoma Homeless (City Manager)

City Manager Giovanatto gave the staff report on this item.

Council Member Edwards stated that he had met with SOS and various churches in Santa Rosa. He spoke in particularly about a synagogue that was implementing four parking spaces. He then gave a brief synopsis of his efforts to date.

Mayor Gallian opened the public comment.

Denise Ewings spoke in opposition to this item.

Loretta, Cindy Vrooman, President, SOS Board, Judith Walsh, SOS Board, Matthew Molet, Catholic Charities, Reverend Norman Cranman, Dave Ransom, Jack Wagner, Marilyn Good, Amy Harrington, Allen Peaotter, and Barbara Mayan spoke in support of this item.

Kathy King, HAVEN, stated that Catholic Charities had committed to helping with technical assistance to Sonoma Overnight Support, however, there would be no form of money or grants provided. Ms. King gave an update on the number of homeless people that were sleeping in their cars and noted that currently the number had risen to seventeen. She stated that the shelter was full and the people had nowhere to go.

Larry Barnett stated that if the City Council would approve the pilot program for the spaces outside of the Community Meeting Room he would pay the \$2,000.

Jack Wagner spoke in favor of the pilot program.

Sandy Peatler, FISH, spoke in support of the pilot program. She announced that FISH was in attendance to offer to cover the costs of sanitation if the City Council approved the pilot program.

Mayor Gallian stated that she along with Mayor Pro Tem Agrimonti had visited several other cities' facilities and conducted research in Cotati and in Santa Rosa. She stated that she was recommending that a temporary use permit be brought back for consideration, on a temporary basis and including any restrictions needed, for a trial program that would be for five spaces from mid-November to March 2017.

Council Member Hundley stated that she was encouraged at the way the meeting has taken place. She said that she understood the nervousness and fear of what appeared to be inviting homeless individuals into the community.

Mayor Pro Tem Agrimonti stated that she was in support and that being said she felt a consortium needed to be put together. She challenged the community groups to put together a plan of who does what.

Council Member Edwards spoke regarding the research and some of the projects that that he completed. He noted that he is still not in support of the item due to unresolved items such as the location of the portable restroom facilities. Council Member Edwards noted that he felt there were other locations that were better suited for the spaces. He also shared that he had learned in his visits to Santa Rosa's location that everything was not perfect and they had issues that they were dealing with too. He expressed that he thought the City should be looking at the bigger scale as homelessness was not going to go away.

Council Member Cook stated that the City Council was aware that homelessness was a huge issue. He noted that he still felt that five spaces were not enough spaces, and the pilot program needed to be located somewhere that it accommodate enough spaces. Council Member Cook said that he did not feel that the City was a state that required emergency legislation. He said that he was not supporting the item because he did not feel it was enough; if the item was approved he felt the discussion would end and SOS end up being overburdened. Council Member Cook stated that he wanted the County, the churches, and the City to get together and come up with a solution.

Council Member Hundley stated if five parking spaces were insignificant then SOS would not be asking for them.

Motion by Council Member Hundley, seconded by Mayor Pro Tem Agrimonti, to direct Staff to prepare an agreement with SOS and other related organizations to create a three month safe parking pilot program using the five parking spaces on the south side of the Community Meeting Room (aka Council's parking stalls); to prepare a temporary use permit for the project; and to suggest any needed municipal code changes. Mayor Gallian asked that Council Member consider amending her motion from three months to through March 2017. Council Member Hundley accepted the amendment. Motion carried with Council Members Cook and Edwards

voting no and Council Member Hundley, Mayor Pro Tem Agrimonti, and Mayor Gallian voting yes.

Item 7D: Discussion, Consideration and Possible Action on the Changes to the Regulations Concerning Vacation Rentals, including Consideration of whether Interim Moratorium Ordinance should be implemented (Planning Director)

Motion by Mayor Pro Tem Agrimonti, seconded by Council Member Cook to postpone this item to the next regular meeting. Motion carried with Council Members Cook, Edwards, Hundley, and Mayor Pro Tem Agrimonti voting yes, and Mayor Gallian voting no.

8. REGULAR CALENDAR – CITY 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. ADJOURNMENT

Meeting adjourned at 10:15pm.

SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF SONOMA

**Upstairs Conference Room
Sonoma City Hall
No. 1 The Plaza
Sonoma CA**

Monday, October 10, 2016



MINUTES**

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

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

OTHERS PRESENT: City Manager Giovanatto, Bobbie Peckham, Peckham & McKenney

1. CLOSED SESSION

1. CALL TO ORDER

Mayor Gallian called the meeting to order at 9:00am. The City Council immediately adjourned to Closed Session with no public comment.

2. CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT – PURSUANT TO GOVERNMENT CODE SECTION 54957

Title: City Manager

PUBLIC EMPLOYMENT – PURSUANT TO GOVERNMENT CODE SECTION 54957

Title: City Manager

2. ADJOURNMENT

The City Council returned to open session and adjourned the meeting at 4:30pm.

SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF SONOMA

**Conference Room
MacArthur Place
29 East MacArthur Street
Sonoma, CA 95476**

Thursday, October 20, 2016



MINUTES**

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

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

OTHERS PRESENT: City Manager Giovanatto, Bobbie Peckam, Peckham & McKenney, Clay Phillips, Peckam & McKenney.

1. CLOSED SESSION

1. CALL TO ORDER

Mayor Gallian called the meeting to order at 8:17am and the Council immediately went into Closed Session with no public comment.

2. CLOSED SESSION

PUBLIC EMPLOYEE APPOINTMENT – PURSUANT TO GOVERNMENT CODE SECTION 54957

Title: City Manager

PUBLIC EMPLOYMENT – PURSUANT TO GOVERNMENT CODE SECTION 54957

Title: City Manager

The Council adjourned for a lunch break at 1:10pm and returned to Closed Session at 2:20pm.

2. ADJOURNMENT

Council returned to open session at 5:38pm and announced that they had appointed a sub-committee consisting of Council Members Hundley and Edwards to work with the City Manager and City Attorney in the negotiation of an employment contract with the preferred candidate for the City Manager position.

The meeting adjourned at 5:40pm



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 6A
Meeting Date: 11/7/16

Department Building	Staff Contact Wayne Wirick, Development Services Director / Building Official
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Agenda Item Title

Second reading, consideration and possible adoption of an ordinance amending Chapter 14.24 (Review, Rehabilitation and Abatement of Existing Seismically Unsafe Buildings) of the Sonoma Municipal Code (SMC).

Summary

The purpose of the revisions to Chapter 14.24 (Review, Rehabilitation and Abatement of Existing Seismically Unsafe Buildings) is to coordinate and update provisions contained in the existing ordinance with the 2016 California Building Standards Code. Existing provisions contained in SMC Chapter 14.24 have outdated language and references to codes no longer adopted or enforced by the City.

Recommended Council Action

Adopt the ordinance by title “An Ordinance of the City of Sonoma Amending Chapter 14.24 (Review, Rehabilitation and Abatement of Existing Seismically Unsafe Buildings) of the Sonoma Municipal Code”.

Alternative Actions

1. Make modifications and re-introduce the ordinance by title.

Financial Impact

None

Environmental Review

Status

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

Attachments:

- Attachment A - Draft ordinance amending Chapter 14.24 of the Sonoma Municipal Code
- Attachment B - Draft ordinance amending Chapter 14.24 in strikeout/underline format.

Alignment with [Council Goals](#):

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

cc:

CITY OF SONOMA

ORDINANCE NO. XX - 2016

AN ORDINANCE OF THE CITY OF SONOMA
AMENDING CHAPTER 14.24 (REVIEW, REHABILITATION AND ABATEMENT
OF EXISTING SEISMICALLY UNSAFE BUILDINGS) OF THE SONOMA
MUNICIPAL CODE

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

SECTION 1. Chapter 14.24 of the Sonoma Municipal Code is amended to read as follows:

Chapter 14.24
REVIEW, REHABILITATION AND ABATEMENT OF EXISTING SEISMICALLY UNSAFE
BUILDINGS

Sections:

- 14.24.005 Findings.
- 14.24.010 Purpose, scope and application.
- 14.24.020 Definitions.
- 14.24.030 Preliminary building department review.
- 14.24.040 Notice to owner.
- 14.24.050 Property owner review.
- 14.24.060 Upgrading design – Requirements for continued use of structure.
- 14.24.070 Information required on plans.
- 14.24.080 Implementation schedule and time extensions.
- 14.24.090 Notification of tenants.
- 14.24.100 Abatement – Rehabilitation or demolition.
- 14.24.110 Appeals.
- 14.24.120 Violation – Penalty.
- 14.24.130 Severability.

14.24.005 Findings.

The city council finds that in order to best protect the health, safety and welfare of the citizens of Sonoma, seismic upgrading regulations adopted pursuant to the authority provided in California Health and Safety Code Sections 19161 and 19162 should be adopted to reduce the risk of death or injury resulting from earthquake hazards in existing masonry wall or concrete wall buildings in an economically feasible manner, while preserving the historic character of the community.

14.24.010 Purpose, scope and application.

A. Purpose. The city has experienced and will continue to experience moderate to great earthquakes in the future due to its proximity to the Rodgers Creek, Hayward, San Andreas and other earthquake faults. Many buildings subject to severe earthquake hazards continue to be a serious threat to the life and safety of people who live and work in the community in the event of an earthquake. The primary goal of this chapter is to provide construction regulations designed to reduce the risk of death or injury resulting from earthquake hazards in existing masonry or concrete buildings in an economically feasible manner, while preserving the historic character of the community.

B. Scope. This chapter provides procedures for the systematic review and reconstruction of existing masonry and concrete wall buildings within the city to improve their safety in the event of an earthquake.

1. This chapter shall apply to:
 - a. All buildings or portions of buildings constructed with unreinforced masonry walls;
 - b. The diaphragms and connections of diaphragms of all buildings constructed of concrete or reinforced masonry walls constructed or being constructed prior to September 24, 1973. Required seismic upgrading of concrete and reinforced masonry buildings may be limited to the review, analysis, design, and upgrading of the diaphragms and diaphragm connections of the building pursuant to Section 14.24.060.D.
2. The requirements of this chapter shall not apply to:
 - a. Public schools;
 - b. Hospitals;
 - c. State-owned buildings;
 - d. Detached one- and two-family dwellings.

This chapter does not require alteration of existing electrical, plumbing or mechanical systems unless such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

C. Application to Qualified Historical Buildings or Properties. Qualified historical buildings or properties shall be upgraded in accordance with the California Historical Building Code and applicable sections of the regular code. The design and upgrading provisions of the regular code may be used in conjunction with the California Historical Building Code as a method of complying with the minimum requirements of this chapter.

14.24.020 Definitions.

For the purposes of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this section or as otherwise specified in the applicable sections of the California Building Code, the California Existing Building Code, the California Fire Code, the Sonoma Municipal Code and the California Historical Building Code and their appendices thereto, where applicable and as adopted by the city council. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Where definitions vary or conflict, the building official shall determine which definition applies.

- A. "Architect" means a person who is licensed to practice architecture in this state.
- B. "Qualified historical building or property" shall have the same meaning as defined in the California Historical Building Code.
- C. "Engineer" as used in this chapter means any professional, civil or structural engineer who is licensed or registered to practice engineering in this state.
- D. "Regular code" shall have the same meaning as defined in the California Historical Building Code.
- E. "Upgrading" means all work necessary to comply with the requirements of this chapter.
- F. "Unreinforced masonry building" means any building or structure containing walls constructed wholly or partly with unreinforced masonry walls.

G. "Unreinforced masonry wall" shall have the same meaning as defined in Appendix Chapter A1 of the California Existing Building Code.

14.24.030 Preliminary building department review.

Buildings within the scope of this chapter constructed or being constructed prior to September 24, 1973, shall be subject to a preliminary review by the building official to determine the general structural characteristics, the relative safety of the building, and its general compliance with the structural requirements of the California Existing Building Code, as adopted and amended by the city council. If the structure is determined to so comply with the minimum requirements, it shall be exempt from the requirements of this chapter. If the building official determines that the structure does not comply, the property owner shall cause the building to be further reviewed in accordance with the provisions of Section 14.24.050.

A. The scope of the preliminary review by the building official or his authorized representative may include, but shall not be limited to, the following:

1. Location by street address and assessor's parcel number;
2. Type of occupancy and approximate square footage;
3. Type of construction and foundations, and type of material used in construction (where observable);
4. Approximate age of construction; photos of the building exterior; construction drawings (if available);
5. Quality of maintenance, cracks and cleanliness; evidence of leaks, foundation settlement, sagging floors or rusting metal and rotting wood; general deterioration of any other building material used (where observable);
6. Building type and occupancy classification of the structure pursuant to the California Building Code;
7. General adequacy of exiting system;
8. Type and adequacy of wall and parapet anchorage (where observable);
9. Type and likely adequacy of horizontal diaphragms and wall bracing (where observable);
10. Type of interior partitions (where observable).

B. For the purpose of determining compliance with this chapter, the building official may rely on the information provided in items 1 through 10 of paragraph A above and shall not be required to provide extensive tests in connection with the preliminary review.

14.24.040 Notice to owner.

A. Notice to Correct Deficiencies. For each building found to not be in compliance with the requirements of Section 14.24.060, the building official shall prepare a notice to owner to correct deficiencies. The notice to correct deficiencies shall include the following:

1. A statement to the effect that the structure has been reviewed and appears to be of the type which is prone to significant damage, including collapse, in a moderate to major earthquake;
2. The determination of noncompliance with the requirements of Section 14.24.060;
3. Where applicable, the findings on which the determination that the building or structure does not comply is based;
4. The time schedule for abatement must be commenced and completed;

5. A statement that the property owner shall cause the structure to be further reviewed as provided in Section 14.24.050;

6. A statement that the owner is required to provide a copy of the notice to correct deficiencies to the tenant or tenants of the structure in accordance with Section 14.24.090.

B. Recordation. At the time that the aforementioned notice is served, the building official may file with the office of the county recorder a certificate stating that the subject building is within the scope of this chapter. The certificate shall also state that the owner thereof has been ordered to review, analyze and upgrade the building in accordance with this chapter.

14.24.050 Property owner review.

Upon notice by the building official to the property owner to correct deficiencies, the property owner shall require an engineer or architect to review and prepare an upgrading design for the subject building or structure within the time limits set forth in Section 14.24.080.

14.24.060 Upgrading design – Requirements for continued use of structure.

A. The required upgrading design shall be prepared by a California registered architect, structural engineer or civil engineer specializing in structural work and shall be designed in accordance with the provisions of the California Existing Building Code, including Appendix Chapter A1, or if applicable, the California Historical Building Code as adopted by the city;

B. Compliance is required with the fire and exiting requirements of the California Existing Building Code, the California Fire Code and, where applicable, the California Historical Building Code as such codes are amended and adopted by the city council. Requirements concerning egress, corridors, enclosed stairways, fire sprinkler systems, fire separations, fire protection and panic hardware shall be addressed. Alternative methods of fire protection, including but not limited to fire sprinkler systems and smoke detection systems, may be approved by the fire marshal and the building official;

C. Existing electrical, plumbing, mechanical and other elements or nonstructural portions of the building which are found by the fire marshal or the building official to be dangerous to the extent that the life, health, property or safety of the public or its occupants are endangered shall be upgraded or removed in accordance with the regular code.

D. Chords, horizontal diaphragms, connections of existing diaphragms to vertical elements and connection of collectors to existing diaphragms and new or existing vertical elements in structures shall be provided in accordance with the regular code.

14.24.070 Information required on plans.

The review and upgrading design prepared by the engineer or architect shall be submitted to the building official and shall include, but not be limited to, the following:

A. Location by street address and assessor's parcel number;

B. Type of occupancy, use of the building and accurate dimensions;

C. Type of construction, type of foundation, and material used in construction. Field and laboratory tests as determined necessary by the building official, the architect or the engineer shall include but not be limited to the drilling of inspection holes, the determination of the strength and quality of materials, and a general description of how these materials are integrated within the structure;

D. Comprehensive review of the adequacy and performance of the foundation;

E. Complete vertical load resume, analysis or estimate based on typical bays and details of all critical areas;

F. Investigation, review, analysis and rehabilitation design for building elements including, but not limited to the following:

1. The ability of the unreinforced masonry walls to resist normal and in-plane seismic forces;
2. The anchorage and stability of exterior parapets and ornamentation;
3. The anchorage of unreinforced masonry, reinforced masonry and reinforced concrete walls to the floors and roof diaphragm;
4. The development of a complete bracing system to resist earthquake forces;
5. The examination for adequacy of mortar, masonry, walls, parapets, diaphragms, shear walls, bracing, ornamentation, ceilings, lights, stairs, interior partitions, diaphragm chords, ties and connections for a complete and adequate load path;

G. Verification of elements of preliminary building department review;

H. Such plans or sketches, as necessary, to describe building strengths and deficiencies;

I. Such other information or testing as required by the architect, engineer or building official;

J. Calculations, plans and specifications to show compliance with the requirements of this chapter;

K. Exceptions and/or alternatives to the specific items required by this subsection may be authorized by the building official upon review of a written request from the engineer or architect. Exceptions may only be granted when it can be demonstrated that the specific item or items are unnecessary to provide information available by other equivalent means;

L. Archaeological report and recommendations shall be provided by the owner when determined necessary by the building official or city planner due to proposed significant excavations on known sites of historic significance.

14.24.080 Implementation schedule and time extensions.

A. Implementation Schedule.

1. An upgrading design prepared by an engineer or architect must be submitted to the building official for approval within two (2) years of the date of the notice to owner to correct deficiencies.
2. Complete upgrading shall be completed within five (5) years of the date of the notice to owner to correct deficiencies unless otherwise specified in a previously recorded notice to owner to correct deficiencies.

B. Time Extensions.

1. When it is demonstrated that legitimate circumstances have prevented the work described herein from being performed, the building official may extend the time required for preparation of upgrading design or completion of required upgrading work for a period of up to one year. Said circumstances and a commitment to complete the required work by a specified date shall be provided in writing to the building official by the owner prior to granting of any extension.
2. In addition to the time extension provided in subsection B.1 of this section, any person having record title, equitable or legal interest in the subject building may request, before the city council, an extension of the time limits set forth herein. The city council may, at its sole

discretion, extend the time required for preparation of upgrading design or completion of required upgrading work for any period deemed reasonable provided the following conditions are first met:

- a. The circumstances dictating the need for a time extension and a commitment to complete the required work by a specified date shall be provided in writing to the city council by the owner.
- b. The property owner shall agree in writing to immediately vacate the building without further notice or administrative appeal on the day following the extended required completion date, unless final inspection approval of all required upgrading work has otherwise been granted by the building department.

14.24.090 Notification of tenants.

Upon receipt of notice to correct deficiencies, the building owner shall notify all current and subsequent tenants, in writing, that a review of the building has been performed and that said building may be structurally hazardous in the event of an earthquake.

14.24.100 Abatement – Rehabilitation or demolition.

Buildings subject to the requirements of this chapter that do not meet the requirements of this chapter shall be abated by rehabilitation, repair or demolition in accordance with the provisions of this chapter.

A. Rehabilitation. Qualified historical structures or properties, when rehabilitated, remodeled, repaired or upgraded, shall comply with the provisions of the California Historical Building Code. All other rehabilitated, remodeled, repaired or upgraded, buildings shall meet or exceed the requirements of Section 14.24.060 herein and the regular codes together with their adopted appendices where applicable and as adopted by the city council.

B. Demolition. Buildings subject to the requirements of this chapter which do not meet the requirements of this chapter may be abated by demolition. Owners of buildings located within the historic overlay district must receive approval from the design review and historic preservation commission prior to obtaining a demolition permit to demolish the structure. Prior to obtaining a demolition permit for the demolition of a qualified historical building or property, the proposed building demolition shall be reviewed by the city's environmental review committee and shall comply with the guidelines of the California Environmental Quality Act and the requirements of this chapter.

C. Structures or portions thereof, hazards and dangerous conditions subject to the requirements of this chapter which are not abated within the time limits set forth in Section 14.24.080 shall be considered a public nuisance and an unsafe building and shall be vacated and/or abated in accordance with the provisions of Section 14.10.010 and/or Chapter 14.30 of the Sonoma Municipal Code, as determined to be applicable by the building official. In addition to any other remedy provided herein, the city council may cause any building not abated within the time limits set forth in Section 14.24.080 to be vacated, strengthened, repaired, rehabilitated, remodeled, demolished or upgraded in accordance with the provisions of this chapter and place a special assessment on the property for all costs incurred in accordance with the provisions of Section 14.10.010 and and/or Chapter 14.30 of the Sonoma Municipal Code.

14.24.110 Appeals.

Appeals of orders, decisions or determinations made by the building official in carrying out the provisions of this chapter shall be made and filed in accordance with Chapter 1.24 of the Sonoma Municipal Code. Appeals of orders, decisions or determinations made by the building official in carrying out the provisions of the regular codes shall be made and filed in accordance

with the appeal requirements of Section 14.10.010 (Administrative provisions) of the Sonoma Municipal Code. Appeals of orders, decisions or determinations made by the building official in carrying out the provisions of the California Historical Building Code shall be made and filed in accordance with the appeal requirements of the California Historical Building Code.

14.24.120 Violation – Penalty.

Any person, firm or corporation who violates a provision of this chapter, or fails to comply with any of the requirements thereof, or allows a violation to continue without taking reasonable means to cure or abate the same after having been ordered to do so, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this chapter, is punishable as provided by Sonoma Municipal Code Section 1.12.010. Each violation shall constitute a separate offense for each and every day such person, firm or corporation violates or allows a violation to continue without taking reasonable means to cure or abate the same after having been ordered to do so. A violation of this section or any other section of this chapter shall be deemed a public nuisance and is subject to nuisance abatement proceedings as provided by Sonoma Municipal Code Section 1.12.010.

14.24.130 Severability.

If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed and adopted this chapter and each of the provisions thereof irrespective of the fact that any one or more of said provisions be declared invalid and/or unconstitutional.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) under California Code of Regulations, Title 14 Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The ordinance adopts standard codes that will be in effect pursuant to state law and sets requirements for compliance. The adoption of this ordinance does not entitle new development or any changes to the physical environment.

SECTION 3. EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after its adoption by the City Council or on January 1, 2017, whichever is later.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this 7th day of November, 2016.

Mayor

ATTEST:

Rebekah Barr, City Clerk

State of California)
County of Sonoma)

City of Sonoma)

I, Rebekah Barr, City Clerk of the City of Sonoma, do hereby certify that the foregoing ordinance was adopted on November 7, 2017 by the following vote:

AYES:
NOES:
ABSENT:

Rebekah Barr, City Clerk

CITY OF SONOMA

ORDINANCE NO. XX - 2016

AN ORDINANCE OF THE CITY OF SONOMA
AMENDING CHAPTER 14.24 (REVIEW, REHABILITATION AND ABATEMENT
OF EXISTING SEISMICALLY UNSAFE BUILDINGS) OF THE SONOMA
MUNICIPAL CODE

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

SECTION 1. Chapter 14.24 of the Sonoma Municipal Code is amended to read as follows:

Chapter 14.24
REVIEW, REHABILITATION AND ABATEMENT OF EXISTING SEISMICALLY UNSAFE
BUILDINGS

Sections:

- 14.24.005 Findings.
- 14.24.010 Purpose, scope and application.
- 14.24.020 Definitions.
- 14.24.030 Preliminary building department review.
- 14.24.040 Notice to owner.
- 14.24.050 Property owner review.
- 14.24.060 Upgrading design – Requirements for continued use of structure.
- 14.24.070 Information required on plans.
- 14.24.080 Implementation schedule and time extensions.
- 14.24.090 Notification of tenants.
- 14.24.100 Abatement – Rehabilitation or demolition.
- 14.24.110 Appeals.
- 14.24.120 Violation – Penalty.
- 14.24.130 Severability.

14.24.005 Findings.

The city council finds that in order to best protect the health, safety and welfare of the citizens of Sonoma, ~~construction~~seismic upgrading regulations adopted pursuant to the authority provided in California Health and Safety Code Sections 19161 and 19162 ~~(a)~~ should be ~~provided~~adopted to reduce the risk of death or injury resulting from earthquake hazards in existing masonry wall or concrete wall buildings in an economically feasible manner, while preserving the historic character of the community.

14.24.010 Purpose, scope and application.

A. Purpose. The city has experienced and will continue to experience moderate to great earthquakes in the future due to its proximity to the Rodgers Creek, Hayward ~~and~~, San Andreas and other earthquake faults. Many buildings subject to severe earthquake hazards continue to be a serious threat to the life and safety of people who live and work in the community in the event of an earthquake. The primary goal of this chapter is to provide ~~alternative~~ construction regulations designed to reduce the risk of death or injury resulting from earthquake hazards in existing masonry or concrete buildings in an economically feasible manner, while preserving the historic character of the community.

B. Scope. This chapter provides procedures for the systematic review and reconstruction of existing masonry and concrete wall buildings within the city to improve their safety in the event of an earthquake.

1. This chapter shall apply to:

- a. All buildings or portions of buildings constructed with unreinforced masonry walls;
- b. The diaphragms and connections of diaphragms of all buildings constructed of concrete or reinforced masonry walls constructed or being constructed prior to September 24, 1973. Required seismic upgrading of concrete and reinforced masonry buildings may be limited to the review, analysis, design, and upgrading of the diaphragms and diaphragm connections of the building pursuant to SMC Section 14.24.060.(D).

2. The requirements of this chapter shall not apply to:

- a. Public schools;
- b. Hospitals;
- c. State-owned buildings;
- d. Detached one- and two-family dwellings.

This chapter does not require alteration of existing electrical, plumbing or mechanical systems unless such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

C. Application to Designated-Qualified Historical Buildings or Properties. ~~Designated-Qualified~~ historical buildings or properties shall be upgraded in accordance with the California Historical

Building Code and applicable sections of the regular code. The design and upgrading provisions of the regular code may be used in conjunction with this chapter may be used in conjunction with the California Historical Building Code as a method of complying with the minimum requirements of this chapter.

14.24.020 Definitions.

For the purposes of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this section or as otherwise specified in the applicable sections of the California Building Code, the California Existing Building Code, the California Fire Code, the Uniform Code for the Abatement of Dangerous Buildings, the Sonoma Municipal Code, and the California Historical Building Code and their appendices thereto, , where applicable and as adopted by reference in this code, or Chapter 19.42 SMC the city council. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Where definitions vary or conflict, the building official shall determine which definition applies.

- A. “Architect” means a person who is licensed to practice architecture in this state.
- B. “Designated Qualified historical building or property” shall have the same meaning [as it is defined in the California Historical Building Code]. ~~means any building, structure or collection of structures deemed of importance to the history, architecture, or culture of an area by an appropriate local, state, or federal governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories of historical or architecturally significant sites, places, historic districts, or landmarks.~~
- C. “Engineer” as used in this chapter means any professional, civil or structural engineer who is licensed or registered to practice engineering in this state.
- D. “Prevailing Regular code” shall have the same meaning [as it is defined in the California Historical Building Code]. ~~means the “regular building regulations” as that term is used in Section 18954 of the Health and Safety Code, which govern the design and construction of nonhistorical buildings within the city of Sonoma.~~
- E. “Upgrading” means all work necessary to comply with the requirements of this chapter.
- F. “Unreinforced masonry building” means any building or structure containing walls constructed wholly or partly with unreinforced masonry walls.

G. "Unreinforced masonry wall" ~~shall have the same meaning as it is defined in Appendix Chapter A1 of the California Existing Building Code~~ is a masonry wall that relies on the tensile strength of masonry units, mortar and grout in resisting design loads, and in which the area of reinforcement is less than 25 percent of the minimum ratio required by the most recent version of the building code adopted by the city for new buildings.

14.24.030 Preliminary building department review.

Buildings within the scope of this chapter constructed or being constructed prior to September 24, 1973, shall be subject to a preliminary review by the building official to determine the general structural characteristics, the relative safety of the building, and its general compliance with the structural requirements of the California Existing Building Code, as adopted ~~by reference and amended~~ by the city ~~of Sonoma~~ council. If the structure is determined to so comply ~~with the minimum requirements~~, it ~~is~~ shall be exempt from the requirements of this chapter. If the building official determines that the structure does not comply, ~~the property owner shall cause the building to be~~ shall be further reviewed ~~by the property owner~~ in accordance with the provisions of ~~SMC~~Section 14.24.050.

A. The scope of the preliminary review by the building official or his authorized representative may include, but shall not be limited to, the following:

1. Location by street address and assessor's parcel number;
2. Type of occupancy and approximate square footage;
3. Type of construction and foundations, and type of material used in construction ~~(where observable)~~;
4. ~~Approximate Age~~ age of construction; photos of the building exterior; construction drawings (if available);
5. Quality of maintenance, cracks and cleanliness; evidence of leaks, foundation settlement, sagging floors or rusting metal and rotting wood; general deterioration of any other building material used ~~(where observable)~~;
6. ~~General fire~~ Building type and occupancy classification of the structure ~~pursuant to the California Building Code~~;
7. ~~A~~ General adequacy of exiting system;
8. Type and ~~strength~~ adequacy of wall and parapet anchorage ~~(where observable)~~;

9. Type and likely adequacy of horizontal diaphragms and wall bracing (where observable);
10. Type of interior partitions (where observable).

B. For the purpose of determining compliance with this chapter, the building official may rely on the information provided in ~~subsections items (A)(1)~~ through ~~(10)~~ of ~~this section~~paragraph A above and shall not be required to provide extensive tests in connection with the preliminary review.

14.24.040 Notice to owner.

A. Notice to Correct Deficiencies. For each building found to not be ~~not~~ in compliance with the requirements of SMCSection 14.24.060, the building official shall prepare a notice to owner to correct deficiencies. The notice to correct deficiencies shall include the following:

1. A statement to the effect that the structure has been reviewed and appears to be of the type which is prone to significant damage, including collapse, in a moderate to major earthquake;
2. The determination of noncompliance with the requirements of SMCSection 14.24.060;
3. Where applicable, the findings on which the determination that the building or structure does not comply is based;
4. The time schedule for abatement must be commenced and completed;
5. A statement that the property owner shall cause the structure ~~shall to be~~ further reviewed ~~by the property owner~~ as provided in SMCSection 14.24.050;
6. A statement that the owner is required to provide a copy of the notice to correct deficiencies to the tenant or tenants of the structure in accordance with SMCSection 14.24.090.

B. Recordation. At the time that the aforementioned notice is served, the building official may file with the office of the county recorder a certificate stating that the subject building is within the scope of this chapter. The certificate shall also state that the owner thereof has been ordered to review, analyze and upgrade the building in accordance with this chapter.

14.24.050 Property owner review.

Upon notice by the building official to the property owner to correct deficiencies, the property owner shall require an engineer or architect to review and prepare an upgrading design for the subject building or structure within the time limits set forth in SMCSection 14.24.080.

14.24.060 Upgrading design – Requirements for continued use of structure.

A. ~~The R~~required upgrading design shall be ~~designed-prepared~~ by a California ~~licensed-~~
registered architect, structural engineer or civil engineer specializing in structural ~~work-work and~~
shall be designed in accordance with the provisions of the California Existing Building Code, including Appendix Chapter A1, or, if applicable, the California Historical Building Code as adopted by the city;

B. Compliance is required with the fire and ~~panic-exiting~~ requirements of ~~Chapter 34 of~~ the California Existing Building Code, the California Fire Code and, where applicable, the California Historical Building Code as such codes are amended and adopted by the city council.

Requirements concerning egress, corridors, enclosed stairways, fire sprinkler systems, fire separations, fire protection and panic hardware shall be addressed. Alternative methods of fire protection, including but not limited to fire sprinkler systems and smoke detection systems, may be approved by the fire marshal and the building official;

C. Existing electrical, plumbing, mechanical and other elements or nonstructural portions of the building which are found by the fire marshal or the building official to be dangerous to the extent that the life, health, property or safety of the public or its occupants are endangered shall be upgraded or removed in accordance with prevailingthe regular code. ~~The Uniform Code for the Abatement of Dangerous Buildings shall be used in determining whether dangerous conditions exist.~~

D. Chords, horizontal diaphragms, connections of existing diaphragms to vertical elements and connection of collectors to existing diaphragms and new or existing vertical elements in structures shall be provided in accordance with the regular code.

14.24.070 Information required on plans.

The review and upgrading design prepared by the engineer or architect shall be submitted to the building official and shall include, but not be limited to, the following:

- A. Location by street address and assessor's parcel number;
- B. Type of occupancy, use of the building and accurate dimensions;
- C. Type of construction, type of foundation, and material used in construction. Field and laboratory tests as determined necessary by the building official, the architect or the engineer shall include but not be limited to the drilling of inspection holes, the determination of the

strength and quality of materials, and a general description of how these materials are integrated within the structure;

D. Comprehensive review of the adequacy and performance of the conditions, maintenance and foundation performance;

E. Complete vertical load resume, analysis or estimate based on typical bays and details of all critical areas;

F. Investigation, review ~~and~~ analysis and rehabilitation design of for building elements including, but not limited to the following:

1. The ability of the unreinforced masonry walls to resist normal and in-plane seismic forces;

2. The anchorage and stability of exterior parapets and ornamentation;

3. The anchorage of unreinforced masonry, reinforced masonry and reinforced concrete walls to the floors and roof diaphragm;

4. The development of a complete bracing system to resist earthquake forces;

5. The examination for adequacy of ~~m~~ mortar, masonry, walls, parapets, diaphragms, shear walls, bracing, ~~attachments and~~ ornamentation, ceilings, lights, stairs, ~~type and resistance of~~ interior partitions, ~~presence and adequacy of~~ diaphragm chords, ~~and ties~~ and connections for a complete and adequate load path;

G. Verification of elements of preliminary building department review;

H. Such plans or sketches, as necessary, to describe building strengths and deficiencies;

I. Such other information or testing as required by the architect, engineer or building official;

J. Calculations, plans and specifications to show compliance with the requirements of this chapter;

K. Exceptions and/or alternatives to the specific items required by this subsection may be authorized by the building official upon review of a written request from the engineer or architect. Exceptions may only be granted when it can be demonstrated that the specific item or items are unnecessary to provide information available by other equivalent means;

L. Archaeological report and recommendations shall be provided by the owner when determined necessary by the building official or city planner due to proposed significant excavations on known sites of historic significance.

14.24.080 Implementation schedule and time extensions.

A. Implementation Schedule.

1. An upgrading design prepared by an engineer or architect must be submitted to the building official for approval within two (2) years of the date of the notice to owner to correct deficiencies.
2. Complete upgrading shall be completed within five (5) years of the date of the notice to owner to correct deficiencies unless otherwise specified in a previously recorded notice to owner to correct deficiencies.

B. Time Extensions.

1. When it is demonstrated that legitimate circumstances have prevented the work described herein from being performed, the building official may extend the time required for preparation of upgrading design or completion of required upgrading work for a period of up to one year. Said circumstances and a commitment to complete the required work by a specified date shall be provided in writing to the building official by the owner prior to granting of any extension.
2. In addition to the time extension provided in subsection ~~(B)(1)~~ of this section, any person having record title, equitable or legal interest in the subject building may request, before the city council, an extension of the time limits set forth herein. The city council may, at its sole discretion, extend the time required for preparation of upgrading design or completion of required upgrading work for any period deemed reasonable provided the following conditions are first met:
 - a. The circumstances dictating the need for a time extension and a commitment to complete the required work by a specified date shall be provided in writing to the city council by the owner.
 - b. The property owner shall agree in writing to immediately vacate the building without further notice or administrative appeal on the day following the extended required completion date, unless final inspection approval of all required upgrading work has otherwise been granted by the building department.

14.24.090 Notification of tenants.

Upon receipt of notice to correct deficiencies, the building owner shall notify all current and subsequent tenants, in writing, that a review of the building has been performed and that said building may be structurally hazardous in the event of an earthquake.

14.24.100 Abatement – Rehabilitation or demolition.

Buildings subject to the requirements of this chapter ~~which that~~ do not meet the requirements of this chapter shall be abated by rehabilitation, repair or demolition in accordance with the provisions of this chapter.

A. Rehabilitation. ~~Designated-Qualified~~ historical structures or properties, when rehabilitated, remodeled, repaired or upgraded, shall comply with the provisions of the California Historical Building Code. All other rehabilitated, remodeled, repaired or upgraded, buildings shall meet or exceed the requirements of Section 14.24.060 herein and the regular codes together with their adopted appendices where applicable and as adopted by the city council.

B. Demolition. Buildings subject to the requirements of this chapter which do not meet the requirements of this chapter may be abated by demolition. Owners of buildings located within the historic overlay district must receive approval from the design review and historic preservation commission prior to obtaining a demolition permit to demolish the structure. Prior to obtaining a demolition permit for the demolition of a ~~designated historical structure~~qualified historical building or property, the proposed building demolition shall be reviewed by the city's environmental review committee and shall comply with the guidelines of the California Environmental Quality Act and the requirements of this ~~code~~chapter.

C. ~~Substandard buildings~~Structures or portions thereof, hazards and dangerous conditions subject to the requirements of this chapter which are not abated within the time limits set forth in ~~SMC-Section~~ 14.24.080 shall be considered a public nuisance and ~~a dangerous-an unsafe~~ building and shall be vacated and/or abated in accordance with the provisions of ~~the Uniform-Code-for-the-Abatement-of-Dangerous-Buildings-and-Section 14.10.010 and/or~~ Chapter 14.30 of the Sonoma Municipal Code, as determined to be applicable by the building official~~SMC~~. In addition to any other remedy provided herein, the city council may cause any building not abated within the time limits set forth in ~~SMC~~Section 14.24.080 to be vacated, strengthened, repaired, rehabilitated, remodeled, demolished or upgraded in accordance with the provisions of this chapter and place a special assessment~~lien~~ on the property for all costs incurred in

accordance with the provisions of Section 14.10.010 and the Uniform Code for the Abatement of Dangerous Buildings and/or Chapter 14.30 SMC of the Sonoma Municipal Code.

14.24.110 Appeals.

Appeals of orders, decisions or determinations made by the building official in carrying out the provisions of this chapter shall be made and filed in accordance with Chapter 1.24 of the Sonoma Municipal Code. Appeals of orders, decisions or determinations made by the building official in carrying out the provisions of the regular codes shall be made and filed in accordance with the appeal requirements of Section 14.10.010 (Administrative provisions) of the Sonoma Municipal Code. Appeals of orders, decisions or determinations made by the building official in carrying out the provisions of the California Historical Building Code shall be made and filed in accordance with the appeal requirements of the California Historical Building Code.

Any person having record title, equitable or legal interest in the subject building may appeal any notice, order, decision, determination or action made in the administration of this chapter to the city council; provided, that the appeal is made in writing and filed with the building official within 60 days from the date of service of said notice, order, decision, determination or action by the building official. However, if the building or structure is in such a condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is properly posted, such appeal shall be filed within 10 days from the date of service of this notice and order. Only one subject of appeal is allowed per building, provided due process is met.

A. The written appeal shall contain the following:

1. A heading in the words: "To the City Council of the City of Sonoma";
2. The names of the appellants named in the appeal;
3. A brief statement setting forth the legal interest of each of the appellants in the land and/or building involved;
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellants;
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;

~~6. The submittal of any documents, sworn statements or other written material claimed to have value on the contentions made in support of the appeal;~~

~~7. The signatures of all parties named as appellants and their mailing addresses;~~

~~8. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.~~

~~B. Upon receipt of an appeal filed pursuant to the above requirements, the building official shall present it at the next regular meeting of the city council. Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter.~~

14.24.120 Violation – Penalty.

Any person, firm or corporation who violates a provision of this chapter, or fails to comply with any of the requirements thereof, or allows a violation to continue without taking reasonable means to cure or abate the same after having been ordered to do so, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this ~~code~~chapter, is punishable as provided by [Sonoma Municipal Code Section SMC](#) 1.12.010.

Each violation shall constitute a separate offense for each and every day such person, firm or corporation violates or allows a violation to continue without taking reasonable means to cure or abate the same after having been ordered to do so. A violation of this section or any other section of this chapter shall be deemed a public nuisance and is subject to nuisance abatement proceedings as provided by [Sonoma Municipal Code Section SMC](#) 1.12.010.

14.24.130 Severability.

If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed and adopted this chapter and each of the provisions thereof irrespective of the fact that any one or more of said provisions be declared invalid and/or unconstitutional.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) under California Code of Regulations, Title 14 Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the adoption of

this ordinance will have a significant effect on the environment. The ordinance adopts standard codes that will be in effect pursuant to state law and sets requirements for compliance. The adoption of this ordinance does not entitle new development or any changes to the physical environment.

SECTION 3. EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after its adoption by the City Council or on January 1, 2017, whichever is later.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this 7th day of November, 2016.

Mayor

ATTEST:

Rebekah Barr, City Clerk

State of California)
County of Sonoma)
City of Sonoma)

I, Rebekah Barr, City Clerk of the City of Sonoma, do hereby certify that the foregoing ordinance was adopted on November 7, 2017 by the following vote:

AYES:
NOES:
ABSENT:

Rebekah Barr, City Clerk



City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 6B

Meeting Date: 11/7/16

Department	Staff Contact
Building Department Fire Department	Wayne Wirick, Development Services Director / Building Official Alan Jones, Fire Marshal

Agenda Item Title

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

Summary

At its meeting of October 17, 2016, the City Council discussed and introduced the proposed ordinance adopting by reference and amending the new 2016 California Building Standards Code.

The California Building Standards Code is made up of 12 parts containing various construction codes (i.e. building, residential, electrical, plumbing, mechanical, energy, green building, existing building, fire, historical structures, etc.) which are adopted in whole or in part and then amended by some 14 different State agencies. The California codes are generally published every three years by the State Building Standards Commission following the update of selected model codes by various code writing organizations. The currently adopted 2013 California Building Standards Code in effect in Sonoma and throughout the State will become null and void effective January 1, 2017 and therefor the new California codes must be adopted.

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

The new 2016 technical codes adopted by the State generally update construction requirements and add more restrictive requirements than the technical codes currently in effect, particularly as it pertains to the California Energy Code.

The suggested local amendments proposed by this ordinance are generally consistent with the direction, existing policies and construction requirements previously adopted by the City

The 2016 California Building Standards Codes proposed for adoption are available for review at City Hall.

Recommended Council Action

1. Hold a public hearing on the proposed ordinance.
2. Publicly read the title of the ordinance (second reading) and adopt the ordinance.
3. Direct the City Clerk to prepare, publish and post a summary of the ordinance with the vote of each council member indicated within 15 days as required by the Government Code.

Alternative Actions

1. Following the public hearing, the City Council may amend the ordinance and reintroduce it with the proposed amendments. The Council should then schedule a new second reading of the Ordinance for its meeting of November 21, 2016. A second public hearing need not be held on the amendments made per Council direction.
2. The City Council can choose not to adopt local amendments, in which case the unmodified version of the 2016 California Building Standards Code would stand on its own and become effective on January 1, 2017.

Financial Impact

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

Environmental Review

Status

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

Attachments:

- Supplemental Report with attachments dated 11/7/16 [Includes Draft Ordinance repealing and reenacting a new Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code].

NOTE: A strikeout/redline version of the proposed draft ordinance is available on the City's Web site at: http://www.sonomacity.org/Sonoma/media/Files/Building/Building-Code-Adoption-Ordinance-xx-2016-STRIKEOUT-10-17-16_1.pdf .

Alignment with [Council Goals](#):

The adoption and implementation of the 2016 California Green Building Code plus the Tier 1 measures will likely contribute in a positive way towards the Council Goal of promoting Climate 2020 plan targets. The adoption will also meet the Council Goal objective of standardizing graywater permits, regulation and procedures with Sonoma County. That said, because more stringent requirements will apply related to the 2016 California Energy Code, the regulations will likely negatively impact the Council objective of "working to streamline processes and assist in downsizing requirements." Many of the new State requirements have been established to meet the goals set forth in various California Climate Change Executive Orders issued by the Governor. Securing building permits and approvals will require additional time and effort on the part of customers and City staff and construction costs will increase as a result of the new regulations. Staff will continue to work to mprove customer services and seek cost effective solutions to the assist customers where feasible.

SUPPLEMENTAL STAFF REPORT

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

For the City Council Meeting of November 7, 2016

BACKGROUND

The California Building Standards Code is made up of 12 parts containing various construction codes (i.e. building, residential, electrical, plumbing, mechanical, energy, fire, historical structures, green building, etc.) which are adopted in whole or in part and then amended by some 14 different State agencies. The California codes are generally amended and published every three years by the State Building Standards Commission following the update of selected model codes. Pursuant to California Health and Safety Code, the California Building Standards Code is applicable to all occupancies throughout California 180 days following its publication by the California Building Standards Commission. The latest (2016) iteration of the California Building Standards Code was published in July of 2016 and will become effective throughout California on January 1, 2017. By state law, construction codes previously adopted, including those adopted by Sonoma and contained in Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code, will become null and void on January 1, 2017.

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

ANALYSIS

As mentioned earlier, the City's existing construction codes become null and void for all construction permit applications submitted on or after January 1, 2017, at which time the 2016 California Building Standards Code becomes effective throughout California. The new codes generally update construction requirements and add more restrictive and complex requirements than the codes currently in effect, particularly as they pertain to the California Energy Code. Some examples of new code requirements adopted by the state that will affect initial construction costs and compliance enforcement costs include the following:

EXAMPLE OF SIGNIFICANT CHANGES FROM THE 2013 TO THE 2016 CODES

2016 Energy Code Change Highlights

- The new energy code is requires approximately 5% greater efficiency for new nonresidential buildings and 28% greater efficiency for new residential buildings.
- New residential thresholds for minimum insulation and door and window energy efficiency.
- Updates were made to both mandatory and prescriptive residential HVAC requirements including higher duct insulation, and lower duct leakage rates.
- New requirements for pipe insulation for residential water heater replacements.
- All new and replaced residential lighting be must be high efficacy.
- New requirements for limiting the number of blank electrical boxes and requiring specialty lighting controls for said boxes.
- New requirements for nonresidential HVAC controls and more stringent air conditioning equipment requirements..
- New prescriptive requirements for nonresidential HVAC shut-off sensors for windows and doors.
- Multilevel lighting control requirements for nonresidential buildings have been simplified. In addition, spaces that utilize certain types of occupancy controls are no longer required to also include multilevel control.
- The line between nonresidential maintenance and retrofit has been redrawn. More projects are now exempt from alteration requirements. Those that are required to comply now have more options including some with reduced control requirements.

2016 Residential Code Change Highlights

- Revisions to the common wall requirements for townhouses.
- Modification of the minimum size of a habitable room from 120 s.f. to 70 s.f.
- Reduction of the minimum ceiling height for bathrooms, toilet rooms and laundry rooms from 7'-0" to 6'-8".
- EV charging station infrastructure required for new attached garages.
- Modifications to residential mezzanines requirements.
- Modifications to residential footing requirements (some more restrictive; some less restrictive).
- New prescriptive requirements for deck framing.
- New prescriptive requirements for tall walls.
- New provisions for rim board headers.
- Modifications and clarifications to the wall bracing requirements.
- Revisions to ceiling and rafter span tables result in slightly longer allowable spans for certain species and grades of wood joists.

2016 Building Code Change Highlights

- Clarifies that the CA Building Code may be used for one- and two-family dwellings but in those cases the CA Residential Code may not be used.
- Eliminates the 3,000 s.f. maximum area for residential accessory structures.
- Small food processing establishments without dining facilities may now be classified as Group B occupancies thereby making the requirements for said establishments less stringent.
- The maximum area of a private residential garage classified as a Group U occupancy is increased from 1,000 s.f. to 3,000 s.f.
- EV charging station infrastructure is now required for new attached garages.
- Modifications to the code result in an increase in the required separation for projections at exterior walls.
- The dead load of rooftop mounted solar PV systems must now be indicated on the plans.
- Special inspection requirements have been added for cold-formed steel special bolted moment frames.
- New requirements have been added for underpinning and foundation design where excavations occur near other foundations or surcharge loading conditions.
- New definitions and applicable test standards now address the use of plastic composites for use as deck boards, etc.
- Added provisions for installing cladding over foam-insulating sheathing on various substrates.
- Chapter 34 (existing buildings) has been repealed and the requirements thereof have been placed in the 2016 California Existing Building Code.

2016 CALGreen Code Change Highlights

- Modifies and expands requirements for Electric Vehicle (EV) Charging Stations in certain new residential and nonresidential construction.
- New requirement to provide third-party verification of waste diversion rates.
- New requirement for designated areas for storage of recycling bins in multifamily developments with 5 or more units.
- New requirements added for limiting water use with nonresidential food waste disposals.
- Modified requirements for Recycled Content Value in nonresidential buildings.

2016 Electrical Code Change Highlights

- Addition of Ground Fault Circuit Interrupter (GFCI) and Arc-Fault Circuit Interrupter (AFCI) protection at numerous new locations within a home.
- Modifications to requirements for electric power production sources, particularly pertaining to wind electric systems.
- New requirement to seal raceways entering a building.
- Modification of requirements for solar photovoltaic systems.
- Modification of requirements for EV Charging systems.
- Revised requirements for equipotential bonding of hot tubs and spas.

2016 Mechanical Code Change Highlights

- Adds restrictions for condensate pumps.
- Adds requirements for service platforms for equipment located on sloped roof.
- Modifications to allow condensate shut-off devices in lieu of secondary condensate drains.
- Add requirement for cleanout ion condensate drains.
- Modification of hood air flow rate calculation methods.
- More restrictive Type II Hood terminations

2016 Plumbing Code Change Highlights

- Exposed plastic piping must be protected with water-based paint.
- Allowances for “Family” restrooms in lieu of separate sex restrooms have been added.
- Modification requires expansion tanks regardless of the water heater type.
- New requirement for all hot water piping to be insulated.
- Modification to require a tracer wire for plastic building supply water piping.
- Modification to require underfloor access within 5 feet of a plumbing cleanout (changed from 20 feet.)
- Modifications to allow for approved on-site treated graywater systems.

HIGHLIGHTS OF PROPOSED LOCAL AMENDMENTS TO THE 2016 CODES

The amendments proposed by the proposed ordinance are consistent with the existing policies or construction requirements previously adopted by the City Council. It is recommended that local amendments proposed for the 2016 California Building Standards Code is adopted so that the effective date of the proposed amendments corresponds with the January 1, 2017, effective date of the code. The highlights of the proposed local amendments are as follows:

Administrative Provisions

1. The administrative provisions have been revised to:
 - a. Make grammatical and editorial changes to clarify the meaning of various provisions;
 - b. Clarify the application and scope of the technical codes;
 - c. Change references from Chapter 34 of the California Building Code to the California Existing Building Code;
 - d. Clarify the work that is included in the determination of the permit valuation.;
 - e. Add provision to authorize the building official to investigate the cause of a fire, explosion or hazardous condition;
 - f. Add provision to authorize the building official to cause the disconnection of specified utilities where they serve dangerous equipment;
 - g. Add provision to authorize the building official to delegate authority to enforce the codes;
 - h. Clarify the permit exemption for a tree house;
 - i. Add a new permit exemption for in-kind-repair or replacement of less than 32 square feet of drywall, siding, stucco or roofing within any 12 month period;

- j. Add clarifying language for the determination of substantially improved or substantially damaged existing buildings in flood hazard areas;
- k. Add provision to authorize the building official to require an evaluation of an existing building by registered design professional and/or a California certified access specialist when determined necessary by the building official due to the nature of the proposed work.
- l. Add provision to authorize the building official to withhold the approval of plans and a building permit application if approvals required by other governmental agencies or City departments pertaining to the work have not first been obtained;
- m. Clarify that the building official is authorized to withhold the issuance of a certificate of occupancy or permit to use or occupy structure when the work performed or required to be performed does not receive all required inspection approvals;
- n. Modify provisions allowing the building official to implement emergency measures when there is imminent danger or failure or collapse of a building that endangers life or property;

2016 California Building Code

- 2. The proposed local amendments to the 2016 California Building Code are minor and consistent with previously adopted local amendments.

2016 California Residential Code

- 3. Add amendment in sections R302.2 and R302.3 to clarify the requirement for fire-resistive wall construction separating dwelling units in townhouses and two-family dwellings where the dwelling units are located on separate parcels.
- 4. Consistent with previously adopted local amendments, proposed local amendments have been added to the 2016 California Residential Code (CRC) to clarify existing requirements for residential fire sprinkler systems and swimming pool safety enclosures and barriers as previously adopted by the council. (CRC R313.2 and Appendix Chapter V)

2016 California Plumbing Code

- 5. Add amendment in section 713.4 to clarify when a public sewer is considered available. This section is amended to be consistent with the Sonoma Valley County Sanitation District Code.

2016 California Fire Code

- 6. Consistent with previously adopted local amendments to be consistent with Sonoma County and other fire jurisdictions within the county, the Fire Chief is proposing additional operational permitting requirements (see Fire Code amendments subsections 105.6.49).
 - a. Apartment, hotel, motels (operational)
 - b. Bonfires or rubbish fires (operational)
 - c. Care Facilities (operational)
 - d. Emergency Responder Radio Coverage System (operational)
 - e. High-rise building (operational)

- f. Live entertainment (operational)
 - g. Medical cannabis (operational)
 - h. Model rockets rental, sale or operation (operational)
7. Consistent with previously adopted local amendments to be consistent with Sonoma County and other fire jurisdictions within the county, the Fire Chief is proposing additional construction permitting requirements (see Fire Code amendments subsections 105.7.19).
 8. Consistent with previously adopted local amendments, the Fire Chief is proposing administrative amendments related to violation penalties and the failure to comply with the requirements 2016 California Fire Code (CFC) - (CFC 109.4 and 111.4).
 9. Add a new subsection 113.6 to allow for cost recovery for fire suppression, investigation or emergency medical costs in accordance with Health and Safety Code Sections 13009 and 13009.1
 10. Add definitions to the California Fire Code section 202 for “ADDITION”, “MANUFACTURED HOME”, “MOBILE HOME”, “REMODELED”, “STRUCTURE”, “UMBRELLA STRUCTURE“ and “UNWARRANTED ALARM”.
 11. Add new subsections 401.3.2.1 and 402.1 related to unwarranted alarms.
 12. Add new subsection 503.2.6.1 for the evaluation and maintenance of private bridges.
 13. Add new subsection 503.3 for the marking of fire lanes.
 14. Add a new subsection 507.5.7 for fire hydrant size and outlets.
 15. Add a new subsection 507.5.8 for fire hydrant street marker.
 16. Amend subsection 904.12 for commercial cooking systems.
 17. Amend subsection 3101.1 for tents, umbrella structures, temporary stage canopies and membrane structures.
 18. Add new subsection 3314.3 requiring fire sprinkler protection prior to construction exceeding 40 feet in height above the lowest level of fire department vehicle access.
 19. Amend various automatic fire sprinkler standards in Chapter 80 .
 20. The Fire Chief is proposing to re-enact previously adopted local amendments to the California Fire Code for the following sections:
 - a. 304.1.2.1 – Combustible vegetation.
 - b. 304.1.4 - Defensible space - neighboring property.
 - c. 501.1 and subsections – Address identification.
 - d. 503.2.6 - Vehicle loads for bridges and elevated surfaces.
 - a. 507.5 - Fire hydrant systems.
 - b. 507.5.1 - Where fire hydrants are required.
 - c. 510.1 - Emergency responder radio coverage in buildings.
 - d. 901.4.1.1 - Owner responsibilities.
 - e. 901.6.1 - Standards for fire protection systems.
 - f. 901.11 - Notice of nuisance alarm.

- g. 901.12 - Unreliable fire alarm systems.
- h. 903.2 – Where automatic fire sprinkler systems are required.
- i. 903.7.7 - Fire department connections.
- j. 903.4.2 – Alarm activated by water flow on sprinkler system.
- k. 905.3.1 - Height of Class III standpipe systems in other than R-3 and R-3.1 occupancies.
- l. 907.2.8.1 - Manual fire alarm system for R-1 occupancies
- m. 3314.4 - Buildings being demolished.
- n. 5001.5.3 - Electronic reporting.
- o. 5704.1.1 - Tanks storage prohibited.
- p. 5704.1.2 - Tanks storage – Other locations
- q. 5704.1.3 - Existing tank storage.
- r. 6107.5 - Seismic anchoring system for propane/LPG gas containers.
- s. Appendix B101.1 - Procedure for determining fire-flow requirements for buildings
- t. Appendix B, subsection B102.1 – Revised definitions for “FIRE-FLOW” and “FIRE-FLOW CALCULATION AREA”.
- u. Appendix B, subsection B105.1 - minimum fire-flow requirements for one- and two-family dwellings.
- v. Appendix B, subsection B105.2 - minimum fire-flow and flow duration for buildings other than one- and two-family dwellings.
- w. Appendix C, subsection C102 - Fire hydrant locations.
- x. Appendix D, Section D101 – Scope for fire apparatus access roads
- y. Appendix D, subsection D103.1 - Grade of fire apparatus access roads.
- z. Appendix D, subsection D103.3 - Minimum turning radius of fire apparatus access roads.
- aa. Appendix D, subsection D103.4 - Turnaround provisions for dead-end fire apparatus access roads.
- bb. Appendix D, subsection D103.6 - NO PARKING-FIRE LANE sign requirements.
- cc. Appendix D, subsection D106.4 - Multiple-family residential projects having more than 50 dwelling units shall be provided with two separate and approved fire apparatus access roads.
- dd. Appendix D, subsection D107 - one- and two-family dwellings where the number of dwelling units exceeds 50 shall be provided with two separate and approved fire apparatus access roads.

2016 California Green Building Code (CALGreen)

21. Consistent with previously adopted council policies and local amendments, the Building Official is proposing adoption of additional mandatory green building compliance measures in conformance with Tier 1 status (excluding Energy Efficiency Measures) as described in the California Green Building Code (CALGreen). Tiers are pre-defined sets of additional measures within CALGreen that may be adopted by the City Council to increase the level of green compliance within the City. These tiers (Tier 1 or Tier 2) each

include a series of measures that go beyond the basic (mandatory) requirements of the CALGreen code. Adopting CALGreen plus Tier 1 (CALGreen+Tier1-Excluding Energy) status as mandatory is recommended by the Redwood Empire Association of Code Officials to promote regional consistency in the application of green building standards throughout Sonoma County and other jurisdictions throughout the North Bay region. Adoption of Tier 1 Energy Efficiency Measures as mandatory is not recommended for the following reasons:

- a. The new mandatory 2016 California Energy Code represent a 28% increase in required efficiency for residential buildings and a 5% increase in required efficiency for nonresidential buildings over those jurisdictions (including Sonoma) that previously adopted mandatory Tier 1 energy requirements. Adoption of mandatory Tier 1 Energy Efficiency Measures under the 2016 California Green Building Code would require an additional 15% increase (a cumulative increase of efficiency of 43% for new residential and 20% for new nonresidential buildings) in energy efficiency in all new buildings. This would place a significant cost burden on owners that may not be cost effective.
- b. The cost effectiveness study required by state law to implement mandatory Tier 1 Energy Efficiency Measures could not be completed and approved prior to the adoption of the codes by the City Council.
- c. No other jurisdiction in the region is proposing to adopt Tier 1 Energy Efficiency Measures.

A summary of reasons for the newly proposed local amendments (those local amendments that substantially differ from the local amendments previously adopted by the City Council) can be found in Attachment B.

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

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

The strikeout/underline version of the draft ordinance can be downloaded from the City website at : http://www.sonomacity.org/Sonoma/media/Files/Building/Building-Code-Adoption-Ordinance-xx-2016-STRIKEOUT-10-17-16_1.pdf.

FINANCIAL IMPACT

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

City staff annually updates and makes recommendations to the City Council for revisions to the adopted fee schedule to help offset the service cost increases resulting from the adoption of the new California Building Standards Code.

RECOMMENDATION

1. Hold a public hearing on the proposed ordinance.
2. Publicly read the title of the ordinance (second reading) and adopt the ordinance.
3. Direct the City Clerk to prepare, publish and post a summary of the ordinance with the vote of each council member indicated within 15 days as required by the Government Code.

Note that the required process for adopting and amending the Building Standards Code is different from the process followed with most other City ordinances. In this case, the public hearing on the substance of the ordinance is conducted at the time of second reading of the ordinance, rather than at the time of the first reading.

ALTERNATIVES

1. Following the public hearing, the City Council may amend the ordinance and reintroduce it with the proposed amendments. The Council should then schedule a new second reading of the Ordinance for its meeting of November 21, 2016. A second public hearing need not be held on the amendments made per Council direction.
2. The City Council can choose not to adopt local amendments, in which case the unmodified version of the 2016 California Building Standards Code would stand on its own and become effective on January 1, 2017.

ATTACHMENTS

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

CITY OF SONOMA

ORDINANCE NO. __-2016

AN ORDINANCE OF THE CITY OF SONOMA REPEALING CHAPTER 14.10 OF THE SONOMA MUNICIPAL CODE IN ITS ENTIRETY AND REENACTING A NEW CHAPTER 14.10, ADOPTING NEW ADMINISTRATIVE PROVISIONS AND ADOPTING BY REFERENCE PARTS 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11 AND 12 OF THE 2016 CALIFORNIA BUILDING STANDARDS CODE AND AMENDMENTS THERETO.

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

SECTION 1.

Chapter 14.10, Construction Codes, of the Sonoma Municipal Code and Ordinance 07-2013 are hereby repealed in its entirety and reenacted to read as follows:

Chapter 14.10

CONSTRUCTION CODES

Sections:

- 14.10.005 Findings.
- 14.10.010 Administrative Provisions.
- 14.10.015 Technical Codes Adopted.
- 14.10.020 2016 California Building Code Amendments.
- 14.10.025 2016 California Residential Code Amendments.
- 14.10.030 2016 California Electrical Code Amendments.
- 14.10.035 2016 California Mechanical Code Amendments.
- 14.10.040 2016 California Plumbing Code Amendments.
- 14.10.045 2016 California Fire Code Amendments.
- 14.10.050 2016 California Green Building Standards Code Amendments.
- 14.10.055 2016 California Existing Building Code Amendments
- 14.10.060 Board of Appeals.
- 14.10.065 Modification of Fee Schedules.
- 14.10.070 Enforcement Authority.

14.10.005 Findings.

A. The city council finds that in order to best protect the health, safety, sustainability and welfare of the citizens of Sonoma, the administrative regulations adopted herein and hereinafter referred to as the “administrative provisions” and the building standards for building construction, hereinafter referred to as the “technical codes,” and also known as the 2016 Edition of the California Building Standards Code and the California Code of Regulations, Title 24, including Parts 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11 and 12, shall be adopted as provided herein.

B. Based on the materials presented by and the recommendations of the city’s building official and fire chief, the city council finds that it is necessary to make procedural and administrative modifications and changes to the California Building Standards Code and to adopt certain appendices

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

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

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

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

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

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

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

in such a way that their effects should be mitigated through appropriate amendments to the construction codes to prohibit the use of equipment or fixtures which waste water and require water conservation measures, the efficient use of potable water, including utilization of fire-resistive construction and fire protection systems to reduce the use of water for fire-fighting, and other water-saving measures.

14.10.010 Administrative Provisions.

By adoption of the administrative provisions in this chapter the city council does not intend to create, establish, or impose any mandatory duty or liability on the part of the city, its officers, employees, or any other person acting on its behalf, notwithstanding the use of “shall,” “will,” “must” or similar terms within this section. The following administrative provisions are hereby adopted and shall apply to the technical codes adopted by reference in this chapter as may be amended herein:

SECTION 101

GENERAL

101.1 Title. The provisions of Sonoma Municipal Code Section 14.10.010 shall be known as the “administrative provisions” and shall be cited as such. These administrative provisions, together with the technical codes adopted by the city council, will be referred to herein as “this code.”

101.2 Scope. These administrative provisions shall serve as the administrative, organizational and enforcement rules and regulations in support of the technical codes adopted by the City which regulate the site preparation, construction, alteration, relocation, enlargement, replacement, moving, demolition, repair, maintenance, use and occupancy of buildings, structures, building service equipment and any appurtenances connected or attached to such buildings or structures within the City.

The provisions of each of the technical codes shall apply as follows:

101.2.1 California Building Code. The provisions of the California Building Code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, moving, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall be permitted to be constructed in accordance with the California Residential Code.
2. Live/work units located in townhouses and complying with the requirements of Section 419 of the California Building Code shall be permitted to be constructed in accordance with the California Residential Code. Fire suppression systems for live/work units located in townhouses constructed shall conform to California Residential Code Section R313.
3. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the California Residential Code where equipped with a fire sprinkler system in accordance with California Residential Code Section R313.

101.2.2 California Residential Code. The provisions of the California Residential Code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, moving, maintenance, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height.

101.2.3 California Electrical Code. The provisions of the California Electrical Code shall apply to the installation, alterations, repairs and replacement of electrical systems, including but not limited to, electrical wiring, equipment, appliances, fixtures, devices, fittings and/or appurtenances, and other electrical-related systems, materials, parts or components.

101.2.4 California Mechanical Code. The provisions of the California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including but not limited to, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, commercial kitchen equipment, incinerators and other energy systems. The provisions of the California Mechanical Code shall

also apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.2.5 California Plumbing Code. The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including but not limited to, equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.2.6 California Energy Code. The provisions of the California Energy Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.2.7 California Historical Building Code. The provisions of the California Historical Building Code shall apply to the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings or properties.

101.2.8 California Fire Code. The provisions of the California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.2.9 California Existing Building Code. The provisions of the California Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

101.2.9.1 Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall be permitted to comply with the provisions of the laws in existence at

the time of its original permit unless such permit has expired. Subsequent permits shall comply with the California Building Code or California Residential Code, as applicable, for new construction.

101.2.9.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, unless otherwise limited, restricted or prohibited in the California Existing Building Code or the California Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

101.2.9.3 Building evaluation. The building official is authorized to require an existing building to be investigated and evaluated by a registered design professional when the building official determines that such evaluation is necessary to safeguard the public health, safety and welfare insofar as they are affected by a proposed repair, alteration, change of occupancy, change in use, addition, relocation of an existing building, when unpermitted work has occurred, when the building has been damaged or when the building official determines that the building may be unsafe or dangerous. The design professional shall notify the building official if any potential nonconformance with the provisions of the California Existing Building Code is identified or observed.

101.2.10 California Green Building Standards Code. The provisions of the California Green Building Standards Code shall apply to the planning, design, operation, construction, sustainability, use and occupancy of all newly constructed and altered buildings or structures, unless otherwise indicated in that code.

101.3 Purpose. The purpose of these administrative provisions is to protect the health, safety, and welfare of the public as it pertains to building construction and the built environment and provide for the administration and enforcement of the technical codes adopted by the City. The purpose of the technical codes adopted by the City is to establish minimum building standards to safeguard the public safety, health and general welfare through sustainability, affordability, structural strength, means of egress facilities, stability, sanitation, light and

ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

SECTION 102

APPLICABILITY

102.1 Conflict between codes. Where there is a conflict between a general requirement and a specific requirement in the technical codes, the specific requirement shall be applicable.

Where conflicts occur between the provisions of the technical codes and referenced standards, the provisions of the technical codes shall apply. Where conflicts between technical codes occur, the more restrictive requirement, as determined by the Building Official, shall apply.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code. Where references in this code are made to Chapter 1, Division II (Scope and Administration) of the California Building Code, California Residential Code, California Plumbing Code, California Mechanical Code, or the California Existing Building Code, the applicable corresponding provisions contained within these administrative provisions shall apply.

102.4 References to prior code. Unless superseded and expressly repealed, references in City forms, documents and regulations to the chapters and sections of this code previously adopted by the city council, shall be construed to apply to the corresponding provisions contained within this code.

102.5 Referenced codes and standards. The technical codes and standards referenced in this code and the other building and construction regulations contained in Title 14 of the Sonoma Municipal Code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and other referenced codes and standards, the more restrictive provision shall apply. Where there is a conflict between a general standard and a specific standard, the specific standard shall be applicable.

All reference to codes published by the National Fire Protection Association, the International Code Council, the International Association of Plumbing and Mechanical Officials and similar code publishing organizations within the referenced standards shall be replaced by similar equivalent provisions, if available and published in the California Building Standards Code as adopted and amended by the City of Sonoma.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

102.6 Appendices. Provisions in the appendices or annexes of the technical codes shall not apply unless such appendices or annexes or provisions in which they are contained, have been specifically adopted.

102.7 Partial invalidity. In the event any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.8 Existing installations of building service equipment. Unless otherwise specifically required by federal, state or local laws, regulations or ordinances, building, electrical, plumbing, mechanical, sustainability measures, energy systems and conveyance equipment, components and systems lawfully in existence at the time of the adoption of the technical codes may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original approved design and a hazard to life, health or property has not been created by such building service equipment.

102.9 Existing occupancy. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically required by the California Existing Building Code, the California Historical Building Code, the California Fire Code, State Housing Law, this code or any other federal or state regulation preempting these regulations, as applicable.

102.10 Additions, alterations or repairs. Additions, alterations or repairs to any electrical, mechanical or plumbing equipment, components or systems or to any structure shall conform to the applicable requirements for new construction without requiring the entire existing structure or system to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure or electrical, mechanical or plumbing equipment, component or system to become unsafe or adversely

affect the condition of the building. Additions, alterations and repairs to structures shall comply with the minimum requirements of this code, as applicable.

102.11 Moved Buildings. Moved buildings shall comply with the California Existing Building Code.

102.12 Maintenance. Buildings, structures and parts thereof and electrical, plumbing and mechanical equipment, components and systems shall be maintained in a safe, sanitary and proper operating condition pursuant to the applicable provisions of the technical codes or any federal or state regulation preempting the applicability and enforcement of the technical codes.

SECTION 103

DEFINITIONS

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in this section or as otherwise defined in the technical codes. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings.

...**ADDITION.** See California Building Code Section 202.

...**ALTER or ALTERATION.** See California Building Code Section 202.

...**APPROVED.** See California Building Code Section 202.

...**ATTRACTIVE NUISANCE.** See definition for "Nuisance."

...**BUILDING.** See California Building Code Section 202.

...**BUILDING, EXISTING.** See California Building Code Section 202.

...**BUILDING OFFICIAL.** See California Building Code Section 202.

...**BUILDING SERVICE EQUIPMENT.** The plumbing, mechanical, electrical and elevator equipment including piping, wiring, ductwork, fixtures and other accessories, components and devices which provide sanitation, lighting, power, security, heating, ventilation, cooling, refrigeration, cooking, fire-suppression, alarms and transportation facilities essential to the occupancy of the building or structure for its designated use.

...**CITY.** See Section 1.04.010 of the Sonoma Municipal Code.

...**DANGEROUS BUILDING.** See definition for “Unsafe Structure.”

...**JURISDICTION.** See California Building Code Section 202.

...**NUISANCE.** (See definition in Sonoma Municipal Code Section 14.30.020(A))

...**OCCUPANCY** is the purpose for which a building, or part thereof, is used or intended to be used.

...**OWNER** is any person, agent, firm or corporation having a legal or equitable interest in the property.

...**PARTY IN INTEREST** means the record owner as the name and address of that person or entity appears on the last equalized assessment roll and if known, the person in real or apparent charge and control of the premises involved, and if known, the holder of any mortgage, trust deed or other lien or encumbrance of record or any other known beneficiary to the building or structure or the land upon which it is located, and if known, residential tenants of a property.

...**PERMIT.** See California Building Code Section 202.

...**PERMITEE** is the responsible party designated on a permit. The permittee shall either be the property owner, the property owner’s authorized representative or a contractor licensed to perform or oversee the permitted work.

...**PUBLIC NUISANCE.** See definition for “Nuisance.”

...**REPAIR.** See California Building Code Section 202.

...**STRUCTURE.** See California Building Code Section 202.

...**TECHNICAL CODES** are those codes adopted by the city council in Chapter 14.10.015 of the Sonoma Municipal Code containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of buildings and structures and building service equipment as herein defined.

THIS CODE refers to the provisions in this chapter, together with the technical codes adopted by the city council as amended herein.

...**UNSAFE STRUCTURE.** Any building or structure which has any or all of the conditions or defects hereinafter described is an unsafe building provided that such conditions or defects exist to the extent that life, health, property, or safety of the public or its occupants are

endangered. For the purposes of this code, the term “dangerous building” is synonymous with the term “unsafe building.”

- (a) Whenever any door, aisle, passageway, or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
- (b) Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn, obstructed or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
- (c) Whenever the stress in any materials, member, or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed for new buildings of similar structure, purpose, or location.
- (d) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements for new buildings of similar structure, purpose, or location.
- (e) Whenever any portion, member, or appurtenance thereof is likely to fail, to become detached or dislodged, or to collapse and thereby injure persons or damage property.
- (f) Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability or is not so anchored, attached, or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified for new buildings of similar structure, purpose, or location without exceeding the working stresses permitted for such buildings.
- (g) Whenever any portion of a structure has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
- (h) Whenever the building or structure, or any portion thereof, because of (1) dilapidation, deterioration, or decay; (2) faulty construction; (3) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (4) the deterioration, decay, or inadequacy of its foundation; or (5) any other cause, is likely to partially or completely collapse.

(i) Whenever, for any reason, the building, structure, or any portion thereof, including equipment regulated by this code, is manifestly unsafe for the purpose of which it is being used.

(j) Whenever the exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(k) Whenever the building or structure, exclusive of the foundation, shows thirty-three percent or more damage or deterioration of its supporting member or members, or fifty percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.

(l) Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood or has become so dilapidated or deteriorated so as to become (1) an attractive nuisance to children or, (2) a public nuisance, or (3) freely accessible to persons for the purpose of committing unlawful acts.

(m) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement of this code as applicable, including construction without a permit, or prohibition pursuant to California Health and Safety Code Section 17920.3 or of any law or ordinance of this state or jurisdiction relating to the condition or location of said structure or building.

(n) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member, or portion less than fifty percent, or in any supporting part, member, or portion less than sixty-six percent of the (1) strength, (2) fire-resisting qualities or characteristics, or (3) weather-resisting qualities or characteristics, required by law in the case of a newly-constructed building of like area, height, and occupancy in the same location.

(o) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangements, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer, fire chief or building official to be unsanitary, unfit for human habitation, or in such a condition that is likely to cause sickness or disease.

(p) Whenever any building, structure or portion thereof, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, inadequate maintenance, damage from an earthquake, flood, fire or other calamity, abandonment, exposure to hazardous materials, lack of sufficient fire-resistive construction, faulty electric wiring, faulty or unsafe gas conditions or heating apparatus, unsanitary conditions or other cause, is determined by the fire chief or building official to be a fire hazard, attractive nuisance, hazard to the life, safety or health of the public or occupants of the building.

(q) Whenever any building or structure is in such a condition as to constitute a public nuisance or as otherwise known to common law or equity jurisprudence.

(r) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or portion thereof, or whenever any building or structure so abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(s) Whenever any building or structure has been abandoned or becomes vacant, is dilapidated and unsecured or open at exterior doors or windows, leaving the interior of the building exposed to the elements or accessible to entrance by trespassers or is otherwise an attractive nuisance or hazard to the public.

(t) Whenever any building, structure or portion thereof, whether structurally damaged or not, is dangerous to human life by reason of being located in an area which is unsafe due to hazard from landslide, settlement, or slippage or any other cause.

(u) Whenever any building, structure or portion thereof, because of unfinished, uninspected or uncompleted work required under a building permit and where the permit for the work has expired, or uncompleted work that would have been required under a building permit but where no permit has been issued, is determined by the building official to be a fire hazard, attractive nuisance, hazard to the life, safety or health of the public or occupants of the building.

(v) Whenever any building is declared to be substandard as defined in Section 17920.3 of the California Health & Safety Code.

...**VALUATION or VALUE**, as applied to a building and its building service equipment, shall be the estimated cost to replace the building and its building service equipment, along

with all casework, appliances, fixtures, equipment and other items and appurtenances attached or connected thereto, in kind, based on current replacement costs, as determined by the building official. Valuation shall also include displays, shelving or other elements or fixtures within or immediately adjacent to an accessible route as defined by the California Building Code. Cord and plug connected equipment not otherwise regulated by this code shall be excluded from the calculation of valuation.

SECTION 104

BUILDING DEPARTMENT

104.1 Creation of enforcement agency. The building department is hereby created and the official in charge thereof shall be known as the building official.

104.2 Appointment. The building official shall be appointed by the city manager.

104.3 Deputies. The building official, with the approval of the city manager, shall have the authority to appoint deputy building officials, technical officers, inspectors, plans examiners and other employees or official representatives of the Building Department. Such employees or official representatives shall have powers as delegated by the building official.

SECTION 105

DUTIES AND POWERS OF THE BUILDING OFFICIAL

105.1 General authority. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

105.1.1 Authorization to investigate. The building official is authorized to investigate the cause, origin, and circumstances of any fire, explosion, or other hazardous condition.

105.1.2 Dangerous equipment. When the use of any electrical, plumbing or mechanical equipment or its installations is found to be dangerous to human life, health or property, the building official shall have the authority to have the premises

disconnected from its source of electric, gas or water supply as applicable. The building official shall provide written notice of such disconnection and the causes therefor shall be given within 24 hours to the owners, the occupant, or both, of such building, structure, or premises. It shall be unlawful for any person to reconnect the equipment to its source of electric supply, or to use or permit to be used electric power in any such electrical equipment until such causes for the disconnection have been remedied to the satisfaction of the building official.

105.1.3 Delegation of authority. The building official shall be permitted to delegate to other qualified individuals such powers as necessary for the proper administration and enforcement of this code.

105.2 Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

105.3 Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.

105.4 Inspections. The building official is authorized to make all required inspections, or the building official shall have the authority to accept reports of inspection by agencies or individuals approved by the building official for the specific purpose. Reports of such inspections shall be in writing and be prepared by a responsible officer of such approved agency or by the responsible individual. The building official may seek and engage expert opinion as deemed necessary to report upon unusual technical issues that arise.

105.5 Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

105.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises potentially unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises are unoccupied, the building official shall first make a reasonable effort to locate

the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

105.7 Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records of the City for the period required by the City or state for the retention of the specific public record.

105.8 Liability. The building official or his/her designee, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

105.9 Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

105.9.1 Used materials and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used materials, equipment and devices shall not be reused unless approved by the building official.

105.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, provided the building official shall first find that the specific circumstance makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety requirements or structural requirements. The details of granting the modification shall be recorded and entered in the files of the building department.

105.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction may be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code.

105.11.1 Research reports. Supporting data may be required by the building official where necessary to assist in the approval of materials or assemblies not specifically provided for in this code. Supporting data may consist of valid research reports, test reports or manufacturer's data from sources approved by the building official.

105.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records in this same category.

SECTION 106

PERMITS

106.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change a building or occupancy or use of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system or component thereof or any accessible feature, element or component, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

106.1.1 Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building

official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

106.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

106.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, trellises, arbors, gazebos, shade structures for other than motor vehicles, and similar uses, when located on a parcel which contains an existing Group R, and/or Group U Occupancy, provided that the building complies with zoning setback requirements and the floor area does not exceed 120 square feet and the total height does not exceed 9 feet and the structure contains no plumbing facilities, electrical circuits or heating appliances. No more than one structure may be allowed under this exemption unless separated from another permit-exempt structure by 10 feet or more.
2. Fences constructed of other than stone, masonry or concrete, not over 8 feet in total height. Fences constructed of stone, masonry or concrete, not over 6 feet in total height.
3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall and retaining not more than 3 feet of material, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks, walkways, nonstructural concrete slabs and driveways not more than 30 inches above adjacent grade and not over any basement or story below and are not part of an accessible route.
6. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work not otherwise altering building service equipment or subject to the accessibility requirements contained in Chapters 11A or 11B of the California Building Code.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches deep, do not exceed 5,000 gallons, and are installed entirely above ground.
9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment with a projected area less than 120 square feet and are accessory to detached one- and two-family dwellings not subject to the accessibility requirements contained in Chapters 11A or 11B of the California Building Code.
11. Window awnings of Groups R-3 and U occupancies supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.
12. Recovering of awnings on previously approved existing framework.
13. Decks not exceeding 200 square feet in area, that are not more than 30 inches above grade at any point, are not attached to a building and do not serve a required exit door or an accessible route.
14. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height and work not otherwise subject to the accessibility requirements contained in Chapters 11A or 11B of the California Building Code.

15. A tree house that does not exceed 64 square feet in floor area and 8 feet in height measured from the top of the treehouse floor to highest point on the roof and does not exceed a total height of 15 feet measured from grade plane to the top of the treehouse floor or highest point on the roof whichever is higher.

16. Flagpoles not erected upon a building and not more than 15 feet in height above grade plane.

17. In-kind-repair or replacement of less than 32 square feet of drywall, siding, stucco or roofing within any 12 month period.

Electrical:

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of existing attachment plug receptacles, but not the outlets therefore.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
5. Minor repair work, including installation or replacement of equipment such as lamps and electric utilization equipment approved for connection to approved permanently-installed receptacles.
6. Electrical equipment used for radio and television transmissions, except equipment and wiring for a power supply and the installations of towers and antennas.
7. Installation of any temporary system required for the testing or servicing of electrical equipment or apparatus or the process of manufacturing, testing, servicing, or repairing electrical equipment or apparatus.
8. Replacement of flush or snap switches, fuses, lamp sockets, receptacles, contactor or control device and other minor maintenance and repair work, such as replacing worn cords and tightening connections on a wiring device.

9. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.

10. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

11. Installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

Mechanical:

1. A portable heating appliance, portable ventilating equipment, a portable cooling unit, or a portable evaporative cooler.

2. A closed system of steam, hot, or chilled water piping within heating or cooling equipment regulated by this code.

3. Replacement of any minor component part or assembly of an appliance that does not alter its original approval of the equipment and complies with other applicable requirements of this code.

4. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less and refrigerating equipment that is part of the equipment for which a permit has been issued pursuant to the requirements of this code.

5. A plug-and-cord connected unit refrigeration system.

6. Portable plug-and-cord connected cooking or clothes-drying appliances.

7. Portable plug-and-cord connected ventilation or cooling equipment.

8. Portable plug-and-cord connected evaporative cooler.

9. Portable fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipes; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. Exterior rainwater catchment systems used for outdoor non-spray irrigation with a maximum storage capacity of 5,000 gallons where the tank is supported directly upon grade and the ratio of height to diameter or width does not exceed 2 to 1 and does not require electrical power or a makeup water supply connection.
4. Exterior rainwater catchment systems used for spray irrigation with a maximum storage capacity of 360 gallons.

106.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next building department business day to the building official.

106.2.2 Minor Repairs. Application or notice to the building official is not required for ordinary or minor maintenance or repairs to structures, including minor damage to nonstructural members, the replacement of lamps or the connection of approved portable electrical equipment to approved permanently-installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal, change or rearrangement of parts of a structure affecting any required means of egress or accessibility requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

106.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

106.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building department for that purpose.

Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required herein.
5. State the estimated value of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

106.3.1 Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application is incomplete or does not conform to the requirements of pertinent laws, the building official shall reject such application and stipulate the reasons therefor to the applicant. If, in the sole opinion of the building official, the construction documents, including plans, specifications, reports and calculations, lack sufficient information to show compliance with this code, are inaccurate, are not easily readable, are incomplete or do not conform to the requirements of pertinent laws, the building official shall reject such application and state in writing the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

106.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition, alteration, repair or other improvement of existing buildings or structures located in a flood hazard area as established by Sonoma Municipal Code Chapter 14.25, the building official shall examine or cause to be examined the construction documents and shall make a determination with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its pre-damaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the proposed work is a substantial improvement or restoration of substantial damage and the building official shall require existing portions of the entire building or structure to meet the requirements of Sonoma Municipal Code Chapter 14.25,

106.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

106.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any provision of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring subsequent correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of the City.

106.5 Expiration. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is

commenced. For the purposes of this section, work shall be considered abandoned if no required regular inspection has been conducted by the building department within any 180-day period. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

106.6 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

106.7 Placement of permit. The building permit or copy thereof shall be kept on the site of the work until the completion of the project. The project inspection record card and approved plans for the permit, if any, shall be available for use by the building official during inspections.

106.8 Responsibility of permittee. It shall be the duty of the permittee and every person who performs work on a new or existing building or structure, including installation or repair of a building, or structure, or of accessibility features, electrical, gas, mechanical or plumbing systems of a building or structure for which this code is applicable, to comply with this code. Building permits shall be presumed to incorporate the provision that the permittee and those performing work on behalf of the permittee will carry out the proposed work in accordance with the approved plans, with all requirements of this code and any other laws or regulations applicable thereto, whether specified or not. No approval shall relieve or exonerate any person from the responsibility of complying with the provisions and intent of this code.

106.9 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed. The permit applicant shall be responsible for providing reasonable access for conducting the preliminary inspection and for the payment of any fee adopted by the City for said inspection.

SECTION 107

SUBMITTAL OF CONSTRUCTION DOCUMENTS

107.1 Submittal documents. Submittal documents consisting of the permit application, construction documents, statement of special inspections, geotechnical report, required checklists, energy reports, calculations, flood elevation documentation, equipment documentation, certifications and other reports and

data as determined necessary by the building official shall be submitted in three sets with each permit application.

107.1.1. Building evaluation. The building official is authorized to require an existing building to be investigated and evaluated by a registered design professional and/or a California Certified Access Specialist (CASp) when determined necessary by the building official due to the nature of the proposed work. The design professional and/or California Certified Access Specialist (CASp) shall notify the building official if any actual or potential nonconformance with the provisions of this code is found.

107.2 Construction Documents. Construction documents shall be prepared by a registered design professional where required by state law or where due to the complexity or nature of the design or if special circumstances exist, the building official determines at any time that construction documents, or a portion thereof, must be prepared by a registered design professional. The building official is authorized to waive the submission of all or a portion of the construction documents or the information contained therein and any other information if it is determined that the nature of the work proposed does not require construction documents or a portion thereof to determine whether the proposed work is in compliance with this code.

107.2.1 Information on the construction documents. Construction documents shall be submitted with the application for permit and drawn upon suitable material at a size and scale acceptable for readability and document imaging as determined by the building official. Electronic media documents are permitted to be submitted when first approved by the building official. Construction documents shall utilize common architectural drafting, symbols, graphics and techniques and shall be of sufficient detail, clarity and accuracy to correctly indicate the location, nature and extent of the work proposed and to show in detail that it will conform to the applicable provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. One or more of the construction documents listed below shall be prepared and submitted for approval when required by the building official:

1. Site Plan
2. Design information and elevation certificates for structures within Flood Hazard Areas.
3. Grading and Drainage Plan

4. Erosion Control and Storm Water Pollution Prevention Plan.
5. Foundation Plan.
6. Floor Framing Plans.
7. Floor Plans.
8. Electrical Plans.
9. Mechanical and Duct Layout Plans
10. Ceiling Framing Plan
11. Roof Plan
12. Truss Layout Plan and Truss Design Documentation
13. Roof Framing Plan
14. Full Building Cross-Sections
15. Foundation Details
16. Framing or Structural Details
17. Architectural Details
18. Exterior Elevations
19. Interior Elevations
20. Reflected Ceiling Plans
21. Plumbing Plan
22. Restaurant Equipment Plan
23. Landscaping & Irrigation Plan
24. Fire Protection System Plans and Shop Drawings
25. Accessibility Plans and Details
26. Means of Egress Plan
27. Any other plans or documentation needed to show compliance with the codes, ordinance and regulations as determined by the building official.

107.2.2 Building Design Information. When required by the building official, construction documents shall include building design information including, but not limited to, applicable codes used, design occupancy classifications, construction type, building fire resistance rating, number of stories, building height, allowable and proposed building area, inclusion of fire sprinkler system, allowable and proposed occupant load calculations, exiting calculations, calculations to determine required number of restroom fixtures, accessible route of travel, disproportionate cost calculations and path of travel deficiencies for accessibility hardship claims, structural design loads and criteria, structural wind and seismic categories, wind and

seismic importance factors, structural calculations, design flood elevations, CALGreen checklists and other pertinent design assumptions or information.

107.2.3 Manufacturer's installation instructions. Where required by the building official, construction documents shall include manufacturer's specification sheets and/or installation instructions.

107.3 Examination of documents; plan review. When the building official determines that the necessary submittal documents, construction documents and building design information have been provided, the building official shall examine or cause to be examined construction documents for compliance with this code and other pertinent laws and ordinances. The building official may utilize or authorize the use of consultant services to perform all or a portion of the construction documents review. The applicant shall be responsible for the payment of all costs to conduct the plan review. The building official is authorized to withhold the approval of plans and a building permit application if approvals required by other governmental agencies or City departments pertaining to the work which are necessary for the work to be lawfully performed have not first been obtained.

107.3.1 Approval of construction documents. When the building official issues a permit, the construction documents shall be approved in writing or by a stamp which states, "APPROVED FOR PERMIT." One set of construction documents so reviewed shall be retained by the building official. One set shall be returned to the applicant and shall be available at the site of work at all times and shall be open to inspection and use by the building official or his or her authorized representative.

107.3.2 Previous approvals. The issuance of a permit based on reviewed and approved plans and specifications shall not prevent the building official from thereafter requiring the correction of errors or omissions in said plans and specifications, or from preventing building operations being carried on thereunder when in violation of this code or of any other pertinent laws and ordinances of the City. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which an unexpired permit exists to otherwise meet a new or different technical code other than those technical codes lawfully adopted and in effect at the time of permit issuance.

107.3.3 Phased approval and conditional authorization to proceed. The building official is authorized to issue a permit for the construction of foundations or any other

part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The permittee for the foundation or other parts of a building or structure shall proceed with the building operation at the permittee's own risk and without assurance that the work will be approved or that a permit for the entire structure will be granted.

107.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents. Any changes or proposed changes in the work made during construction that are not in full conformance and compliance with the approved construction documents or the technical codes, shall require the resubmittal of revised construction documents for approval by the building official, as either an amended or full replacement set for the previously approved construction documents. The permittee or their designee shall be responsible for the payment of all costs to perform the plan review for amended construction documents. Any additional proposed work that was not otherwise shown or specified on the approved plans for an active permit or that would otherwise increase the valuation of an active permit shall require a new permit unless determined otherwise by the building official.

107.5 Design professional in responsible charge. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal documents, for compatibility with the design of the building.

107.6 Deferred submittals. For the purposes of this section, deferred submittals are defined as required documentation listed as deferred submittals on the approved plans but are not submitted for building department approval until after the permit has been issued. Deferral of any submittal items shall receive prior approval of the building official. The registered

design professional in responsible charge or the project designer shall list the deferred submittals on the construction documents for review by the building official.

Deferred submittal documents shall be submitted to the registered design professional in responsible charge, if any, who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. Deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official. The permittee or their designee shall be responsible for the payment of all costs to perform the plan review for deferred submittal documents.

107.7 Retention of construction documents. One set of approved construction documents shall be retained by the building official in accordance with the City's records retention policy, or as otherwise required by state law.

SECTION 108

TEMPORARY STRUCTURES AND USES

108.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements as necessary to ensure the health, safety and general welfare of the public and those using the temporary structure and shall comply with the applicable requirements of Chapter 31 of the California Building Code.

108.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in parts of an electric installation before all work has been fully completed. The parts covered by the temporary authorization shall comply with the applicable requirements of the technical codes.

108.4 Termination of approval. The building official is authorized to terminate a permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 109

FEES

109.1 Payment of fees. Fees shall be assessed in accordance with the provisions of this section and applicable state law. Permit applicants, permittees and persons in violation of any provision of this code shall pay all fees necessary to cover the full cost of providing the building department service related to the permit, activity or enforcement action in accordance with the schedule of fees adopted by the city council. A permit shall not be valid until applicable fees adopted by resolution or ordinance of the city council or otherwise prescribed by law have been paid nor shall an amendment to a permit be released until an additional fee to review and approve the amendment, if any, has been paid.

109.2 Schedule of fees. Fees for building department services necessary to bring violations of this code into compliance, verify conformance with the technical codes or to reimburse the jurisdiction for other services rendered shall be paid in accordance with the fee schedule established by resolution or ordinance of the city council.

109.3 Permit inspection fees. The inspection fees for each permit shall be as set forth in the fee schedule adopted by the city council.

When the permit holder's work is incomplete or changed so as to require more than one additional inspection, an additional inspection fee shall be charged at the hourly rate set forth in the fee schedule. When additional inspection fees are assessed, they shall be paid prior to scheduling any further inspections.

109.4 Plan Review Fees. The plan review fees specified in this section are separate from and in addition to permit inspection fees. The plan review fee to review compliance with the technical codes shall be as set forth in the fee schedule adopted by the city council.

When submitting an application for a building permit, the applicant shall pay a plan review deposit in an amount determined by the building official to defray all or a portion of the cost to review the plans and other construction documentation associated with the permit application. Any portion of the deposit that is unused for plan review purposes shall be applied towards inspection and other fees assessed on the permit. If the plan review deposit exceeds the total cost of the permit, a refund of the unused balance of the deposit shall be issued to the applicant at no additional charge.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal documents, an additional plan review fee shall be charged at the hourly rate set forth in the fee schedule adopted by the city council.

109.5 Other Fees. The city council may adopt other fees for services to be charged in connection with the issuance of a building permit or the delivery of services by the building department.

109.6 Investigation fee; work commencing or continuing without a permit. Any person who commences or continues work requiring a permit on a building, structure, site, electrical system, mechanical system, plumbing system or conveying system without first obtaining or otherwise maintaining required permits and required inspection approvals shall be subject to an investigation fee adopted by the city council. The investigation fee shall be in addition to any other fee charged, and shall be imposed under this section to defray the costs incurred by the City in connection with its duties to monitor, review, investigate, and enforce this code.

109.7 Related fees. The payment of the fee for the construction, alteration, removal or demolition work done in connection with, or concurrently with, work authorized by a building permit shall not relieve the applicant or permittee from the payment of other fees that are prescribed by law or adopted by the City.

109.8 Refunds. The building official may establish a refund policy and may authorize refunding of a fee paid hereunder which was erroneously paid or collected or for which services were not rendered or were only partially rendered.

109.9 Building permit valuation. The applicant for a permit shall provide an estimated value of the work at time of application. The estimated value of work shall include the total value of all work including materials, equipment, labor, overhead, profit, general conditions and other costs associated with the work for which the permit is being issued. The building official shall establish the permit valuation based on published valuation data as updated from time to time. If, in the opinion of the building official, the published valuation data are not readily available or are over or underestimated based on the actual work of the project, the building official may utilize any other reasonable or appropriate means of determining the permit valuation, including, but not limited to, using the applicant's estimated value of work, obtaining detailed and complete cost estimates provided by the applicant, or applying construction cost estimating manuals. Final building permit valuation shall be determined and set by the building official.

SECTION 110
INSPECTIONS

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the building official or his/her designee and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.2 Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

110.3 Required inspections. The building official or his/her designee, upon reasonable notification, shall make the inspections set forth herein. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the enforcing agency.

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms and reinforcing steel shall be in place prior to inspection. Materials for the foundation shall be on the job site except where concrete is ready-mixed in accordance with ASTM C 94.

110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping or other ancillary building trade products or equipment are installed, but before any concrete is placed or floor sheathing is installed, including the subfloor.

110.3.3 Plumbing, mechanical, gas and electrical systems inspection. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

110.3.4 Lowest floor elevation in flood hazard areas. In flood hazard areas as established by the flood damage prevention regulations of the City, upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of a flood elevation certificate, prepared and sealed by a registered design professional.

110.3.5 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire-blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

110.3.5.1 Moisture content verification. When required by the California Green Building Standards Code, moisture content of framing members shall be verified.

110.3.6 Masonry inspection. Inspection of masonry construction, including reinforcing steel, shall be made prior to grouting cells.

110.3.7 Lath and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

110.3.8 Fire- and smoke-resistant penetrations and fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished. Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

110.3.9 Energy efficiency. Inspections shall be made to determine compliance with the California Energy Code and shall include, but not be limited to, inspections for:

envelope insulation, fenestration, duct systems, electrical lighting and controls, heating, ventilating and air conditioning equipment and controls and water-heating equipment.

110.3.10 Other inspections. In addition to the inspections above, the building official may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building official or building department.

110.3.10.1 Special Inspections. Special inspections shall be performed in accordance with chapter 17 of the California Building Code.

110.3.10.2 CALGreen inspections. Inspections shall be made to determine compliance with the California Green Building Code. Said inspections shall be made by a special inspector, hired by the permit holder, at the sole cost of the permit holder, and approved by the building official. In lieu of special inspections, the building official, or his/her designee, shall have the authority to conduct **CALGreen** inspections and/or utilize written documentation to verify compliance with the California Green Building Code.

110.3.10.3 Contractor self-certification of work performed. In lieu of performing certain designated inspections and as a method of verifying compliance of a specific requirement of the technical codes, the building official may, at his/her sole discretion, accept a signed self-certification statement from a licensed contractor or other qualified individual certifying that the specific work or requirement has been properly installed or completed in accordance with the requirements of the technical codes.

110.3.11 Final inspection. Final inspection shall be made after the permitted work is complete. The building, or portion thereof where the work occurred, shall not be used or occupied until all work has been approved by the building department and a certificate of occupancy has been issued by the building official.

110.3.12 Waiving of inspections for minor work. The building official may authorize the waiver of inspections for minor work or elements if the building official finds that the nature or scope of the minor work is not likely to be in violation of the technical codes.

110.4 Inspection agencies. The building official is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability, as determined by the building official.

110.5 Inspection requests. It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. The building official shall cause to have the work inspected in accordance with the inspection request or as soon thereafter as the building official's schedule may permit, subject to scheduling availability. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work. The building official is authorized to withhold any requested inspection where there is reason to believe that the work has been changed from what is shown on the approved plans and no plan amendment for the changed work has been approved by the building official.

110.6 Approval required. Work shall not be performed beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder of any noted violations found or corrective work required to proceed with or complete the inspected portion of the work. Any portion of the work that does not comply with this code shall be corrected and such portion shall not be covered, concealed or used until authorized by the building official.

SECTION 111

CERTIFICATE OF OCCUPANCY

111.1 Use and occupancy. No new, relocated or altered building or structure, or portion thereof, shall be used or occupied, and no change in the existing use or occupancy classification of a building or structure, or portion thereof, shall be made until the building official has issued a certificate of occupancy therefor as provided herein. The building official is authorized to allow temporary use or occupancy of an altered building or portion thereof, while the building is being altered when the building official finds that the nature of the work does not pose a significant hazard to the occupants or the public. The building official is authorized to withhold the issuance of a certificate of occupancy when the work performed or required to be performed does not receive all required inspection approvals. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions

of this code or of other ordinances of the City. A certificate of occupancy presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The building official is authorized to withhold a certificate of occupancy or permit to use or occupy a structure if approvals required by other governmental agencies or City departments pertaining to the work which are necessary for the work to be lawfully completed have not first been obtained.

Exceptions: A Certificate of occupancy is not required for work exempt from a permit.

111.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in the California Existing Building Code and Chapter 11 of the California Fire Code. .

111.3 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the building department or any other City department and any approvals from other agencies have been obtained as required by Section 111.1 , the building official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The occupancy or use of the structure
4. The name of the building official or his/her designee approving the certificate.
5. Any special stipulations and conditions of the building permit.

In lieu of issuance of a separate certificate, the building permit together with the completed and fully signed building permit inspection record may serve as the certificate of occupancy.

111.4 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. A fee for the issuance of a temporary certificate of occupancy, if applicable, shall be paid by the applicant prior to its issuance in accordance with the City's adopted fee schedule. In addition, as security to guarantee the satisfactory completion of all required work, the building official may require the submittal to the building department of a refundable performance guarantee

deposit in an amount equal to 100 percent of the estimated cost needed to complete the work, as determined by the building official. The performance guarantee deposit shall be refunded to the originator of the deposit following satisfactory completion of all required work and issuance of a final certificate of occupancy.

111.5 Revocation. The building official is authorized to suspend or revoke, in writing, a certificate of occupancy or temporary certificate of occupancy issued under the provisions of this code whenever the certificate is issued in error or on the basis of incorrect information or when it is determined by the building official that the building or structure or portion thereof is in violation of the provisions of this code.

SECTION 112

SERVICE UTILITIES

112.1 Connection of service utilities. No person shall make connections to a utility or source of energy for fuel, water, electricity or sewer from any building or system that is regulated by this code for which a permit is required, until approved by the building official.

112.2 Temporary connection. The building official shall have the authority to authorize and approve a temporary connection of the building or system to the utility or source of energy for fuel, water or electricity provided that the building official finds that the temporary connection is safe for the purpose intended.

112.3 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without first obtaining building department approval. The building official shall notify the serving utility and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

SECTION 113

APPEALS

113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall serve as the “local appeals board” and the “housing appeals board” pursuant to Sections 17920.5 and 17920.6 of the California Health and Safety Code. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

113.2 Limitations on authority. Any person, firm, corporation, or entity adversely affected by an order, decision or determination made by the building official related to the application or interpretation of this code may make application for appeal. In addition, any member of the city council may call up for review by the board of appeals any order, decision, or determination made by the building official. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

113.3 Decisions subject to appeal. Final orders, decisions or determinations made by the building official relative to the application and interpretation of this code are subject to appeal to the board of appeals.

113.4 Effect of failure to appeal. Failure to file an application for appeal in conformance with the requirements of Sections 113.5 and 113.6 shall constitute a waiver of the right to an administrative hearing on the matter.

113.5 Deadline for filing of appeal. All such appeals shall be initiated by filing with the city clerk (with a copy to the building official) a written application for appeal on a form provided by the city clerk within 15 calendar days of the date the building official’s decision, notice or order (oral or written) is properly served, together with any applicable fees pursuant to the fee schedule adopted by the city council.

113.6 Contents of application for appeal. The application for appeal shall state the nature and date of the decision being appealed, the name and address of the appellant and his/her interest in the matter, the property address which is the subject of the appeal, the specific

action requested by the appellant to be taken by the appeal body, the signature(s) of the appellant(s), and, unless the appeal is by a member of the city council, the reasons (in conformance with Section 113.2, above) which, in the opinion of the appellant, render the decision unjustified or incorrect.

113.7 Staying of decision or order under appeal. The filing of the application for appeal shall have the effect of staying any decision or order of the building official pertaining to said appeal or the issuance or granting of any permit, certificate or other approval which is related to the appeal unless, at the sole discretion of the building official, such decision, order or action is necessary to protect the life, health, safety, property or well-being of the public or occupants of the building. When the building official makes said determination, the building official shall notify the appellant, in writing, that the decision, order or action under appeal shall continue to be in effect until otherwise overturned by the board of appeals.

113.8 Hearing. Upon receipt of a timely filed application for appeal in proper form and payment of the required fee, the city clerk shall set a hearing date before the board of appeals no later than 60 days after the filing of the application for appeal. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.

113.9 Hearing request by building official. The building official may, at any time, request a hearing be held by the board of appeals to review and affirm any final decision of the building official.

113.10 Notice of hearing. Not less than 10 days prior to the hearing, the building official shall serve or cause to be served either personally or by first class mail, postage prepaid, a copy of the notice of hearing upon the appellant.

113.11 Action of board of appeals. Upon the conclusion of the appeal hearing, the appeal board shall render its decision, which shall be final and may not be appealed to the city council. Notice of the final decision of the board shall be mailed to the appellant by first class mail, postage prepaid.

SECTION 114 VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of

any of the provisions of this code or any other provision of Chapter 14.10 of the Sonoma Municipal Code.

114.2 Notice of violation. The building official is authorized to serve a notice of violation and order to abate on the affected property owner and if known, person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, maintenance, use or occupancy of a building or structure in violation of the provisions of this code, or in violation of an order or corrective work required by the building official, a correction notice or an approved plan, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. The order shall also state that failure to comply with the notice or order and cure the violation within the time period allowed in the notice of violation and order to abate may result in the building official recording the notice of violation and order to abate against the subject property. The order shall advise the affected property owner and if known, the person responsible for the violation, of their appeal rights pursuant to Section 113.3 herein.

114.3 Service of notice or order. The notice of violation and order to abate shall be deemed properly served if a copy thereof is (a) personally delivered to the record owner of the property involved, or (b) sent by certified mail to the record owner of the property at the address listed on the last equalized county tax assessment roll with the return receipt requested. If the notice of violation and order to abate sent by certified mail is returned showing that it was not delivered, a copy of the notice of violation and order to abate shall be posted in a conspicuous place in or about the structure affected by such notice and a copy thereof mailed, by first class mail, to the record owner at the address listed on the last equalized county tax assessment roll. In addition to the methods of service set forth herein, the building official is authorized to post one or more copies of a placard stating any restrictions pertaining to the use or occupancy of the structure and copy of the notice of violation and order to abate in a conspicuous place in or about the structure affected by such notice.

114.4 Recording of notice or order. If the notice of violation and order to abate is not complied with in the time prescribed by such notice, the building official is authorized to record with the County Recorder's Office, after the expiration of said time period, said notice of violation and order to abate against the property with respect to which the violation exists. Said notice must specify the nature of the violation, the provisions of this code being violated,

when the building official first learned of the existence of the violations, how much time the violator had to cure the violation, and the assessor's parcel number and street address, if any, of the subject property.

Following the recordation of the notice of violation, the building official is not required to make any inspection or review of the premises to determine the continued existence of the cited violations. It is the responsibility of the record owner, occupant or other party in interest to comply with the above provisions and to notify the building official when the violation has been corrected.

114.5 Rescission of recorded notice or order. Any person who desires to have recorded a notice rescinding the notice of violation must first obtain the necessary approvals and permit(s) to correct the violation. Once the building official determines that the work covered by such permit(s) has been satisfactorily completed, the building official shall, following a request made by the person requesting said rescission, record a notice rescinding the prior notice of violation. The person requesting said rescission shall be responsible for the payment of any fee adopted by resolution of the city council for the rescission or termination of said notice.

114.6 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the City to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.7 Violation penalties. Any person, firm or corporation who violates a provision of this code or any other provision of Chapter 14.10 of the Sonoma Municipal Code, or fails to comply with any of the requirements thereof, or allows a violation to continue without taking reasonable means to cure or abate the same after having been ordered to do so, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, is punishable as provided by Section 1.12.010 of the Sonoma Municipal Code. Each violation shall constitute a separate offense for each and every day such person, firm or corporation violates or allows a violation to continue without taking reasonable means to cure or abate the same after having been ordered to do so. A violation of this code or any other provision of Chapter 14.10 of the Sonoma Municipal Code shall be

deemed a public nuisance and is subject to nuisance abatement proceedings as provided by Section 1.12.010 and Chapter 14.30 of the Sonoma Municipal Code.

114.8 Administrative Penalties. As an alternative to the provisions provided in this Section 114, the building official is authorized to utilize the procedures set forth in Chapter 1.30 (Administrative Penalties) of the Sonoma Municipal Code.

SECTION 115

STOP WORK ORDER

115.1 Authority. Whenever the building official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or contrary to the approved plans or that is dangerous, substandard or unsafe, the building official is authorized to issue a stop work order.

115.2 Issuance of stop work order. The stop work order shall be in writing and shall be posted in a conspicuous place in or about the structure affected by such notice and given to the record owner of the property involved, or to the owner's agent or to the person doing the work. The stop work order shall be deemed properly served if a copy thereof is (a) personally delivered to the record owner of the property involved, or (b) personally delivered to the owner's agent or to the person doing the work, or (c) sent by certified mail to the record owner of the property at the address listed on the last equalized county tax assessment roll with the return receipt requested. If a stop work order sent by certified mail is returned showing that it was not delivered, a copy of the stop work order shall be posted in a conspicuous place in or about the structure affected by such notice and a copy thereof mailed, by first class mail, to the record owner at the address listed on the last equalized county tax assessment roll. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the conditions under which work will be permitted to resume.

115.2.1 Violation to remove or deface a stop work order. It shall be a violation of this code to remove, deface or mutilate any stop work order posted on a structure or site pursuant to this section without the express written permission of the building official.

115.3 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as

prescribed by Section 1.12.010 of the Sonoma Municipal Code. Further, any violation of this section is deemed a public nuisance and may be subject to nuisance abatement proceedings as provided by Section 1.12.010 and Chapter 14.30 of the Sonoma Municipal Code.

SECTION 116

UNSAFE STRUCTURES AND EQUIPMENT

116.1 Authority. For the purposes of this code, any applicable building, structure or equipment, including those structures that are subject to the requirements of Division 13, Part 1.5 of the California Health and Safety Code commencing with Section 17910 (State Housing Law), which by inspection or observation by the building official, has any of the conditions or defects defined as an unsafe structure, shall be abated by repair, rehabilitation, demolition or removal.

116.2 Unsafe structures prohibited. No person shall own, use, occupy or maintain any unsafe structure.

116.3 Unsafe structures declared a public nuisance. Any unsafe structure or equipment regulated by this code is hereby declared to be a public nuisance. In addition to instituting any appropriate action to prevent, restrain or correct a violation of this section, the building official may abate an unsafe condition by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this section or as alternatively set forth by the nuisance abatement proceedings in Chapter 14.30 of the Sonoma Municipal Code.

116.4 Notice of unsafe structure. The building official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous, damaged or unsafe and if, in the building official's opinion, such building or structure is found to be an unsafe structure as defined in this code, the building official shall give to the party in interest written notice stating the defects thereof. This notice shall require the owner, other party in interest or person in charge of the building or premises to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof and all such work shall be completed within a time frame stipulated by the building official. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements be completed, inspected and approved by the building official. The designated period within which the owner, tenant, other party in interest or person in charge is required to comply with

such notice shall begin as of the date the owner or person in charge receives such notice by personal service or certified mail. If such notice is by posting, the designated period shall begin ten (10) days following the date of posting. The notice of unsafe structure shall state the rights to a hearing or appeal. The notice period shall be a minimum of thirty (30) days unless the building official deems a shorter period necessary to prevent or remedy an immediate threat to the health and safety of the public or occupants of the structure.

116.5 Service of notice of unsafe structure. The notice of unsafe structure shall be deemed properly served if a copy thereof is (a) personally delivered upon every party in interest, as defined in this code; or (b) posted in a conspicuous place on the structure or property and a copy thereof mailed by certified mail with a return receipt requested to the record owner of the property involved at the address listed on the last equalized county tax roll and if known, any party in interest.

If the notice of unsafe structure sent by certified mail is returned showing that it was not delivered, the notice shall be deemed properly served if a copy thereof is posted in a conspicuous place on the unsafe structure or property involved and a copy is mailed by first class mail to the record owner of the property involved at the address listed on the last equalized county tax roll.

The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

116.6 Recording of notice of unsafe structure. If the notice of unsafe structure is not complied with in the time prescribed by such notice, the building official is authorized to record with the County Recorder's Office, after the expiration of said time period, said notice against the property with respect to the unsafe conditions and violations that exist. Said notice must specify the nature of the unsafe conditions, the provisions of this code being violated, when the building official first learned of the existence of the unsafe conditions, how much time the violator has to cure the unsafe conditions and violations, and the assessor's parcel number and street address, if any, of the subject property.

Following the recordation of the notice of unsafe conditions, the building official is not required to make any inspection or review of the premises to determine the continued existence of the cited unsafe conditions or violations. It is the responsibility of the record owner, occupant or other party in interest to comply with the above provisions.

116.6.1 Rescission of recorded notice or order. Any person who desires to have recorded a notice rescinding the notice of unsafe structure must first obtain the necessary approvals and permit(s) to correct or remove the unsafe conditions and violations. Once the building official determines that the work covered by such permit(s) has been satisfactorily completed, the building official shall, following a request made by the person requesting said rescission, record a notice rescinding the prior notice of unsafe structure. The person requesting said rescission shall be responsible for the payment of any fee adopted by resolution of the city council for the rescission or termination of said notice.

116.7 Posting of notice to vacate. Any unsafe building ordered vacated in accordance with this section shall not be reoccupied until the unsafe conditions have been eliminated. Each such vacated building shall be locked and otherwise secured against entry and the building official shall post thereon a placard stating:

"UNSAFE - DO NOT ENTER OR OCCUPY"

In cases where the building official has determined that partial occupancy of a building may be allowed, the building official shall post thereon a placard stating:

"RESTRICTED USE"

All placards posted shall indicate, in general terms, the unsafe conditions found and the date of said posting. Additional information may be placed on the placard or notice to vacate as deemed appropriate by the building official. Such notice shall be posted in a conspicuous place at or near the main entrance and shall be visible to persons approaching the building or structure from a street.

116.7.1 Proof of posting. Proof of posting of the notice to vacate shall be provided by written declaration under penalty of perjury executed by the person making the posting and declaring the time, date, manner and location the posting was made.

116.7.2 Violation to remove or deface posted notice to vacate. It shall be a violation of this code to remove, deface or mutilate any notice to vacate posted on a building pursuant to this section without the express written permission of the building official.

116.8 Right of hearing. Any interested party may request a hearing before the board of appeals to show cause why the building or structure should not be ordered repaired, vacated

and repaired, or vacated and demolished or removed. The request for a hearing shall comply with the provisions set forth in Section 113 of this code. A hearing shall be requested by the building official prior to demolition or repair of an unsafe building by the City except when such demolition or repair is done under the emergency procedure set forth in this section.

116.9 Order of board of appeals. If, after holding a hearing on the matter, the board of appeals finds that the building or structure is an unsafe structure, it shall issue a written order that includes, but is not limited to, the following:

1. The name, address and telephone number of the City.
2. The address or location of the unsafe structure.
3. The name and address of the parties in interest.
4. A finding of fact that (a) the building or structure is an unsafe structure and nuisance and directing that it either be demolished or otherwise repaired in accordance with this code as applicable; or (b) the building or structure is an unsafe structure and nuisance and directing that it shall be vacated and that the building or structure either be demolished or otherwise repaired in accordance with this code as applicable.
5. A list of the specific defects and violations.
6. The dates required for the commencement and the completion of either the required repairs or improvements or the demolition or removal of the building or structure or portions thereof.
7. If necessary, a statement that the building, structure, or portion thereof be immediately vacated and not reoccupied until the required repairs and improvements are completed, inspected and approved by the building official.
8. A statement that if the repairs or demolition necessary to remove the unsafe conditions is not made within the designated period stated in the order, the building official may then demolish or repair such portions of the structure, or may cause such work to be done, to the extent necessary to eliminate the hazard determined to exist by the board of appeals.
9. A statement that the order by the board of appeals is not appealable to the city council.

10. A statement that all costs to enforce the order of the building official and the board of appeals and for the repairs or demolition necessary to remove the unsafe conditions incurred by the City, shall be made a personal obligation of the property owner and if not paid within 30 days of request of payment by the City, may be made a special assessment against the property involved, pursuant to Section 118.1.

11. If the building or structure, or portion thereof is residential, a statement in accordance with Section 17980(e) of the Health and Safety Code that, in accordance with Section 17274 and 24436.5 of the Revenue and Taxation Code, a tax deduction may not be allowed for interest, taxes, depreciation, or amortization paid or incurred in a taxable year, and, in addition, any other notice required by Health and Safety Code Section 17980.

116.9.1 Board of appeals termination of building official's order. If, after holding a hearing on the matter, the board of appeals finds that the building or structure is not an unsafe structure, it shall issue a written order terminating the order of the building official.

116.9.1 Service and posting of order of board of appeals. The order of the board of appeals shall be served upon the same parties and in the same manner as required for the notice of hearing. It shall also be conspicuously posted on or about the building or structure.

116.10 Failure to comply with order of building official. If the repairs or demolition necessary to remove the unsafe condition as set forth in the notice of unsafe structure is not made within the designated period prescribed by the building official and if a hearing has not otherwise been held by the board of appeals, the building official shall request that a hearing be held regarding the unsafe conditions and failure to comply with the order.

116.11 Failure to comply with order of the board of appeals. If the repairs or demolition necessary to remove the unsafe condition as set forth in the order of the board of appeals is not made within the designated period the building official may then demolish or repair such portions of the structure, or may cause such work to be done, to the extent necessary to eliminate the hazard determined to exist by the board of appeals.

SECTION 117

EMERGENCY MEASURES

117.1 Imminent danger. Where, in the opinion of the building official, there is imminent danger of failure or collapse of a building that endangers life or property, or where any building or part of a building has fallen and life is endangered by the occupation of the building, or where there is actual or potential danger to the occupants or those in the proximity of any structure because of potential for collapse, electrical hazards, explosives, explosive fumes or vapors, or the presence of toxic fumes, gases, or material, or operation of defective or dangerous equipment, or any other cause, the building official is hereby authorized to take any appropriate emergency measure described herein and order and require the occupants to vacate the premises forthwith.

117.1.1 Posting of placards due to imminent danger. The building official and his or her authorized representatives are hereby authorized to post appropriate placards on any unsafe buildings or structures causing imminent danger to the occupants or the public and subject to these emergency measures. The building official shall cause to be posted at each entrance to such buildings or structures a placard reading:

“UNSAFE - DO NOT ENTER OR OCCUPY”

In cases where the building official has determined that partial occupancy of a building may be allowed, the building official shall post thereon a placard reading:

“RESTRICTED USE”

All placards posted shall indicate, in general terms, the unsafe conditions causing the imminent danger, the date of said posting, any restrictions of the entry, use or occupancy of said building, the name or number of the posting inspector and the contact information for interested persons or occupants to obtain more information. Additional information may be placed on the placards or notice to vacate as deemed appropriate by the building official, including any to restrictions or limitations of the use or occupancy of the structure. Such notice shall be posted in a conspicuous place at or near the main entrance and shall be visible to persons approaching the building or structure from a street.

117.1.2 Unlawful to enter or use a posted structure It shall be unlawful for any person to enter or use a structure in violation of its posted placard except with a valid permit or written permission, issued by the building official, for the purpose of

securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

117.1.3 Unlawful to remove or deface posted placard. Once a placard has been attached to a building or structure, it shall not to be removed, altered or covered except by the building official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

117.2 Temporary emergency safeguards and repairs. Notwithstanding other provisions of this code, whenever, in the opinion of the building official there is an immediate and imminent danger due to an unsafe condition, the building official may order the boarding up of openings, barricading, securing, temporary bracing, temporary repairs, isolation of, alteration to, demolition, or other appropriate action to render such structure temporarily safe or temporarily secure and shall cause such other action to be taken as the building official deems necessary to meet such emergency. In all cases, the use of demolition to abate the unsafe condition shall be limited to what is reasonably necessary to abate the immediate and imminent danger and mitigate the loss of, or damage to life, health, property.

117.3 Closing streets and sidewalks. Where necessary for public safety, the building official may temporarily close structures and temporarily order the closure of sidewalks, walkways, streets, public ways, and places adjacent to unsafe structures, and prohibit the same from being utilized.

117.4 Labor for temporary emergency safeguards and repairs. For the purposes of this section, the building official may employ the necessary labor and materials to perform the required work for temporary emergency safeguards and repairs as expeditiously as possible in accordance with Sonoma Municipal Code Section 3.04.090.

117.5 Costs of temporary emergency safeguards and repairs. Prior to incurring costs for temporary emergency safeguards and repairs, the building official shall obtain the approval of the city manager for said costs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The city attorney may institute appropriate action to recover costs against the owner of the premises or the owner's authorized agent for the City costs for implementing emergency measures upon the unsafe structures or conditions in accordance with this code.

117.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

117.8 Emergency notice. The emergency measures described herein may be implemented without any prior notice whatsoever when, in the opinion of the building official and the city manager, an imminent danger to the occupants of a building or the public exists and where immediate action is necessary to protect life, property or public safety. Whenever emergency measures have been implemented on any private property for any unsafe structure or condition the building official shall provide notice to the parties in interest, the tenant(s) of the building and the city council, as early as the circumstances will permit within 30 days following said implementation.

SECTION 118

RECOVERY OF COSTS

118.1 Payment of costs for enforcement. All reasonable and actual costs incurred by the City for the enforcement and abatement of an unsafe structure, public nuisance or any violation of this code, shall be made a personal obligation of the property owner and shall be paid to the City not more than 30 days from the date the invoice for said costs is mailed. The building official shall keep an account of the cost of enforcement and abatement and shall render an itemized written report of said costs to the property owner when requested.

If the property owner fails to pay the full cost of the personal obligation within 30 days from the date the invoice for services is mailed by the building official, said costs shall be confirmed by the city council and made a special assessment against the property upon which the structure stood or nuisance existed, pursuant to the procedures established by this section, which the city council adopts pursuant to Government Code Section 38773.5.

The building official shall prepare and submit an itemized written report to the city council of the cost of removing and/or abating the nuisance, violation or unsafe building including, but not limited to, administrative costs, inspection costs, investigation costs, enforcement costs, attorney fees or costs, and all costs of prosecution. Before the report is submitted and reviewed by the city council, a copy of the report and notice of the time when the report will be reviewed by the city council for confirmation shall be mailed to the party in interest, certified mail, return receipt requested, at the address shown on the last equalized assessment

roll or the supplemental roll, whichever is more current at least ten (10) days prior to review by the city council. The notice shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments, and shall otherwise be in compliance with Government Code Section 38773.5.

Pursuant to Government Code Section 38773.5(b), recovery of attorneys' fees shall be limited to the prevailing party for those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

The city council shall hold a hearing to determine the reasonableness or correctness of the assessment, or both. The building official shall notify, in writing, the party in interest of the city council's decision. If the total assessment, as confirmed by the city council is not paid in full within ten (10) days after receipt of such notice from the building official, the building official shall take those actions necessary to cause a special assessment to be recorded against the parcel in the amount confirmed by the city council. From the date of such recording, such balance due shall be a special assessment against the parcel.

The special assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All the laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment.

SECTION 119
INTERFERENCE PROHIBITED

A person shall not obstruct, impede, or interfere with the building official, any representative authorized by the building official, or with any person who owns or holds any estate or interest in any unsafe building which has been ordered by the building official or the board of appeals to be repaired, vacated and repaired, or vacated and demolished, whenever the building official or such owner is engaged in repairing, vacating and repairing, or demolishing any such unsafe building pursuant to this code, or is performing any necessary act preliminary to or incidental to such work, or authorized or directed pursuant hereto.

14.10.015 Technical Codes Adopted.

Pursuant to Section 50022.2 of the California Government Code, the following technical codes are adopted by reference as described herein and as amended by the following sections of this Chapter:

- A. 2016 California Building Code Volumes 1 and 2, based on the 2015 International Building Code published by the International Code Council;
- B. 2016 California Residential Code, based on the 2015 International Residential Code published by the International Code Council;
- C. 2016 California Electrical Code, based on the 2014 National Electrical Code published by the National Fire Protection Association and BNi Publications;
- D. 2016 California Mechanical Code, based on the 2015 Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials;
- E. 2016 California Plumbing Code, based on the 2015 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials;
- F. 2016 California Energy Code published by the California Building Standards Commission;
- G. 2016 California Historical Building Code, published by the California Building Standards Commission;
- H. 2016 California Fire Code, based on the 2015 International Fire Code published by the International Code Council;
- I. 2016 California Existing Building Code, based on the 2015 International Existing Building Code published by International Code Council;
- J. 2016 California Green Building Standards Code published by the California Building Standards Commission;
- K. 2016 California Referenced Standards published by the California Building Standards Commission;

14.10.020 2016 California Building Code Amendments.

A. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, the administrative regulations of Chapter 1, Division II of Part 2 of the 2016 California Building Standards Code, known as the California Building Code, as adopted by Section 14.10.015, are amended as follows:

Delete Chapter 1, Division II (Scope and Administration) in its entirety and replace with the administrative provisions contained in Section 14.10.010 of the Sonoma Municipal Code.

B. Based upon the express findings of necessity #1 and #2 set forth in Section 14.10.005, Part 2 of the 2016 Edition of the California Building Standards Code, known as the California Building Code, as adopted by Section 14.10.015, is amended as follows:

Adopt by reference and add the following 2016 California Building Code appendices:

- 1) Appendix Chapter H – Signs
- 2) Appendix Chapter I - Patio Covers.

14.10.025 2016 California Residential Code Amendments.

A. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, the administrative regulations of Chapter 1, Division II of Part 2.5 of the 2016 California Building Standards Code, known as the California Residential Code, as adopted by Section 14.10.015, is amended as follows:

Delete Chapter 1, Division II (Scope and Administration) in its entirety and replace with the administrative provisions contained in Section 14.10.010 of the Sonoma Municipal Code.

B. Based upon the express findings of necessity #1 set forth in Section 14.10.005, Part 2.5 of the 2016 Edition of the California Building Standards Code, known as the California Residential Code, as adopted by Section 14.10.015, is further amended as follows:

- 1) Adopt by reference and add Appendix Chapter H (Patio Covers) of the 2016 California Residential Code appendices.
- 2) Adopt by reference and add Appendix Chapter V (Swimming Pool Safety Act) of the 2016 California Residential Code appendices.

C. Based upon the express findings of necessity #1, #2 and #4 set forth in Section 14.10.005, Part 2.5 of the 2016 Edition of the California Building Standards Code, known as the California Residential Code, as adopted by Section 14.10.015, is further amended as follows:

Amend section R302.2 to read as follows:

R302.2 Townhouses. Walls separating townhouses located on individual separate lots or parcels and placed within 3 feet of a property line shall not be common walls. Common walls may be used for separating townhouses where no property line exists within 3 feet of a common wall. Common walls separating townhouses shall be assigned a fire-resistance rating in accordance with Section R302.2, Item 1 or 2. The common wall shared by two townhouses shall be constructed without plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be

in accordance with the California Electrical Code. Penetrations of the membrane of common walls for electrical outlet boxes shall be in accordance with Section R302.4.

Amend section R302.3 to read as follows:

R302.3 Two-family dwellings. Walls separating dwelling units located on individual separate lots or parcels and placed within 3 feet of a property line shall comply with the requirements of Section R302.2 for townhouses. Dwelling units in two-family dwellings shall be separated from each other by wall and floor assemblies having not less than a 1-hour fire-resistance rating where tested in accordance with ASTM E119 or UL 263. Fire-resistance-rated floor/ceiling and wall assemblies shall extend to and be tight against the exterior wall, and wall assemblies shall extend from the foundation to the underside of the roof sheathing.

D. Based upon the express findings of necessity #1, #2 and #4 set forth in Section 14.10.005, Part 2.5 of the 2016 Edition of the California Building Standards Code, known as the California Residential Code, as adopted by Section 14.10.015, is further amended as follows:

Delete subsection R313.2 including the exception in its entirety and replace to read as follows:

R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two- family dwellings, factory-built housing, mobile homes and manufactured homes.

Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing one- and two- family dwellings, factory-built housing, mobile homes and manufactured homes that are not already provided with an automatic residential sprinkler system unless otherwise required by the Fire Code.

R313.2.1 Design and installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section R313.3 or NFPA 13D.

Exception: Automatic residential fire sprinkler systems installed in factory-built housing, mobile homes and manufactured homes, shall be designed and installed in accordance with California Code of Regulations, Title 25, Section 4302.

14.10.030 2016 California Electrical Code Amendments.

A. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, Part 3 of the 2016 California Building Standards Code, known as the California Electrical Code, as adopted by Section 14.10.015, is amended as follows:

Delete Annex H (Administration and Enforcement) of the electrical code in its entirety and replace and adopt in its place the administrative provisions contained in Section 14.10.010 of the Sonoma Municipal Code.

14.10.035 2016 California Mechanical Code Amendments.

A. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, the administrative regulations of Chapter 1 Division II of Part 4 of the 2016 California Building Standards Code, known as the California Mechanical Code, as adopted by Section 14.10.015, is amended as follows:

Delete Chapter 1, Division II (Administration) in its entirety and replace with the administrative provisions contained in Section 14.10.010 of the Sonoma Municipal Code.

B. Based upon the express findings of necessity #1 and #2 set forth in Section 14.10.005, Part 4 of the 2016 California Building Standards Code, known as the California Mechanical Code, as adopted by Section 14.10.015, is amended as follows:

Adopt by reference and add the following 2016 California Mechanical Code appendices:

- 1) Appendix B (Procedures to be Followed to Place Gas Equipment into Operation)

14.10.040 2016 California Plumbing Code Amendments.

A. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, the administrative regulations of Chapter 1 Division II of Part 5 of the 2016 California Building Standards Code, known as the California Plumbing Code, as adopted by Section 14.10.015, is amended as follows:

Delete Chapter 1, Division II (Administration) in its entirety and replace with and adopt the administrative provisions contained in Section 14.10.010 of the Sonoma Municipal Code.

B. Based upon the express findings of necessity #3 set forth in Section 14.10.005, Part 5 of the 2016 California Building Standards Code, known as the California Plumbing Code, as adopted by Section 14.10.015, is amended as follows:

Amend Section 713.4 to read as follows:

713.4 Public Sewer Availability. The public sewer may be considered to not be available for a proposed building or exterior drainage facility where such public sewer or a building or an exterior drainage facility connected thereto is located more than 300 feet from a proposed building or exterior drainage facility on a lot or premises that abuts and is served by such public sewer.

C. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, Part 5 of the 2016 California Building Standards Code, known as the California Plumbing Code, as adopted by Section 14.10.015, is amended as follows:

Adopt by reference and add the following 2016 California Plumbing Code appendices:

- a. Appendix A (Recommended Rules for Sizing the Water Supply System).

- b. Appendix C (Alternate Plumbing Systems)
- c. Appendix D (Sizing Storm Water Drainage Systems)
- d. Appendix E (Manufactured/Mobile Home Parks and Recreational Vehicle Parks)
- e. Appendix H (Private Sewage Disposal Systems)
- f. Appendix I (Installation Standards for PEX Tubing Systems for Hot- and Cold-Water Distribution)

14.10.045 2016 California Fire Code Amendments.

A. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, Part 9 of the 2016 California Building Standards Code, known as the California Fire Code, as adopted by Section 14.10.015, is amended by adopting by reference and adding the following appendices:

- 1) Appendix Chapter 4 – Special Detailed Requirements Based on Use and Occupancy
 - 2) Appendix B – Fire-Flow Requirements for Buildings
 - 3) Appendix BB - Fire-Flow Requirements for Buildings
 - 4) Appendix C – Fire Hydrant Locations and Distribution
 - 5) Appendix CC – Fire Hydrant Locations and Distribution
 - 6) Appendix D - Fire Apparatus Access Roads
 - 7) Appendix E – Hazard Categories
 - 8) Appendix F – Hazard Ranking
- Appendix H - Hazardous Materials Management Plans and Hazardous Materials Inventory Statements 2016

B. Based upon the express findings of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, Part 9 of the 2016 California Building Standards Code, known as the California Fire Code, as adopted by Section 14.10.015 and as further amended by the adoption of certain appendices, is amended to read as follows:

Amend subsection 105.6.49 to read as follows:

105.6.49 Additional permits. In addition to the permits required by Section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions:

- 1. **Production facilities.** To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.
- 2. **Pyrotechnics and special effects.** To use pyrotechnic special effects, open flame, use of flammable or combustible liquids or gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial productions.

3. **Live Audiences.** To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.
4. **Apartment, hotel, motel.** An operational permit is required to operate an apartment house, hotel, or motel.
5. **Bonfires or rubbish fires.** An operational permit is required to kindle or authorize the kindling or maintenance of bonfires or rubbish fires.
6. **Change of occupancy.** An operational permit is required for any change in the occupancy, business or tenancy of any building, facility, or structure.
7. **Care facilities.** An operational permit is required to operate a care facility as listed:
 1. Day care with an occupant load greater than eight (8) persons.
 2. Residential or commercial institutional care facility, occupancies complying with Health and Safety Code Section 13235 are exempt
8. **Emergency Responder Radio Coverage System.** An operational permit is required for buildings and/or facilities with emergency responder radio coverage systems and related equipment.
9. **Fire protection systems.** An operational permit is required for buildings and/or facilities with fire protection systems and related equipment such as fire pumps, fire hydrant systems, fire suppression systems, fire alarm systems, smoke management systems, and similar systems governed by this code.
10. **High-rise occupancy.** An operational permit is required to operate a high-rise building as defined in Title 24, Part 2, California Code of Regulations.
11. **Institutional or residential occupancy (6 or less persons).** An operational permit is required to operate an institutional or residential occupancy for 6 or less persons, except day care and residential care facilities for the elderly.
12. **Institutional or residential occupancy (more than 6 persons).** An operational permit is required to operate an institutional or residential occupancy for more than 6 persons. Exception: A permit is not required for large family day care providing care for less than 9 children.
13. **Medical Gas Systems.** An operational permit is required for buildings and/or facilities with medical gas systems and related equipment, and similar systems governed by this code.
14. **Oil or natural gas well.** An operational permit is required to own, operate or maintain an oil or natural gas well.
15. **Organized Camps.** An operational permit is required to operate an organized camp (Group-C Occupancy).
16. **Public Christmas Tree Lot or Pumpkin Patch.** An operational permit is required to operate a Christmas tree lot or pumpkin patch, haunted house, or similar facility that is open to the public.
17. **Special Event Permit** An operational permit is required for any organized procession or assemblage of 50 or more people, which could significantly impact vehicular traffic or create a safety problem. Examples include, but are not limited to: music festivals, outdoor markets, circus, walkathons, runs, marathons, trail rides, bicycle races, celebrations, parades and other similar activities.

18. **Winery Caves – Public Accessible.** An operational permit is required to operate a Type-2 or Type-3 winery cave that is accessible to the public.

19. **Live entertainment.** An operational permit is required to operate a business where alcohol is served, while providing live entertainment to the public.

20. **Medical cannabis.** Operational permits are required to operate a medical cannabis facility or operation listed below:

1. Cultivation
2. Distribution
3. Manufacturing (non-volatile)
4. Testing/lab

21. **Model rockets rental, sale or operation.** An operational permit is required to operate, manufacture, import, export, possess, store, rent or sell model rockets as defined by Health and Safety Code Section 12519.

Add a new subsection 105.7.19 to read as follows:

105.7.19 Additional Construction Permits. In addition to the permits required by Section 105.7, the following construction permits shall be obtained from the Bureau of Fire Prevention prior to starting construction:

1. **Emergency vehicle access facilities.** A construction permit is required for installation or modification of roadways and roadway structures used for emergency vehicle access.
2. **Excavation near flammable or combustible liquid pipeline.** A construction permit is required to excavate or do any work below grade within ten (10) feet of any pipeline for the transportation of flammable or combustible liquid.
3. **Fire-line underground utility piping.** A construction permit is required to install, alter, or make improvements to fire-line underground utility piping. A separate utility permit from the building official is required prior to installing any private underground fire protection water piping and associated appliances.
4. **Medical gas system.** A construction permit is required to install a medical gas system.
5. **Oil or natural gas well.** A construction permit is required to drill an oil or natural gas well.
6. **Roof-mounted solar photovoltaic power systems.** A construction permit is required to install or modify a roof-mounted solar photovoltaic power system, with the exception of small residential rooftop solar energy systems which permit requirements are stated within Chapter 14.27 of the Sonoma Municipal Code.

Amend subsection 109.4 to read as follows:

109.4 Violation penalties. Any person, firm or corporation who violates a provision of this code, or any other section of Chapter 14.10 of the Sonoma Municipal Code, or fails to

comply with any of the requirements thereof, or allows a violation to continue without taking reasonable means to cure or abate the same after having been ordered to do so, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the fire chief, or of a permit or certificate issued under the provisions of this code, is punishable as provided by Section 1.12.010 of the Sonoma Municipal Code. Each violation shall constitute a separate offense for each and every day such person, firm or corporation violates or allows a violation to continue without taking reasonable means to cure or abate the same after having been ordered to do so. A violation of this section or any other section of Chapter 14.10 of the Sonoma Municipal Code shall be deemed a public nuisance and is subject to nuisance abatement proceedings as provided by Section 1.12.010.

Amend subsection 111.4 to read as follows:

111.4 Failure to comply. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by Section 1.12.010 of the Sonoma Municipal Code. Further, any violation of this section is deemed a public nuisance and may be subject to nuisance abatement proceedings as provided by Section 1.12.010.

Add a new subsection 113.6 to read as follows:

113.6 Cost recovery. Fire suppression, investigation or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1, as may be amended from time to time. Additionally, any person(s) who negligently, intentionally or in violation of law causes an emergency response, including, but not limited to, a traffic accident, spill of toxic or flammable or combustible fluids or chemicals is liable for the costs of securing such emergency, including those costs pursuant to Government Code Section 53150, et seq, as may be amended from time to time. Any expense incurred by the Fire Department for securing such emergency shall constitute a debt of such person(s) and shall be collectable by the Fire Department in the same manner as in the case of an obligation under contract, expressed or implied.

Amend Section 202 to add the following definition of "ADDITION" between "ACCESSIBLE ROUTE" and "AGED HOME OR INSTITUTION”:

ADDITION is the increase of area of an existing structure, for which a building permit has been issued, where the increase in floor area is not made exclusively for the provision of accessibility for the physically disabled.

Amend Section 202 to add the following definition of "MANUFACTURED HOME" between "MANUAL STOCKING METHODS" and "MOBILE HOME”:

MANUFACTURED HOME is a structure when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without

a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. (CA Health & Safety Code §18007)

Amend Section 202 to add the following definition of "MOBILE HOME" between "MANUFACTURED HOME" and "MARINA":

MOBILE HOME is a structure when erected onsite, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. (CA Health & Safety Code §18008)

Amend Section 202 to add the following definition of "REMODELED" between "RELOCATABLE BUILDING (PUBLIC SCHOOL)" and "REMOTE EMERGENCY SHUTOFF DEVICE" to read as follows:

REMODELED is work requiring a building permit including, but not limited to, cosmetic or structural repairs, renovations, restorations, alterations or additions to a structure, the total valuation of which, as determined by the building official, exceeds \$100,000 for buildings containing residential uses or occupancies and \$150,000 for all other occupancies over any 36-month period.

Amend Section 202 to add the following definition of "STRUCTURE" between "STORY ABOVE GRADE PLANE" and "SUPERVISING STATION" to read as follows:

STRUCTURE is that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless of property lines.

Amend Section 202 to add the following definition of "Umbrella Structure" between "Twenty-four hour basis" and "Unauthorized Discharge" to read as follows:

UMBRELLA STRUCTURE. A structure, enclosure or shelter with or without sidewalls or drops, constructed of fabric or pliable material supported by a central pole. (See "Membrane Structure" and "Tent")

Amend Section 202 to add the following definition of "Unwarranted Alarm" between "Unwanted Fire" and "Use (material)" to read as follows:

UNWARRANTED ALARM. The giving, signaling or transition of an alarm notification to a public fire station or emergency communication center when such alarm is the result of a defective condition of an alarm system, system servicing testing, construction activities, ordinary household activities, false alarm or other cause when no such danger exists.

Amend subsection 304.1.2 by adding subsection 304.1.2.1 to read as follows:

304.1.2.1 Combustible Vegetation. The fire chief shall notify a property owner by U. S. Postal mail when it is determined that a property is or may become a fire hazard due to combustible vegetation. The property owner may be given the choice of performing hazard abatement work on their own behalf, or authorizing the fire chief to have the work performed. In the event that the property owner does not reply, fails to complete the abatement, or authorizes the fire chief to perform the work on the owner's behalf, the fire chief may cause the work to be performed, then bill the property owner for the cost of such work plus an appropriate administrative fee. Upon the request of the property owner, or in the event that a property owner fails to reply to a bill for weed abatement services, the chief shall request the City Clerk to report the cost of such services to the County Tax Assessor, so that the balance due can be added to the property tax of that parcel of land.

Add subsection 304.1.4 to read as follows:

304.1.4 Defensible space - neighboring property

Persons owning, leasing, or controlling property within areas requiring defensible spaces are responsible for maintaining a defensible space on the property owned, leased or controlled by said person, within a distance of not less than 30 feet (91 467 mm) from any neighboring building structure or property line. Distances may be modified by the fire code official because of a site-specific analysis based on local conditions.

Add a new subsection 401.3.2.1 to read as follows:

401.3.2.1 Unwarranted alarm notification. Notification of emergency responders based on an unwarranted alarm may be punishable by a fine in accordance with the adopted fee schedule. In addition, the responsible party may be liable for the operational and administrative costs, incurred from the emergency response or mitigation procedures resulting from an unwarranted alarm notification.

Amend Section 402.1 by adding the following term after the term "LOCKDOWN" :
UNWARRANTED ALARM

Amend subsection 501.1 to read as follows:

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter. Design and construction shall be in accordance with the following sections unless otherwise authorized by the fire code official in accordance with 104.9 Alternative Materials and Methods.

Add a new subsection 503.2.6.1 to read as follows:

503.2.6.1 Evaluation and maintenance. All existing private bridges and elevated surfaces that are a part of the fire department access roadway, shall be evaluated by a California licensed civil engineer experienced in structural engineering or a California licensed structural engineer, for

safety and weight rating, in accordance with American Association of State Highway and Transportation Officials (AASHTO) Manual: "The Manual for Bridge Evaluation," Second Edition, or other approved standard. Vehicle load limits shall be posted at both entrances to bridges. All bridges and elevated structures providing fire department access shall be routinely maintained in accordance with Section 503.2.6 or when directed by the fire code official or authorized designee.

Amend subsection 503.3 to read as follows:

503.3 Marking. Where required by the fire code official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE in accordance with the California Vehicle Code, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

Add the following sentence to the end of section 503.2.7:

All buildings located on slopes of greater than five percent (5%) shall also include such additional fire protection measures, as the fire chief deems necessary to mitigate access constraints.

Amend subsection 505.1 to read as follows:

505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the fire code official, address numbers shall be provided in additional locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Posted address numbers shall be those assigned by the City of Sonoma. Address numbers shall be maintained.

Exceptions:

1. These requirements may be modified with the approval of the fire code official.
2. Illuminated address numbers are not required for existing buildings where approved; reflective numbers are to be installed.

505.1.1 Addresses for buildings. All buildings shall be issued an address by the local jurisdiction which conforms to that jurisdiction's overall address system. Accessory buildings will not be required to have a separate address; however, each unit within a building shall be separately identified.

505.1.2 Numbers for one and two- family dwellings. Numbers for one and two- family dwellings shall be a minimum of 4 inches (101.6mm) high with a minimum stroke width of 0.5 inches (12.7 mm). Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure.

505.1.3 Numbers for other than one and two- family dwellings. Numbers for other than one- and two- family dwellings shall be a minimum of 12 inches high with a minimum stroke width of 1 inch. Suite and unit directional numbers shall be not less than six (6) inches high with a minimum stroke width of three-quarter (0.75) inch. Numbers shall be not less than four (4) inches high with a minimum stroke width of one-half (0.5) inch.

505.1.4 Complex directory. Where two or more buildings cannot be viewed from the public way or when determined by the fire code official, an approved illuminated complex directory, monument, pole, or other approved sign or means shall be used to identify the structures at the main entrances to the property. The complex directory, monument, pole, or other approved sign or means shall comply with the requirements of the City's sign regulations contained in Title 18 of the Sonoma Municipal Code.

505.1.5 Installation, location and visibility of addresses. All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

505.1. 5.1 Address signs along one-way roads shall be visible from both the intended direction of travel and the opposite direction.

505.1. 5.2 Where multiple addresses are required at a single driveway, they shall be mounted on a single post. (d) Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

Add a new subsection 507.1.1 to read as follows:

507.1.1 Emergency water during construction. The emergency water system shall be available on-site prior to combustible construction. Required fire hydrants shall be accepted by the City of Sonoma and conform to City of Sonoma Standard Plan 501.

Amend subsection 507.5 to read as follows:

507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.8.

Amend subsection 507.5.1 by deleting the subsection and exception and replacing it to read as follows:

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet (45.179 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Add a new subsection 507.5.7 to read as follows:

507.5.7 Fire hydrant size and outlets. Shall be in accordance with City of Sonoma standard plans, or as approved by the fire code official.

Add a new subsection 507.5.8 to read as follows:

507.5.8 Fire hydrant street marker. Fire hydrant locations shall be visually indicated in accordance with the City of Sonoma standards or as approved by the fire code official, as may be amended from time to time. Any hydrant marker damaged or removed during the course of street construction or repair shall be immediately replaced by the contractor, developer or person responsible for removal or damage.

Amend subsection 510.1 to read as follows:

510.1 Emergency responder radio coverage in buildings. All buildings, Type-2 winery caves and Type-3 winery caves shall have approved radio coverage for emergency responders within the building or winery cave based upon the existing coverage levels of the public safety communication systems of the jurisdiction, at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Exceptions:

1. Where approved by the building official and the fire code official, a wired communication system in accordance with Section 907.2.13.2 may be permitted to be installed in lieu of an approved radio coverage system.
2. Where it is determined by the fire code official that the radio coverage system is not necessary.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.

Amend subsection 901.4.1 by adding subsection 901.4.1.1 to read as follow:

901.4.1.1 Owner Responsibilities. Where such systems and appliances are required by this or any other code, it shall be the responsibility of the owner that a person or persons familiar with the function and proper operation of such devices be in attendance whenever the premises is occupied.

Add subsection 901.11 to read as follows:

901.11 Notice of Nuisance Alarm. The officer in charge of fire units responding to a fire alarm signal shall determine whether a true emergency exists. If the officer determines that an emergency does not exist, the chief of the local fire agency or his/her authorized representative may issue a written notice of nuisance alarm to the owner or person in charge or control of the facility where the alarm signal originated.

Add subsection 901.12 to read as follows:

901.12 Unreliable Fire Alarm Systems. The fire chief of the local fire agency or his/her authorized representative may determine that a fire alarm system is unreliable upon receipt of more than four (4) nuisance alarms within a twelve (12) month period. Upon finding that an alarm system is unreliable, the fire chief of the local fire agency or his/her authorized representative may order the following:

1. For any nuisance alarm where the system is not restored, the fire chief may require the system owner to provide standby personnel as defined by Section 901.7 or take such other measures, as the fire chief deems appropriate. Persons or activities required by the fire chief shall remain in place until a fire department approved fire alarm maintenance firm certifies in writing to the fire chief that the alarm system has been restored to a reliable condition. The fire chief may require such tests, as he deems necessary to demonstrate the adequacy of the system.
2. Upon the fifth (5th) and sixth (6th) nuisance alarms from the alarm system within a twelve- (12) month period, the system owner shall pay a mitigation fee to the fire department of \$150.00, plus the cost of fire engine response, for each occurrence.
3. Upon the seventh (7th) and eighth (8th) nuisance alarms from the alarm system within a twelve- (12) month period, the system owner shall pay a mitigation fee to the fire department of \$300.00, plus the cost of fire engine response for each occurrence.
4. Upon the ninth (9th) and following nuisance alarms from the alarm system within a twelve- (12) month period, the system owner shall pay a mitigation fee to the fire department of \$500.00, plus the cost of fire engine response, for each occurrence.

Amend subsection 903.2 by deleting subsections 903.2 through 903.2.11.3 and replacing to read as follows:

903.2 Where required. An automatic fire sprinkler system shall be installed in all new buildings, factory-built housing, manufactured homes and mobile homes for which a building permit is required and in existing buildings upon a remodel or addition to a building.

Exceptions:

1. Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.
2. Detached structures used exclusively as a Group U Occupancy.
3. Shipping containers used as a Group S, Division 2 Occupancy.
4. Unless otherwise required in by other sections of the code, a sprinkler system shall not be required when all of the following are met:

- a. The addition of floor area to a building results in a total floor area for the building of less than 4,000 square feet or the addition is less than ten percent (10%) of the existing floor area of the building; and
 - b. The cumulative total building permit valuation for all building permits issued for the subject building within any 36 month period, as determined by the building official, is equal to or less than \$100,000 for buildings containing residential uses or occupancies and equal to or less than \$150,000 for all other occupancies.
5. In an existing multiple-tenant building that requires a fire sprinkler system, the fire chief has the authority to modify the fire sprinkler requirements when the intended use does not create any increase in fire danger and the cost of installing a complete fire sprinkler system throughout the entire building creates an unreasonable financial hardship, as determined by the fire chief.

[NOTE: Subsection numbers 903.2.1 through 903.2.11.3 are not used due to local amendments.]

Amend subsection 903.3.7 to read as follows:

903.3.7 Fire department connections. The location of fire department connections shall be approved by the fire code official. Fire department hose connections for fire suppression systems and standpipes shall be provided with approved vandal-resistant caps.

Amend subsection 903.4.2 to read as follows:

903.4.2 Alarms. At least one exterior approved audible device activated by the water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system shall be connected to every automatic fire alarm system in an approved location, and approved audible devices shall be connected to every automatic sprinkler system for the purpose of occupant notification. Actuation of the automatic sprinkler system shall actuate the building fire alarm system in all normally occupied areas for the purpose of occupant notification. If the building contains sleeping rooms, the interior alarm shall be located in or adjacent to one or more of these rooms. Otherwise, the interior alarm should be placed at a constantly attended location, or as a secondary alternative, the alarm shall be located where people are likely to be present whenever the building is occupied.

Amend subsection 904.12 to read as follows:

904.12 Commercial cooking systems. Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I Hood, in accordance with the California Mechanical Code, NFPA 96, and an automatic fire extinguishing system that is listed and labeled for its intended use as follows:

1. Wet chemical extinguishing system, complying with UL 300.
2. Carbon dioxide extinguishing system.
3. Automatic fire sprinkler systems.

All existing dry chemical and wet chemical extinguishing systems shall comply with UL 300.

Exception: Public school kitchens, without deep-fat fryers, shall be upgraded to a UL 300 compliant system during state-funded modernization projects that are under the jurisdiction of the Division of the State Architect.

All systems shall be installed in accordance with the California Mechanical Code, NFPA 96, appropriate adopted standards, their listing and the manufactures' installation instructions.

Exception: Factory-built commercial cooking recirculating systems that are tested, listed, labeled and installed in accordance with UL 710B and the California Mechanical Code and NFPA 96.

Amend subsection 905.3.1 to read as follows:

905.3.1 Height. In other than R-3 and R-3.1 occupancies, Class III standpipe systems shall be installed throughout at each floor level where any of the following occur:

1. Buildings where the floor level of the highest story is located more than 30 feet above the lowest level of fire department vehicle access.
2. Buildings that are three or more stories in height.
3. Buildings where the floor level of the lowest story is located more than 30 feet below the highest level of fire department vehicle access.
4. Buildings that are two or more stories below the highest level of fire department vehicle access.
5. On the roof of buildings three or more stories in height.

Exceptions:

1. Class I standpipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. Class I manual standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet (45 720 mm) above the lowest level of fire department vehicle access.
3. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided that the hose connections are located as required for Class II standpipes in accordance with Section 905.5.
4. Class I standpipes are allowed in basements equipped throughout with an automatic sprinkler system.
5. In determining the lowest level of fire department vehicle access, it shall not be required to consider:
 - 5.1 Recessed loading docks for four vehicles or less, and
 - 5.2 Conditions where topography makes access from the fire department vehicle to the building impractical or impossible.

Amend subsection 3101.1 to read as follows:

3101.1 Scope. Tents, umbrella structures, temporary stage canopies and membrane structures shall comply with this chapter. The provisions of Section 3103 are applicable only to temporary tents, umbrella structures, and membrane structures. The provisions of Section 3104 are applicable to temporary and permanent tents, umbrella structures, and membrane structures. Other temporary structures shall comply with the California Building Code.

These building standards govern the use of tents, umbrella structures, awnings or other fabric enclosures, including membrane (air-supported and air-inflated) structures and places of assemblage, in or under which 10 or more persons may gather for any lawful purpose.

Exceptions:

1. Tents, umbrella structures, awnings or other fabric enclosures used to cover or enclose private swimming pools and similar facilities on the premises of private one- and two-family dwellings.
2. Tents used to conduct committal services on the grounds of a cemetery.
3. Tents, umbrella structures, awnings or other fabric enclosures erected and used within a sound stage, or other similar structural enclosure which is equipped with an overhead automatic sprinkler system.
4. Tensioned membrane roof materials supported by ridged frames or installed on a mast and cable system provided such structures conform to the requirements of one of the types of construction as described in these regulations.
5. Fabric structures which are part of mobile homes, recreational vehicles, or commercial coaches governed by the provisions of Division 13, Part 2, Health and Safety Code (Department of Housing and Community Development).

Amend subsection 3102.1 by adding the following term after the term "TENT":

UMBRELLA STRUCTURE

Add new subsection 3314.3 to read as follows:

3314.3 Where required. In buildings of combustible construction required to have automatic sprinkler system by Section 903, automatic sprinkler system shall be installed prior to construction exceeding 40 feet (12,192 mm) in height above the lowest level of fire department vehicle access. Such automatic sprinkler system shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

Add new subsection 3314.4 to read as follows:

3314.4 Buildings being demolished. Where a building is being demolished and a sprinkler system exists within such a building, such sprinkler system shall be maintained in an operable condition so as to be available for use by the fire department. Such sprinkler system may be demolished with the building but shall not be demolished more than one floor below the floor being demolished.

Add subsection 5001.5.3 to read as follows:

5001.5.3 Electronic Reporting. All Hazardous Material Management Plans (HMMP) and Hazardous Material Inventory Statements (HMIS) shall be submitted electronically as approved by the fire code official.

Add subsection 5704.1.1 to read as follows:

5704.1.1 Tanks Storage prohibited. No existing aboveground tanks for the storage of Class I and Class II liquids outside of buildings (except LPG-Propane) shall be permitted on mercantile, residential, and other congested parcels. Existing tanks on such parcels shall be removed within one (1) year after written notice from the fire code official.

Add subsection 5704.1.2 to read as follows:

5704.1.2 Tank Storage - Other locations. New aboveground tanks for storage of Class I and II liquids on parcels not covered under Section 5704.1.2 shall be enclosed in a flammable liquid storage vault constructed in accordance with the standards of the fire department. Existing tanks on such parcels shall conform to new within one (1) year after written notice from the fire code official.

Add subsection 5704.1.3 to read as follows:

5704.1.3 Existing Tank Storage. Existing tank storage shall meet the requirements of new tank installations within one year of notice from the fire code official.

Add subsection 6107.5 to read as follows:

6107.5 Seismic Anchoring. An approved seismic anchoring system shall be installed on all permanently installed propane/LPG gas containers.

Amend Chapter 80 - Referenced Standard NFPA 13D-16 Section 5.1.1.2 to read as follows:

5.1.1.2. A supply of at least three sprinklers shall be maintained on the premises so that any sprinklers that have operated or been damaged in any way can be promptly replaced.

Amend Chapter 80 - Referenced Standard NFPA 13D-16 by adding Section 5.1.1.2.1 to read as follows:

5.1.1.2.1. The sprinklers shall correspond to the types and temperature ratings of the sprinklers in the property. The stock sprinklers shall include not less than one sprinkler of all types and ratings installed.

Amend Chapter 80 - Referenced Standard NFPA 13D-16 by adding Section 5.1.1.2.2 to read as follows:

5.1.1.2.2. The sprinklers shall be kept in a cabinet located where the temperature to which they are subjected will at no time exceed the maximum ceiling temperatures specified in Table 5.1.1.6.1 for each of the sprinklers within the cabinet.

Amend Chapter 80 - Referenced Standard NFPA 13D-16 by adding Section 5.1.1.2.3 to read as follows:

5.1.1.2.3. One sprinkler wrench as specified by the sprinkler manufacture shall be provided in the cabinet for each type of sprinkler installed to be used for the removal and installation of sprinklers in the system.

Amend Chapter 80 - Referenced Standard NFPA 13D-16 by revising Section 7.6 to read as follows:

7.6 A local waterflow alarm shall be provided on all sprinkler systems.

Amend Chapter 80 - Referenced Standard NFPA 13D-16 by adding Section 8.1.2.1 to read as follows:

8.1.2.1 Garages are permitted to be protected by residential sprinklers.

Amend Chapter 80 - Referenced Standard NFPA 13D-16 by revising Section 8.3.4 to read as follows:

8.3.4 Sprinklers shall not be required in detached garages, open attached porches, detached carports, and similar structures unless otherwise required by the California Building or Fire Codes.

Amend Chapter 80 - Referenced Standard NFPA 13D-16 by adding Section 8.3.5.2 to read as follows:

8.3.5.2 At least one quick-response intermediate temperature residential sprinkler shall be installed above attic access openings.

Amend Chapter 80 - Referenced Standard NFPA 13D-16 by revising Section 11.2.1.1 to read as follows:

11.2.1.1 Where a fire department pumper connection is not provided, the system shall be hydrostatically tested at not less than 200 psi without evidence of leakage.

Amend Appendix B, subsection B101.1 to read as follows:

B101.1 Scope. The procedure for determining fire-flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with this appendix. This appendix does not apply to structures other than buildings. Design and construction shall be in accordance with the following sections unless otherwise authorized by the fire code official in accordance with 104.9 Alternative Materials and methods.

Amend the definition of FIRE-FLOW in Appendix B, subsection B102.1 to read as follows:

FIRE-FLOW. The flow rate of a water supply, measured at 20 pounds per square inch (psi) (138 kPa) residual pressure, measured in the water main in the vicinity of the flowing hydrant, that is available for fire fighting.

Amend the definition of FIRE-FLOW CALCULATION AREA in Appendix B, subsection B102.1 to read as follows:

FIRE-FLOW CALCULATION AREA. The floor area, in square feet, used to determine the required fire flow. The fire-flow calculation area or floor area shall be the total floor area of all floor levels within the exterior walls that are under the horizontal projection of the roof, except as modified in Section B 104.3.

Amend Appendix B, subsection B105.1 to read as follows:

B105.1 One- and two-family dwellings. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m²) shall be 1500 gallons per minute (3785.4 L/min). Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5 m²) shall not be less than that specified in Table B 105.1.

Exception: A reduction in required fire-flow of up to 50 percent, as approved, may be allowed when the building is provided with an approved automatic sprinkler system

Amend Appendix B, subsection B105.2 to read as follows:

B105.2 Buildings other than one- and two-family dwellings. The minimum fire-flow and flow duration for buildings other than one-and two-family dwellings shall be as specified in Table B105.1.

Exception: A reduction in required fire-flow of up to 50 percent, as approved, may be allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 2,000 gallons per minute (5678 l/min) for the prescribed duration as specified in Table B 105.1.

Amend Appendix B, Table B105.1 by deleting footnote a).

Amend Appendix C, subsection C102 to read as follows:

C102.1 Fire Hydrant Locations. Where fire hydrants are required, fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets, and a fire hydrant shall be located within 50 feet of the Fire Department Connection (FDC), or as approved by the fire code official.

Amend Appendix D, Section D101 to read as follows:

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix as amended and all other applicable requirements of the International Fire Code. This section applies to residential and commercial developments. Design and construction shall be in accordance with the following sections unless otherwise authorized by the fire code official, in accordance with 104.9 Alternative Materials and methods.

Amend Appendix D, subsection D103.1 to read as follows:

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be determined by the fire code official.

Amend Appendix D, subsection D103.2 to read as follows:

D103.2 Grade. The grade of fire apparatus access roads shall be in accordance with the local agency requirement for public streets or as approved by the fire code official.

Amend Appendix D, subsection D103.3 to read as follows:

D103.3 Turning radius. The minimum turning radius shall be determined by the fire code official.

Amend Appendix D, subsection D103.4 to read as follows:

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with the local agency requirements for public streets or as approved by the fire code official.

Amend Appendix D, subsection D103.4 by deleting Table D103.4:

Amend Appendix D, subsection D103.6 to read as follows:

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with C.V.C. (California Vehicle Code).

Amend Appendix D, subsection D104.2 to read as follows:

(The exception to D104.2 is deleted)

Amend Appendix D, subsection D106.1 to read as follows:

D106.1 Projects having more than 50 dwelling units. Multiple-family residential projects having more than 50 dwelling units shall be provided with two separate and approved fire apparatus access roads.

(The exception to D106.1 is deleted)

Amend Appendix D subsection D106 by deleting subsection D106.2:

Add Appendix D subsection D106.4 to read as follows:

Multi-residential projects having more than 50 dwelling units. Hotels, motels, condominiums, apartments, townhouses and similar multi-residential projects having more than 50 dwelling units shall be provided with two separate and approved fire apparatus access roads.

Amend Appendix D, subsection D107.1 to read as follows:

D107.1 One- or two-family dwelling residential developments. Developments of one- and two-family dwellings where the number of dwelling units exceeds 50 shall be provided with two separate and approved fire apparatus access roads and shall meet the requirements of section D104.3.

(The exceptions to D107.1 are deleted.)

14.10.050 2016 California Green Building Standards Code Amendments.

A. Based upon the express finding of necessity #1 and #4 set forth in Section 14.10.005, Part 11 of the 2016 California Building Standards Code, known as the California Green Building Standards Code, as adopted by Section 14.10.015, is further amended as follows:

Adopt by reference and add Appendix Chapter A4 (Residential Voluntary Measures) and Appendix Chapter A5 (Nonresidential Voluntary Measures) of the 2016 California Green Building Standards Code appendices.

Amend Section 301.1 to read as follows:

301.1 Scope. Buildings shall be designed to include the green building measures specified as mandatory in Chapters 4 and 5 of this code, as applicable. Newly constructed buildings shall also be designed to include the prerequisite and applicable elective measures to achieve Tier 1 status as prescribed in Appendix A4 and A5 of this code, as applicable, except that the energy efficiency measures set forth in Appendix A4 Division A4.2 and Appendix A5 and Division A5.2 need not be met. Additions and alterations shall meet the requirements of Section 301 but shall not be required to meet Tier 1 status as prescribed in Appendix A4 or A5 of this code, as otherwise applicable. The building official shall develop CALGreen application checklists to be included in the design and used for construction of structures covered by this code. All buildings subject to the requirements of this code shall meet all applicable requirements of the California Energy Code (California Code of Regulations, Title 24, Part 6).

Amend the title and explanatory note of Appendix A4 to read as follows:

Appendix A4
Supplementary Residential Mandatory and Elective Measures
The measures contained herein that are necessary to achieve Tier 1 status shall be mandatory pursuant Section 301.1 of this code.

Amend Appendix Section A4.201.1 to read as follows:

A4.201.1 Scope. For the purposes of meeting mandatory Tier 1 status pursuant to Section 301.1 of this code, compliance with the provisions contained in this Appendix A4 Division A4.2 need not be met. The provisions contained in this Appendix A4 Division A4.2 are entirely voluntary and are intended only as a means to encourage buildings to achieve exemplary performance in the area of energy efficiency.

Amend Item 2 in Appendix Section A4.601.4.2 to read as follows:

2. From Division A4.2, Energy Efficiency.
 - 2.1. No requirements for this division.

Amend the note in the last paragraph of Appendix Section A4.601.4.2 to read as follows:

Note: Checklists developed by the building official may be used to show which elective measures are selected. The building official may require the use of a specific form or checklist developed by the building official to show compliance with the provisions of Appendix A4.

Delete Appendix Section A4.602 (Residential Occupancies Application Checklist) in its entirety.

Delete Appendix Division A4.7 (Residential Model Ordinance) in its entirety.

Amend the title and explanatory note of Appendix A5 to read as follows:

Appendix A5
Supplementary Nonresidential Mandatory and Elective Measures
The measures contained herein that are necessary to achieve Tier 1 status shall be mandatory pursuant Section 301.1 of this code.

Amend Appendix Section A5.201.1 to read as follows:

A5.201.1 Scope. For the purposes of meeting mandatory Tier 1 status pursuant to Section 301.1 of this code, compliance with the provisions contained in this Appendix A5 Division A5.2 need not be met. The provisions contained in this Appendix A5 Division A5.2 are entirely voluntary and are intended only as a means to encourage buildings to achieve exemplary performance in the area of energy efficiency.

Amend the first paragraph in Appendix Section A5.601.2.3 to read as follows:

A5.601.2.3 Tier 1. For the purposes of meeting mandatory Tier 1 status pursuant to Section 301.1 of this code, compliance with the provisions contained in Sections A5.203.1.1 and Section A5.203.1.2.1 need not be met. The provisions of those sections are entirely voluntary and are intended only as a means to encourage buildings to achieve exemplary performance in the area of energy efficiency.

Amend the first paragraph in Appendix Section A5.601.2.4 to read as follows:

A5.601.2.4 Measures for Tier 1. In addition to the provisions of Section A5.601.2.1 above, compliance with the following measures from Appendix A5 is required for Tier 1.

Delete Appendix Section A5.602 (Nonresidential Occupancies Application Checklist) in its entirety.

14.10.055 2016 California Existing Building Code Amendments.

A. Based upon the express finding of necessity #1, #2, #3 and #4 set forth in Section 14.10.005, Part 1110 of the 2016 California Building Standards Code, known as the California Existing Building Code, as adopted by Section 14.10.015, is further amended as follows:

Delete subsection 407.1.1 and Amend Section 407.1 to read as follows:

407.1 Conformance. No change shall be made in the use, character of use, occupancy or occupancy classification of any building unless such building is made to comply with the

applicable provisions of the California Building Standards Code for the new use or occupancy. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building may be occupied for purposes in other groups or occupancy classifications without conforming to all of the requirements of this code for those uses, groups or occupancy classifications, provided the new or proposed use complies with the energy and accessibility requirements of the California Building Standards Code for the intended use and provided further that the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

Exception: The building need not be made to comply with the seismic requirements for a new structure unless required by Section 407.4.

B. Based upon the express finding of necessity #2 set forth in Section 14.10.005, Part 10 of the 2016 California Building Standards Code, known as the California Existing Building Code, as adopted by Section 14.10.015, is amended as follows:

Adopt by reference and add the following 2016 California Existing Building Code appendices:

- 1) Appendix Chapter A1 – Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings.
- 2) Appendix Chapter A3 – Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light Wood-Frame Residential Buildings.
- 3) Appendix Chapter A4 – Earthquake Risk Reduction in Wood-Frame Residential Buildings with Soft, Weak or Open Front Walls.

Amend the first sentence in Appendix Chapter A3 Section A301.2 to read as follows:

A301.2 Scope. The provisions of this chapter are voluntary and may be applied to residential light-frame wood construction containing one or more of the structural weaknesses specified in Section A303.

Amend the first sentence in Appendix Chapter A4 Section A403.2 to read as follows:

A401.2 Scope. The provisions of this chapter are voluntary and may be applied to all existing Occupancy Group R-1 and R-2 buildings of wood construction, or portions thereof, where the structure has a soft, weak or open-front wall line and there exists one or more stories above.

14.10.060 Board of Appeals.

The city council is designated as the board of appeals in order to hear and decide appeals of orders, decisions or determinations made by the building official or the fire chief relative to the application and interpretation of the construction codes adopted by the city council. The procedure for appeals shall be that established in Section 14.10.010.

14.10.065 Modification of Fee Schedules.

The construction codes adopted in this chapter are modified by the suspension of the operation of any fee schedules contained therein whenever the city council has by ordinance or resolution adopted a different schedule or schedules. It is the intention of the city council that it shall, for administrative convenience, adopt from time to time resolutions containing fee schedules for the granting of permits under the codes adopted in this chapter and for the administration thereof.

14.10.070 Enforcement Authority.

Unless otherwise provided by ordinance or resolution of the city council, the building official of the City is the enforcement officer for all provisions of the technical codes adopted herein except that the fire chief of the City shall be the enforcement officer for all provisions of the California Fire Code and amendments thereto and all building standards adopted by and subject to the enforcement authority of the California State Fire Marshal and published in the State Building Standards Code relating to fire and panic safety and other regulations of the State Fire Marshal.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds that the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under California Code of Regulations, Title 14 Section 15061(b)(3), in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will have a significant effect on the environment. The ordinance adopts standard codes that will be in effect pursuant to state law and sets requirements for compliance. The adoption of this ordinance does not entitle new development or any changes to the physical environment.

SECTION 3. SEVERABILITY.

If any section, subsection, clause, sentence, word or phrase of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of remaining portions of this ordinance. The city council declares that it would have passed and adopted this ordinance and each of the provisions thereof irrespective of the fact that any one or more such provisions, sections, subsections, phrases or clauses be declared invalid and/or unconstitutional.

SECTION 4. EFFECTIVE DATE.

These construction codes, including the appendices thereto and secondary codes mentioned therein, except as otherwise excluded, are in full force and effect as ordinances of the City of Sonoma, thirty (30) days after the adoption of this ordinance by the City Council or on January 1, 2017, whichever is later.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Sonoma this _____ day of _____, 2016.

Mayor

ATTACHMENT A
Ordinance Adopting and Amending the 2016 California Codes

ATTEST:

Rebekah Barr, City Clerk

State of California)
County of Sonoma)
City of Sonoma)

I, Rebekah Barr, City Clerk of the City of Sonoma, do hereby certify that the foregoing ordinance was adopted on _____, 2016 by the following vote:

AYES:
NOES:
ABSENT:

Rebekah Barr, City Clerk

Code / Action / Section to be Added or Amended	Reason for Amendment
<p>Administrative Provisions</p> <p>Repeal and adopt a new SMC 14.10.10 (Administrative Provisions) as written.</p>	<p>The revised administrative provisions replace and expand the administrative code currently in place. The replaced provisions accomplish the following:</p> <ul style="list-style-type: none"> • Clarify the application and scope of the technical codes. • Provide provisions for the abatement of unsafe buildings that were previously contained in the Uniform Code for the Abatement of Dangerous Buildings, which is no longer published. • Change references from deleted Chapter 34 of the California Building Code to the California Existing Building Code. • Clarify the work that is included in the determination of the permit valuation • Clarify submittal requirements for permits. • Authorize the building official to investigate the cause of a fire, explosion or hazardous condition. This is occasionally needed to determine if a code violation resulted in a fire, explosion or hazardous condition. • Authorize the building official to cause the disconnection of specified utilities where they serve dangerous equipment. This is infrequently needed when a hazard must be eliminated at the utility source. • Authorize the building official to delegate authority to enforce the codes. This is needed so that that the force of law is passed down to those with delegated authority. • Clarify when certain work is exempt from a permit. • Clarify language for the determination of substantially improved or substantially damaged existing buildings in flood hazard areas. This is needed to conform to City, State and Federal flood hazard mitigation regulations. • Authorize the building official to require an evaluation of an existing building by registered design professional and/or a California certified access specialist when determined necessary by the building official due to the nature of the proposed work. This is occasionally needed when a high level of expertise is required to determine and design projects requiring a permit. • Authorize the building official to withhold the approval of plans and a building permit application if approvals required by other governmental agencies or City departments pertaining to the work have not first been obtained. This is occasionally needed when other agencies or departments having jurisdiction over a portion of the work of a project have not approved the plans. • Clarify that the building official is authorized to withhold the issuance of a certificate of occupancy or permit to use or occupy structure when the work performed or required to be performed does not receive all required inspection approvals. This is implied by the code but clarifies the requirement. • Add provisions for collecting a fully refundable work guarantee deposit for temporary occupancy authorizations. This provides more flexibility to owners needing to use or occupy a building prior to full completion of the work. • Clarify the process for appeals of decisions made by the building official. • Clarify the process and noticing requirements for issuing notice of violations, stop work orders and notices of unsafe structures and equipment. • Clarify the process for recovery costs for the enforcement and abatement of unsafe structures; • Delete fee tables that will otherwise be handled or adopted in the resolution adopting revised fees. • Modify provisions allowing the building official to implement emergency measures when there is imminent danger or failure or collapse of a building that endangers life or property. This is needed for public safety.
<p>2016 California Building Code</p>	
<p>Delete Chapter 1, Division II (Scope and Administration) and replace with new administrative provisions of SMC 14.10.10.</p>	<p>The deletion and replacement of the administrative code provisions of the codes is needed to provide a consistent and more comprehensive set of administrative provisions for the implementation and administration of all of the technical codes...</p>
<p>Adopt Appendix H – Signs</p>	<p>Provides new provisions for the safe installation of signs not otherwise covered by the code.</p>
<p>Adopt Appendix I – Patio Covers</p>	<p>Provides construction provisions for patio covers that are not otherwise specifically specified in the main body of the code.</p>
<p>2016 California Residential Code</p>	

ATTACHMENT B
Reasons For Local Amendments

Delete Chapter 1, Division II (Scope and Administration) and replace with new administrative provisions of SMC 14.10.10. Adopt Appendix V – Swimming Pools, Spas and Hot Tubs	The deletion and replacement of the administrative code provisions of the codes is needed to provide a consistent and more comprehensive set of administrative provisions for the implementation and administration of all of the technical codes... Provides pool barrier and anti-drowning provisions for residential occupancies consistent with the requirements of the California Building Code and the California Health and Safety Code (Swimming Pool Safety Act).
Adopt Appendix H – Patio Covers	Provides construction provisions for patio covers that are not otherwise specifically specified in the code.
Amend section R302.2 and R302.3 related to common walls in townhouses and two-family dwellings.	These amendments are needed to clarify the requirement for fire-resistive wall construction separating dwelling units in townhouses and two-family dwellings where the dwelling units are located on separate parcels.
Delete subsection R313.2 and add a new Section R313.2 and Section R313.2.1 to require fire sprinklers in new and certain alterations to factory-built housing, mobile homes and manufactured homes.	This amendment states that the installation of an automatic fire sprinkler system must be installed in one- and two- family dwellings, factory-built housing, mobile homes and manufactured homes in accordance with the California Fire Code (CFC). Proposed amendments to the CFC provide new provisions for fire sprinkler in one- and two- family dwellings, factory-built housing, mobile homes and manufactured homes.
2016 California Electrical Code	
Delete Annex H (Administration and Enforcement) and replace with new administrative provisions of SMC 14.10.10.	The deletion and replacement of the administrative code provisions of the codes is needed to provide a consistent and more comprehensive set of administrative provisions for the implementation and administration of all of the technical codes...
2016 California Mechanical Code	
Delete Chapter 1, Division II (Scope and Administration) and replace with new administrative provisions of SMC 14.10.10. Adopt Appendix B (Procedures to be Followed to Place Gas Equipment into Operation)	The deletion and replacement of the administrative code provisions of the codes is needed to provide a consistent and more comprehensive set of administrative provisions for the implementation and administration of all of the technical codes... This proposed amendment provides necessary safety procedures to follow to place gas equipment into operation.
2016 California Plumbing Code	
Delete Chapter 1, Division II (Administration) and replace with new administrative provisions of SMC 14.10.10. Amend Section 713.4 related to public sewer availability. Adopt Appendix A (Recommended Rules for Sizing the Water Supply System). Adopt Appendix C (Alternate Plumbing Systems) Adopt Appendix D (Sizing Stormwater Drainage Systems) Adopt Appendix E (Manufactured/Mobile Home Parks and Recreational Vehicle Parks) Adopt Appendix H (Private Sewage Disposal Systems) Adopt Appendix I (Installation Standards for PEX Tubing Systems for Hot- and Cold-Water Distribution)	The deletion and replacement of the administrative code provisions of the codes is needed to provide a consistent and more comprehensive set of administrative provisions for the implementation and administration of all of the technical codes... This amendment is needed to be consistent with the Sonoma Valley County Sanitation District Code. Adds guidance and requirements for sizing water supply systems not otherwise covered by the code. This amendment provides needed procedures for the design of engineered water systems. Adds guidance and requirements for sizing stormwater systems not otherwise covered by the code. Provides requirements for Manufactured/Mobile Home and RV Parks not otherwise covered by the code. Provides requirements for private sewage disposal systems (regulated and enforced by the Department of Health Services). Provides needed installation standards for PEX water distribution systems to complement the plumbing code.
2016 California Fire Code	
Adopt Appendix Chapter 4– Special Detailed Requirements Based on Use and Occupancy Adopt Appendix Chapter B – Fire Flow Requirements for Buildings Adopt Appendix Chapter BB – Fire Flow Requirements for Buildings Adopt Appendix Chapter C – Fire Hydrant Locations and Distribution Adopt Appendix Chapter CC - Fire Hydrant Locations and Distributions	Provides needed special detailed requirements based on use and occupancy for residential care facilities licensed by governmental agencies. Provides a needed procedure for calculating the amount of water needed for firefighting purposes in portions of buildings or buildings hereafter constructed. Provides a needed procedure for calculating the amount of water needed for firefighting purposes for school buildings required by the Government Code. Provides needed recommendations for the locations and minimum distribution of fire hydrants. Provides needed recommendations for the locations and minimum distribution of fire hydrants for school buildings required by the Government Code.

ATTACHMENT B
Reasons For Local Amendments

Adopt Appendix Chapter D	Provides needed minimum specifications for fire apparatus access roads.
Adopt Appendix Chapter E	Provides needed additional information, explanations and examples to illustrate and clarify hazardous material categories and classifications.
Adopt Appendix Chapter F	Provides needed firefighter warning placard designations based on hazard classification categories.
Adopt Appendix Chapter H	Provides a template for businesses when the type and quantity of hazardous materials stored requires a Hazardous Materials Management Plan and Inventory Statement
Amend Section 105.6.49 – Additional (operational) permits required	Adds additional required (operational) permits – Needed to be consistent with local amendments to be adopted by other Sonoma County jurisdictions.
Add a new Section 105.7.19 - Additional (construction) permits	Adds additional required construction permits - Needed to be consistent with local amendments to be adopted by other Sonoma County jurisdictions.
Amend Section 109.3 – violation penalties	Amends the code to establish violations thereof as a misdemeanor and that the penalties for violations thereof are set forth in Sonoma Municipal Code (SMC) Chapter 1.12. Needed to be consistent with SMC.
Amend Section 111.4 – Failure to comply with stop work order	Amends the code to establish that a failure to comply with a stop work order is an infraction and the penalties are set forth in Sonoma Municipal Code (SMC) Chapter 1.12. Needed to be consistent with SMC
Add a new subsection 113.6 addressing cost recovery	Adds cost recovery language for fire suppression, investigation or emergency medical costs in accordance with Health and Safety Code Sections 13009 and 13009.1
Amend Section 202 to add the definition of "ADDITION"	Amends the code to provide a needed definition to be consistent with previous City ordinances and policies pertaining to fire sprinkler system requirements and triggers.
Amend Section 202 to add the following definition of "MANUFACTURED HOME"	Provide a needed definition to be consistent with CA Health & Safety Code §18007.
Amend Section 202 to add the following definition of "MOBILE HOME"	Provide a needed definition to be consistent with CA Health & Safety Code §18008.
Amend Section 202 to add the definition of "REMODELED"	Provide a needed definition to be consistent with previous City ordinances and policies pertaining to fire sprinkler system requirements and triggers. Establishes the trigger for requiring a fire sprinkler system in existing buildings when cosmetic or structural repairs, renovations, restorations, alterations or additions to a structure, the total valuation of which, as determined by the building official, exceeds \$100,000 for buildings containing residential uses or occupancies and \$150,000 for all other occupancies over any 36 month period.
Amend Section 202 to add the definition of "STRUCTURE"	Provide a needed definition to be consistent with previous City ordinances and policies pertaining to fire sprinkler system requirements and triggers.
Amend Section 202 to add the definition of "UMBRELLA STRUCTURE"	Provide a needed definition for applying new permitting requirements for umbrella structures.
Amend Section 202 to add the definition of "UNWARRANTED ALARM"	Provide a needed definition for applying new permitting requirements for umbrella structures.
Amend subsection 304.1.2 by adding subsection 304.1.2.1 - Combustible Vegetation	Provide a needed definition to be consistent with previous City ordinances and policies pertaining to weed abatement.
Add subsection 304.1.4 - Defensible space	Provide a defensible space of not less than 30 feet between vacant lots and neighboring structures.
Add a new subsection 401.3.2.1	Provides for the ability for cost recovery for unwarranted fire alarms.
Amend subsection 501.1 – Fire service features.	Authorizes the fire code official to authorize alternative design and construction features such as fire apparatus access roads, access to roofs, premises identification, key boxes, fire protection water supplies, fire protection equipment identification and access, etc., when done in accordance with Section 104.9 Alternative Materials and Methods. This code change is needed to provide flexibility in enforcement provided that the material, method or work offered is at least equivalent in quality, strength, effectiveness, fire resistance durability and safety.
Amend subsection 503.2.3- Surface requirements for fire apparatus access roads	Clarify fire department access road surfacing requirements.

ATTACHMENT B
Reasons For Local Amendments

Add a new subsection 503.2.6.1 for evaluation and maintenance of bridges.	Provides requirements for evaluation and maintenance of bridges for the safety of emergency responders.
Amend subsection 503.3	Amends No Parking marking requirements to be consistent with the California Vehicle Code to allow for proper enforcement.
Add subsection 503.2.7 for buildings located on slopes of greater than five percent (5%).	Adds needed requirement for additional fire protection measures, as the fire chief deems necessary to mitigate access constraints by building on slopes greater than five percent (5%).
Amend subsection 505.1 – Premises identification (including subsection modifications)	Amends the code to clarify that the City of Sonoma assigns address numbers and clarifies the criteria for address identification.
Add a new subsection 507.1.1 - Emergency water during construction.	Adds subsection to require emergency water system on-site prior to installing combustible construction.
Amend subsection 507.5 - Fire hydrant systems	Amends the code to eliminate the reference to Appendix Chapter C which is not adopted by the City.
Amend subsection 507.5.1 – Where fire hydrants are required	Amends the code to continue the previous requirement for on-site hydrants (508.5.1)
Add a new subsection 507.5.7- Fire hydrant size and outlets	Requires Fire hydrant size and outlets to comply with City of Sonoma standard plans
Add a new subsection 507.5.8- Fire hydrant street marker	Requires Fire hydrant street markers to comply with City of Sonoma standard plans
Amend subsection 510.1 – Emergency responder radio coverage	Amends the code to require needed emergency responder radio coverage in buildings and certain winery caves.
Amend subsection 901.4.1- Owner responsibilities for function and proper operation of fire protection systems	Amends the code to require that it is the responsibility of the owner that a person or persons familiar with the function and proper operation of a building's fire protection system be in attendance whenever the premises are occupied.
Add subsection 901.11 - Notice of Nuisance Alarm	Amends the code to establish a procedure for written notification of a nuisance alarm. Needed to enforce penalties for false fire/smoke/sprinkler alarms.
Add section 901.12- Unreliable Fire Alarm Systems	Amends the code to establish procedures and penalties for false fire/smoke/sprinkler alarms.
Amend subsection 903.2 - Fire Sprinklers - Where Required	Amends the code to be consistent with previous City ordinances and policies pertaining to fire sprinkler system requirements and triggers.
Amend subsection 903.3.7 - Fire department connections	The purpose of this proposed code language is to take advantage of new technology designed to assure that fire department connections are useable when necessary. Fire department connections are typically necessary during times when the municipal water supply is incapable of delivering normal flows and pressures. Such circumstances have been experienced by other communities during large fires and subsequent to seismic activity.
Amend subsection 903.4.2 - Alarms	The proposed amendment provides clearer guidance to building owners, fire protection system designers and system installers.
Amend subsection 904.12- Commercial cooking systems	Adds a needed reference for Commercial cooking systems to comply with NFPA 96.
Amend subsection 905.3.1- Class III standpipe systems.	Amends the code to consider the roof as an additional story for buildings three or more stories in height thereby expanding the class III standpipe system requirement
Amend subsection 3101.1 related to tents	Provides additional needed provisions to clarify that the requirements for tents also apply to umbrella structures.
Add section 3314.3 - Buildings under construction.	Amends the code to provide an added measure of fire safety for buildings high buildings undergoing construction.
Add section 3314.4 - Buildings being demolished	Amends the code to provide an added measure of fire safety during the demolition of multi-story buildings.
Add section 5001.5.3 - Electronic Reporting	Amends the code to meet future electronic reporting requirements of AB 2286 for the California Environmental Reporting System. This includes facility data regarding hazardous material regulatory activities, chemical inventories, underground and aboveground storage tanks, and hazardous waste generation. All regulated businesses and Unified Program Agencies in the State of California must use the internet to file by January 1, 2016.
Add section 5704.1.1 - Tanks Storage prohibited	Amends the code to remove the threat of fire and explosive danger from tank storage of class I and II liquids in mercantile, commercial and residential parcels.
Add Section 5704.1.2 - Tank Storage - Other locations	Amends the code to assure that new tank installations meet current safety requirements for class I and II liquids. Additionally existing tanks in approved locations must meet the same safety requirements within one year.
Add Section 5704.1.3 - Existing Tank Storage	Amends the code to upgrade existing tank installations to meet current safety requirements for class I and II liquids.
Add Section 6107.5 - Seismic Anchoring	Amends the code to require approved seismic anchoring for installed propane/LPG gas containers

ATTACHMENT B
Reasons For Local Amendments

Amend Chapter 80 - Referenced Standards (Fire Sprinkler Systems)	Various sections of Chapter 80 - Referenced Standards pertaining to fire sprinkler system standards are modified to be consistent with Sonoma County and other fire jurisdictions within the county.
Amend the definition of FIRE-FLOW in Appendix B, subsection B102.	This revision clarifies where the pressure for fire-flow is measured.
Amend the definition of FIRE-FLOW CALCULATION AREA in Appendix B, subsection B102.1	Floor area was clarified to provide consistency in calculating fire flow.
Amend Appendix B, subsection B105.1 – Fire flow for one-and two-family dwellings	This is amended to increase the minimum required fire-flow from 1000 to 1500 gallons per minute. The language to reduce fire-flow requirements based on sprinkler system installation is not automatic.
Amend Appendix B, subsection B105.2 – Fire flow for buildings other than one-and two-family dwellings	The language to reduce fire-flow requirements based on sprinkler system installation is not automatic.
Amend Appendix B, Table B105.1 by deleting footnote a).	This prevents a reduction in needed fire-flow for residential structures.
Amend Appendix C, subsection C102 - Fire Hydrant Locations	Amends the code to continue to standardize the location of fire department connections for more efficient fire scene operations.
Amend Appendix D, Section D101 - Fire apparatus access roads	Amends the code to allow the fire code official some flexibility when done in accordance with section 104.9 Alternative Materials and Methods. Flexibility in enforcement provided that the material, method or work offered is at least equivalent in quality, strength, effectiveness, fire resistance durability and safety.
Amend Appendix D, subsection D103.1 - Access road width with a hydrant	Amendment allows local authorities to determine fire department access specifications instead of the International Fire Code.
Amend Appendix D, subsection D103.2 - Grade of fire apparatus access roads	The grade of fire apparatus access roads is specific to the type of equipment available and should be determined locally.
Amend Appendix D, subsection D103.3 - minimum turning radius	Turning radius is specific to the fire apparatus used.
Amend Appendix D, subsection D103.4 - Dead-end fire apparatus access roads	This change allows a local jurisdiction to determine dead-end requirements for width and turnaround provisions.
Amend Appendix D, subsection D103.4 by deleting Table D103.4	Allows local standards
Amend Appendix D, subsection D103.6 - NO PARKING-FIRE LANE signs	Change allows local jurisdiction to apply the sign requirements of the California Vehicle Code in design and placement rather than basing it on solely on road width.
Amend Appendix D, subsection D104.2 by deleting exception to D104.2	The exception provided for a reduction in fire department access in structures with a gross building area up to 124,000 square feet.
Amend Appendix D, subsection D106.1 – Fire apparatus access roads for multi-family projects having more than 50 dwelling units	Modifies when two fire apparatus access roads are required – Changes the requirement from 100 dwelling units to 50 dwelling units.
Amend Appendix D, subsection D106 by deleting subsection D106.2	This section referred to projects of 200 or more dwelling units and repeats the two access requirement regardless of sprinklers
Add Appendix D, subsection D106.3 – Fire apparatus access roads for multi-residential projects having more than 50 dwelling units	Amends the code to allow fire department access for emergency operations and/or evacuations.
Amend Appendix D, subsection D107 -- Fire apparatus access roads for projects having more than 50 dwelling units	Amends the code to allow fire department access for emergency operations and/or evacuations.
2016 California Green Building Standards Code	
Adopt by reference and add Appendix Chapter A4 (Residential Voluntary Measures) and Appendix Chapter A5 (Nonresidential Voluntary Measures) of the 2016 California Green Building Standards Code appendices.	These appendices provide the prerequisite and applicable elective measures to achieve the Tier 1 level of compliance. The tier 1 requirements (excluding Tier 1 - Energy measures) are recommended by the Redwood Empire Association of Code Officials to promote regional consistency in the application of green building standards throughout Sonoma County and other jurisdictions throughout the North Bay region.
Amend Section 301 – Requires mandatory compliance with Tier 1 status of the code except for energy efficiency provisions and additions and alterations.	Amends the code to require that the prerequisite and applicable elective measures to achieve Tier 1 status, as specified in the code become mandatory for all new buildings except that the Energy Efficiency Measures in Appendix A4 Division A4.2 and

ATTACHMENT B
Reasons For Local Amendments

	<p>Appendix A5 and Division A5.2 need not be met. Tier 1 Energy measures would be very difficult to comply with given the recent increase in the mandatory energy requirements of the 2016 CA Energy Code. This amendment also stipulates that the additional CALGreen Tier1 requirements do not apply to additions and alterations. The application of additional Tier 1 requirements would be very difficult to comply with for existing buildings. This amendment establishes green building requirements that are more restrictive than what is otherwise required by state law and are in substantial conformance with what is being recommended for adoption by the majority of other building officials throughout Sonoma County. This code amendment will help provide regional consistency of green building regulations. Clarifies the title to reflect that the appendix provides supplementary residential mandatory and elective measures rather than voluntary measures.</p>
Amend the title and explanatory note of Appendix A4.	
Amend Appendix Section A4.201.1	<p>This change is needed to clarify that the provisions contained in Appendix A4 Division A4.2 (Energy Efficiency Measures) are entirely voluntary and are intended only as a means to encourage buildings to achieve exemplary performance in the area of energy efficiency.</p>
Amend Item 2 in Appendix Section A4.601.4.2	<p>This amendment clarifies that the Tier 1 Energy Efficiency measures do not apply.</p>
Amend the note in the last paragraph of Appendix Section A4.601.4.2	<p>This amendment clarifies that the building department may develop and require completed forms to show CALGreen compliance.</p>
Delete Appendix Section A4.602 (Residential Occupancies Application Checklist)	<p>Checklists for CALGreen +Tier 1 will be customized for the City of Sonoma, therefore, the code provided checklist is not needed.</p>
Delete Appendix Division A4.7	
Amend the title and explanatory note of Appendix A5	<p>This deletes a division which contains a model ordinance which is not necessary in the code. Clarifies the title to reflect that the appendix provides supplementary nonresidential mandatory and elective measures, rather than voluntary measures.</p>
Amend Appendix Section A5.201.1	<p>This change is needed to clarify that the provisions contained in Appendix A5 Division A5.2 (Energy Efficiency Measures) are entirely voluntary and are intended only as a means to encourage buildings to achieve exemplary performance in the area of energy efficiency.</p>
Amend Appendix Section A5.601.2.3	<p>This change is needed to clarify that the provisions contained in Appendix A5 Division A5.2 (Energy Efficiency Measures) are entirely voluntary and are intended only as a means to encourage buildings to achieve exemplary performance in the area of energy efficiency.</p>
Amend the first paragraph in Appendix Section A5.601.2.4	<p>The amendment is needed to clarify that the Tier 1 requirements are not voluntary.</p>
Delete Appendix Section A5.602 (Nonresidential Occupancies Application Checklist)	<p>Checklists for CALGreen +Tier 1 will be customized for the City of Sonoma, therefore, the code provided checklist is not needed.</p>
2016 California Existing Building Code	
Delete subsection 407.1.1 and Amend Section 407.1 –Conformance when a use is changed.	<p>This amendment is necessary to clarify that the requirements of all of the applicable technical codes adopted by the City (not just the California Building Code) apply to buildings undergoing a change in use or occupancy.</p>
Adopt Appendix Chapter A1 – Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings	<p>This appendix chapter is needed to provide appropriate alternative design criteria and requirements for Seismic Strengthening of Unreinforced Masonry Bearing Wall Buildings and provide conformance with the City’s Unreinforced Masonry Building ordinance (SMC Chapter 14.24).</p>
Adopt Appendix Chapter A3 – Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light Wood-Frame Residential Buildings	<p>This appendix chapter is needed to provide appropriate alternative design criteria and voluntary requirements for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light Wood-Frame Residential Buildings.</p>
Adopt Appendix Chapter A4 – Earthquake Risk Reduction in Wood-Frame Residential Buildings with Soft, Weak or Open Front Walls.	<p>This appendix chapter is needed to provide appropriate alternative design criteria and voluntary requirements for Earthquake Risk Reduction in Wood-Frame Residential Buildings with Soft, Weak or Open Front Walls.</p>
Amend the first sentence in Appendix Chapter A3 Section A301.2 regarding Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light Wood-Frame Residential Buildings	<p>This amendment is needed to establish that the provisions of Appendix Chapter A3 (Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light Wood-Frame Residential Buildings) are voluntary.</p>

ATTACHMENT B
Reasons For Local Amendments

<p>Amend the first sentence in Appendix Chapter A4 Section A403.2 regarding Earthquake Risk Reduction in Wood-Frame Residential Buildings with Soft, Weak or Open Front Walls.</p>	<p>This amendment is needed to establish that the provisions of Appendix Chapter A4 (Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light Wood-Frame Residential Buildings) are voluntary.</p>
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City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 6C

Meeting Date: 11/07/2016

Department

Administration

Staff Contact

Jeffrey A. Walter, City Attorney

Agenda Item Title

1. Consider and possibly adopt an interim urgency ordinance imposing a moratorium on the outdoor cultivation of nonmedical marijuana and making findings that said adoption is exempt under CEQA pursuant to CEQA Guidelines Section 15061, among other provisions.
 2. Consider and possibly adopt an interim urgency ordinance imposing a moratorium on the indoor cultivation of nonmedical marijuana, except under certain circumstances, and making findings that the adoption of said ordinance is exempt under CEQA pursuant to CEQA Guidelines Section 15061, among other provisions.
-

Summary

On November 8, 2016, Proposition 64 will come before the California voters. If passed, Proposition 64 will legalize (1) the nonmedical use of marijuana by persons 21 years of age and older and (2) the personal cultivation of up to six marijuana plants per residence. Although the commercial cultivation, production, marketing, delivery, sale and possession of nonmedical marijuana need not be addressed until before the State begins licensing such businesses in early 2018, if Proposition 64 passes, starting on November 9, 2016, persons 21 years of age or older are permitted to cultivate, indoors or outdoors, up to six marijuana plants per residence.

Proposition 64 authorizes local jurisdictions to adopt reasonable rules and regulation pertaining to such personal cultivation. However, in order to amend the City's development code to promulgate such rules, the necessary time to do so would result in such rules taking effect several months after November 9, 2016, during which time such activities can commence without complying with requirements assuring the protection of the community's health, safety and welfare.

Proposition 64 allows cities to prohibit outdoor cultivation. It is proposed that an urgency ordinance be adopted temporarily prohibiting the outdoor cultivation of nonmedical marijuana. On the other hand, Proposition 64 guarantees the right to cultivate (indoors) nonmedical marijuana for personal use of up to six plants per residence. Thus, attached hereto is an urgency ordinance prohibiting the indoor cultivation of nonmedical marijuana except as provided in the urgency ordinance.

Recommended Council Action

1. Adopt an interim ordinance imposing a moratorium on the outdoor cultivation of nonmedical marijuana and making findings that said adoption is exempt under CEQA.
 2. Adopt an interim ordinance imposing a moratorium on the indoor cultivation of nonmedical marijuana, except under certain circumstances, and making findings that the adoption of said ordinance is exempt under CEQA.
-

Alternative Actions

1. Take no action.
 2. Adopt urgency ordinances containing different terms and conditions.
-

Financial Impact

The adoption of these ordinances should, in and of themselves, not create any financial impacts for the City. The enforcement of these ordinances may cause the City to incur costs, the amount of which is not determinable at the present time.

Environmental Review

Status

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

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

Exhibit A: Urgency Ordinance Prohibiting the Outdoor Cultivation of Marijuana

Exhibit B: Urgency Ordinance Prohibiting the Indoor Cultivation of Marijuana Except Under Certain Circumstances

Exhibit C: Materials prepared by the League of California Cities re Proposition 64

cc:

Supplemental Report

Council Meeting: November 7, 2016

Consideration of Two Urgency Ordinances Imposing Temporary Moratoria on the Cultivation of Nonmedical Marijuana; Effective only if Proposition 64 Passes

Recommendation

1. Adopt interim ordinance imposing a moratorium on the outdoor cultivation of nonmedical marijuana and make findings that said adoption is exempt under CEQA.
2. Adopt interim ordinance imposing moratorium on the indoor cultivation of nonmedical marijuana, except under certain circumstances, and make findings that the adoption of said ordinance is exempt under CEQA.

Background

On November 8, 2016, the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”) will come before California voters as Proposition 64. If passed, Proposition 64 will legalize the nonmedical use of marijuana by persons 21 years of age and older, and the personal cultivation of up to six marijuana plants. Proposition 64 makes it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without compensation, 28.5 grams of marijuana, or 8 grams of concentrated marijuana; and (3) possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use. Proposition 64 requires that marijuana in excess of 28.5 grams that is produced by plants pursuant to the personal cultivation provisions of Proposition 64 be kept in a locked space on the grounds of a private residence that is not visible from a public place.

Although persons 21 years of age or older may use and possess nonmedical marijuana under Proposition 64, their ability to engage in these activities is not unfettered. Proposition 64 prohibits the smoking of marijuana in certain places. Moreover, individuals cannot possess marijuana on school grounds, and daycare centers, or in youth centers while children are present, or possess an open container of marijuana or marijuana products while driving, operating or riding in any vehicle used for transportation. Proposition 64 further provides that cities may prohibit possession and smoking in buildings owned, leased or occupied by the city, and that employers, including cities, may maintain a drug and alcohol-free work place by prohibiting the use, consumption, possession, transfer, transportation, sale, display or growth of marijuana in the work place. The League of California Cities has prepared a memorandum further explaining Proposition 64 and it is attached as **Exhibit C**.

Commercial Nonmedical Marijuana Activity

Commercial nonmedical marijuana activity will not be permitted until and unless the Bureau of Marijuana Control adopts a state regulatory system that governs the industry from “seed to sale.” All nonmedical marijuana businesses must have a state license. A state license cannot issue to an applicant whose operations would violate the provisions of any local ordinance or regulation, thus creating a dual-licensing scheme. Proposition 64 does not limit the authority of a local jurisdiction to adopt and enforce local ordinances regulating or completely prohibiting state-licensed marijuana businesses.

Consequently, the City does not need to take action at the present time to adopt regulations or bans pertaining to nonmedical marijuana businesses since those businesses cannot operate until and unless they are licensed by the state, and the state will not issue such licenses until the state adopts regulations pertaining to same and it is not likely that those regulations will be adopted until January 2018.

Personal Cultivation

Indoor Cultivation for Personal Use Cannot be Prohibited by the City; But it Can be Regulated

On the other hand, Proposition 64 provides that local governments can reasonably regulate, *but cannot ban*, personal indoor cultivation of up to 6 living marijuana plants within the person’s private residence or an accessory structure on the same parcel as the person’s residence. Private residence is defined as “a house, an apartment unit, a mobilehome, or other similar dwelling unit.” This includes cultivation, for example, in a greenhouse on the same property as the residence that is not physically part of the home, as long as it is fully enclosed, secure and not visible from a public space. Because this activity is not subject to state licensing requirements, private individuals may cultivate up to 6 living marijuana plants indoors beginning November 9, 2016, if Proposition 64 passes – unless the City enacts an ordinance imposing a reasonable regulatory scheme that would preclude persons from cultivating nonmedical marijuana indoors before complying with the City’s regulatory requirements. To reiterate, however, cities cannot adopt or enforce bans on private indoor cultivation of 6 living nonmedical marijuana plants once Proposition 64 passes.

Outdoor Cultivation for Personal Use Can be Banned or Regulated by the City

On the other hand, local governments may regulate or ban all outdoor personal cultivation. Strangely, Proposition 64 includes language that purports to repeal any local ban on personal outdoor cultivation if, in the future, the Attorney General determines that nonmedical use of marijuana is lawful under federal law.

Options Available to the Council

Do Nothing and Wait to See if Proposition 64 Passes

The City could do nothing and wait to see whether Proposition 64 passes. If it does not pass,

then under California law, as a theoretical matter, the only type of marijuana that arguably can be permissibly grown, cultivated, sold, dispensed and/or transported is *medical* marijuana. But we also know that under the recently enacted Medical Marijuana Regulation and Safety Act (“MMRSA”) which went into effect on January 1, 2016, cities can outright ban any or all of these activities. And, by adopting Resolution No. _____ in December 2015, the Council confirmed that the City’s Development Code prohibits all medical marijuana activities in the City, including cultivation.

Anticipating that Proposition 64 Passes, it is Recommended that the Council Adopt Urgency Ordinances Banning Outdoor Cultivation of Nonmedical Marijuana and Regulating Indoor Cultivation of Same

In terms of addressing nonmedical marijuana, the attached League materials caution against relying on the permissive nature of the City’s development code to prohibit nonmedical marijuana activities, including the personal cultivation of same. The League points out that at a minimum, given that Proposition 64 characterizes nonmedical marijuana as an agricultural product, there may be a strong argument that wherever the City’s zoning code allows crop production, plant growing or horticultural activities, the cultivation of nonmedical marijuana would also be permitted.

And, as mentioned above, if the City does nothing and Proposition 64 passes, those persons who commence cultivating indoor and/or outdoor nonmedical marijuana may arguably obtain rights to continue that activity immune from later-enacted local controls.

If the City Council desires to adopt bans or regulations pertinent to the personal cultivation of nonmedical marijuana, then the amount of time to do so through the normal land use ordinance adoption process will result in such ordinances becoming effective after November 9, 2016. Recall, however, that under Proposition 64, the City is precluded from banning – even temporarily – the indoor cultivation of 6 marijuana plants for nonmedical, personal purposes. Thus, any ordinance pertaining to the indoor cultivation of nonmedical marijuana would have to be regulatory in nature.

On the other hand, since Proposition 64 permits cities to outright ban outdoor cultivation of nonmedical marijuana for personal use, the Council could adopt an interim moratorium precluding such cultivation.

A. It is Recommended that the Council Adopt an Urgency Ordinance Prohibiting Outdoor Cultivation of Nonmedical Marijuana for Personal Use.

Given that the City Council has already declared that the City’s codes prohibit the outdoor cultivation of medical marijuana, it is logical for the Council to, at this time, also prohibit the outdoor cultivation of nonmedical marijuana. This is particularly compelling at the present time, given the uncertainties that the passage of Proposition 64 will create in terms of understanding how the existing laws pertaining to medical marijuana will be impacted, in terms of how the County will be addressing nonmedical marijuana activities in communities immediately adjacent to the City and in terms of the impacts that will have on the City. In short,

the proposed urgency ordinance is an interim device allowing the City to stand back, and take the time to analyze and thoughtfully determine what the best course for the City is. This urgency ordinance would only take effect if Proposition 64 passes, and would only be in effect for 45 days unless the Council extended it for up to a total of 2 years. Such an ordinance, if adopted by the Council, will provide the City time to comprehensively study the impacts of Proposition 64 and the MMRSA, how those two enactments inter-relate and affect the City and how best to treat the outdoor cultivation of nonmedical marijuana in the best interests of the citizens of the City. The proposed ordinance is attached as **Exhibit A**.

B. It is Recommended that the Council Adopt an Urgency Ordinance Regulating Indoor Cultivation of Nonmedical Marijuana for Personal Use.

Given that Proposition 64 guarantees that persons over the age of 21 have the right to cultivate indoors up to six marijuana plants per residence for personal use, it is recommended that the Council adopt reasonable regulations pertaining to same, rather than to allow such uses to be established without adherence to reasonable conditions aimed at safeguarding and promoting the community's health, safety and welfare. This is particularly important in terms of making sure that the electrical power used to grow the marijuana and the structures in which cultivation occurs are code-compliant and that the demands of the cultivation activities do not exceed the electrical capacity servicing the property in question.

The proposed ordinance makes the indoor cultivation of nonmedical marijuana subject to the following requirements, among others:

1. The structure where the cultivation is occurring shall fully comply with the UBC and applicable sections of Sonoma's building and construction codes.
2. Indoor grow lights cannot exceed 1,000 watts per lighting unit.
3. Gas products for cultivations are prohibited.
4. Appropriate ventilation and filtration systems must be installed.
5. Cultivation can only occur in conjunction with residential use.
6. No exterior evidence of cultivation shall be visible from a public right of way.
7. Written consent of the property owner must be obtained and maintained at the cultivation site.
8. A portable fire extinguisher must be kept in the same room where cultivation is occurring.

These conditions are aimed at minimizing the adverse effects of indoor marijuana grows. This urgency ordinance would only take effect if Proposition 64 passes, and would only be in effect for 45 days unless the Council extended it for up to a total of 2 years. Such an ordinance, if adopted by the Council, will provide the City time to comprehensively study the impacts of Proposition 64 and the MMRSA, how those two enactments inter-relate and affect the City and how best to treat the indoor cultivation of nonmedical marijuana in the best interests of the citizens of the City. The proposed ordinance is attached as **Exhibit B**.

Environmental Issues

The adoption of these urgency ordinances is considered exempt under CEQA, because, *inter alia*, there is no possibility that their adoption may have a significant negative physical impact on the environment.

Attachments

Exhibit A: Urgency Ordinance Prohibiting the Outdoor Cultivation of Nonmedical Marijuana
(only effective if Proposition 64 passes)

Exhibit B: Urgency Ordinance Prohibiting the Indoor Cultivation of Nonmedical Marijuana
Except Under Certain Circumstances (only effective if Proposition 64 passes)

Exhibit D: September 26, 2016, Materials Prepared by the League of California Cities re
Proposition 64

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SONOMA ESTABLISHING A TEMPORARY MORATORIUM
ON THE OUTDOOR CULTIVATION OF NONMEDICAL MARIJUANA,
TO BECOME EFFECTIVE UPON THE PASSAGE OF PROPOSITION 64**

WHEREAS, in 1996 the voters of California approved Proposition 215, codified as California Health and Safety Code Section 11362.5 and entitled “The Compassionate Use Act of 1996;” and

WHEREAS, the intent of Proposition 215 was to enable persons who are in need of medical marijuana for specified medical purposes to obtain medical marijuana, and use it under limited, specified circumstances without fear of criminal prosecution under State law; and

WHEREAS, in 2003, the State Legislature enacted SB 420, codified as California Health and Safety Code Section 11362.7 et seq. and entitled the “Medical Marijuana Program Act” (“MMPA”) to clarify the scope of The Compassionate Use Act of 1996; and

WHEREAS, effective January 1, 2016, the Medical Marijuana Regulation and Safety Act (“MMRSA”) became effective under which an extensive state regulatory scheme was established providing for the monitoring, inspecting and licensing of commercial medical marijuana businesses. The MMRSA created a dual-licensing system under which medical marijuana businesses have to obtain both state and local licenses in order to conduct such businesses. However, the MMRSA explicitly acknowledged that cities and counties retain the right to not only regulate such activities, but to ban them entirely. The MMRSA also acknowledged that permissive zoning schemes can implicitly prohibit such activities, including the indoor and outdoor cultivation of medical marijuana when those zoning regulations do not expressly list such activities as permitted or conditionally permitted uses; and

WHEREAS, on December 21, 2015 the City Council adopted Resolution No. 47-2015 which confirmed that the City’s Development Code prohibited and prohibits the delivery of medical marijuana, other commercial medical marijuana activities and the cultivation of medical marijuana; and

WHEREAS, the Control, Regulate and Tax Adult Use of Marijuana Act has qualified for the November 8, 2016 ballot as Proposition 64 (“Proposition 64”). If adopted by the voters, Proposition 64 will legalize the recreational use of marijuana in California for individuals 21 years of age and older; and

WHEREAS, Proposition 64 would authorize the personal cultivation of up to six marijuana plants within a private residence or upon the “grounds” of that private residence for nonmedical purposes; and

WHEREAS, pursuant to Proposition 64, the City may completely prohibit outdoor nonmedical marijuana cultivation for personal use until such time as the California Attorney General determines that the nonmedical use of marijuana is lawful in California under federal law, at which time any ban on the outdoor cultivation of nonmedical marijuana would be nullified. The California Attorney General has not made a determination that nonmedical use of marijuana is lawful in California under Federal law; and

WHEREAS, Article XI, Section 7 of the California Constitution provides that a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, in the event Proposition 64 passes, it is more likely than not that the number of individuals who will desire to and will cultivate nonmedical marijuana for personal use will be significant. It is further more likely than not that substantial numbers of persons interested in cultivating nonmedical marijuana will commence doing so immediately after or soon after Proposition 64 passes, unless and until local regulations and/or prohibitions (on outdoor cultivation) are enacted which control such activities; and

WHEREAS, the cultivation of medical and nonmedical marijuana in other cities has resulted in calls for service to their police departments, including calls for robberies and thefts, and the increase in criminal activity, and it is reasonable to assume that should Proposition 64 pass without reasonable controls imposed by the City of Sonoma, similar, if not greater, numbers of such incidents pertaining to the cultivation of nonmedical marijuana will occur in the City of Sonoma. Similar incidents involving complaints resulting in criminal investigations and the discovery of illegal marijuana cultivations have occurred in the City of Sonoma. In the event that Proposition 64 passes without the restrictions imposed by this Ordinance, there is a current and immediate threat to the public health, safety and welfare of substantial numbers of persons cultivating nonmedical marijuana outdoors and creating the complaints and enforcement problems already experienced in other communities and in the City of Sonoma and exposing citizens to robberies, potential violence, vandalism of property and theft of marijuana plants being openly and visibly grown in the yards and grounds of residential properties throughout the City; and

WHEREAS, based upon the experience of the State of Colorado and other states in which nonmedical marijuana has been legalized, it is likely that should Proposition 64 pass it will have significant impacts on law enforcement, the medical resources of the State and the regulatory function of local agencies, including the City of Sonoma; and

WHEREAS, the short period between Proposition 64's qualification for the November 8, 2016, ballot and the November 8, 2016, election and Proposition 64's creation of a complex, state-wide licensing system for the commercial production, delivery, marketing, testing and selling of nonmedical marijuana have impeded and prevented the City from adequately studying its impacts and the most appropriate manner in which to comprehensively address the issues

implicated by the Proposition and its implementation. The City needs time to further study the Proposition should it pass and whether and to what extent the City's General Plan, development code and other regulations will need to be or should be modified to accommodate and/or address the impacts of Proposition 64 on the City and its citizens. Were the City Council to permit the outdoor cultivation of nonmedical marijuana while it studied the means and methods to address such activities, those persons who were engaged in such outdoor cultivation activities may garner rights to continue such activities as grandfathered uses, unaffected by later-enacted legislation by the City Council. Such an outcome presents an immediate and current threat to the ability of the City Council to properly plan and regulate such activities and will undermine the purpose of any such plan and regulation as to those persons who were able to commence the outdoor cultivation of nonmedical marijuana before such plans and/or regulations are put into place; and

WHEREAS, in order to determine the most appropriate and publicly beneficial manner in which to address the outdoor cultivation of nonmedical marijuana issues implicated by Proposition 64 and the effect of such outdoor cultivation activities should the City determine to permit such uses within the City's corporate boundaries, and in order to protect residents and businesses from the potential harmful effects of some outdoor nonmedical marijuana cultivators, the City needs time to study whether to permanently permit and regulate or prohibit such uses and, if the Council determines to permit such uses, to examine the regulations relating thereto and to permit the public adequate time to review and comment upon the issue in accordance with state law in tandem with the City's consideration of any such regulations or prohibition; and

WHEREAS, it would be destructive of and render ineffective any proposed policies, restrictions, ordinances and regulations if, during the period they are being studied and considered by the City, parties seeking to avoid their operation and effect establish such uses, which said operations and activities will defeat, in whole or in part, the objectives of such policies, restrictions, ordinances and regulations; and

WHEREAS, absent the adoption of this interim urgency ordinance, it is likely that the establishment and operation of outdoor nonmedical marijuana cultivations within the City, without appropriate controls in place to regulate outdoor nonmedical marijuana cultivations and their impacts on the community, will result in harmful effects to the businesses, property owners and residents of the City; and

WHEREAS, because of the facts set forth above, there exists a current and immediate threat that persons shall commence outdoor nonmedical cultivation operations, that such poses a current and immediate threat to the health, safety and welfare of the citizens of the City and having such uses commence operations and operate in the City before the City has had an opportunity to consider, study and/or adopt regulations (or prohibitions) governing the said outdoor cultivations will render such regulations ineffective and destroy the purpose of engaging in such an analysis and process in the first place, thus constituting a current and immediate threat to the health, safety and welfare of the citizens of the City; and

WHEREAS, the City Council desires to adopt an interim moratorium on the outdoor cultivation of nonmedical marijuana throughout the City; and

WHEREAS, the City Council desires that this ordinance shall only take effect if and when Proposition 64 is approved by the voters of California at the election occurring on November 8, 2016; and

WHEREAS, pursuant to Section 15001 of the California Environmental Quality Act (CEQA) Guidelines, this ordinance is exempt from CEQA based on the following findings:

(1) This ordinance is not a project within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately.

(2) This ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the consideration, evaluation and possible adoption of contemplated local legislation, regulation and policies.

(3) This ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2), above, and pursuant to CEQA Guidelines Section 15061, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment:

NOW THEREFORE, the City Council of the City of Sonoma does ordain as follows:

Section 1. Recitals Made Findings. The above recitals are hereby declared to be true and correct and represent the findings of the City Council of the City of Sonoma, made in the exercise of its independent judgment. Said findings are incorporated by this reference.

Section 2. Moratorium Imposed.

A. Scope.

In accordance with the authority granted the City of Sonoma under Article XI, Section 7 of the California Constitution and California Government Code Section 65858, from and after the effective date of this ordinance, no permit, variance, building permit, approval or any other applicable license or entitlement for use, including, but not limited to any land use entitlement, or the issuance of a business license, shall be approved or issued for the cultivation of nonmedical marijuana outdoors. The cultivation of nonmedical marijuana outdoors is hereby expressly prohibited in all areas and in all zoning districts of the City during the period of time which this ordinance, and any extension thereof, if any, is in effect.

B. Definitions.

1. "Fully enclosed and secure structure" means a space within a building that complies with the applicable provisions of the California Building Standards Code as adopted and amended by Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roof must be constructed of solid materials that cannot be easily broken through, and must be constructed with non-transparent material. Plastic sheeting, canvas, vinyl, or similar products or materials, regardless of gauge, are not considered solid materials. A fully enclosed and secure structure must be an accessory structure to a private residence located upon the parcel on which that private residence is situated.

2. "Nonmedical marijuana" means marijuana that is intended to be used for nonmedical purposes pursuant to Health and Safety Code section 11362.1 et seq., as those sections may be amended from time to time.

3. "Nonmedical marijuana cultivation" or the "cultivation of nonmedical marijuana" means the planting, growing, harvesting, drying, curing, grading, trimming or processing of marijuana plants or any part thereof pursuant to Health and Safety Code section 11362.1 et seq., as those sections may be amended from time to time.

4. "Marijuana" means all parts of the plant *cannabis sativa* L, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; cannabis; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

5. "Outdoors" means any location within the City that is not within a fully enclosed and secure structure or a private residence.

C. Statutory Findings and Purpose.

This ordinance is declared to be an interim ordinance as defined under California Government Code Section 65858. This ordinance is deemed necessary based on the findings of the City Council of the City of Sonoma as set forth in the recitals, incorporated by Section 1 of this ordinance.

Section 3. Establishment, Maintenance or Operation of Nonmedical Marijuana Cultivation Outdoors Declared Public Nuisance.

It is unlawful and a public nuisance for any person owning, leasing, occupying, or having possession of any legal parcel or premises within any zoning district in the city to cause or allow

such parcel or premises to be used for the outdoor cultivation of nonmedical marijuana. Violations of this ordinance may be enforced by any applicable laws or ordinances, including but not limited to injunctions, or administrative penalties under the Sonoma Municipal Code.

Section 4. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Sonoma hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 5. Effective Date and Duration.

This ordinance shall become effective on November 9, 2016, if (a) Proposition 64 is passed by a majority vote of those persons voting on it and (b) adopted by at least four-fifths vote of the City Council, and shall be in effect for 45 days from its adoption unless extended by the City in accordance with California Government Code Section 65858.

Section 6. Posting. The City Clerk shall cause this ordinance to be published and/or posted within fifteen days after its adoption.

This ordinance was adopted on the 7th day of November, 2016, by the following vote:

AYES: City Council Members: _____

NOES: City Council Members: _____

ABSENT: City Council Members: _____

Lauri Gallian, Mayor

APPROVED AS TO FORM:

ATTEST:

Jeffrey A. Walter, City Attorney

Rebekah Barr, City Clerk

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SONOMA ESTABLISHING A TEMPORARY MORATORIUM
(EXCEPT UNDER CERTAIN CIRCUMSTANCES) ON THE INDOOR CULTIVATION
OF NONMEDICAL MARIJUANA,
TO BECOME EFFECTIVE UPON THE PASSAGE OF PROPOSITION 64**

WHEREAS, in 1996 the voters of California approved Proposition 215, codified as California Health and Safety Code Section 11362.5 and entitled “The Compassionate Use Act of 1996;” and

WHEREAS, the intent of Proposition 215 was to enable persons who are in need of medical marijuana for specified medical purposes to obtain medical marijuana, and use it under limited, specified circumstances without fear of criminal prosecution under State law; and

WHEREAS, in 2003, the State Legislature enacted SB 420, codified as California Health and Safety Code Section 11362.7 et seq. and entitled the “Medical Marijuana Program Act” (“MMPA”) to clarify the scope of The Compassionate Use Act of 1996; and

WHEREAS, effective January 1, 2016, the Medical Marijuana Regulation and Safety Act (“MMRSA”) became effective under which an extensive state regulatory scheme was established providing for the monitoring, inspecting and licensing of commercial medical marijuana businesses. The MMRSA created a dual-licensing system under which medical marijuana businesses have to obtain both state and local licenses in order to conduct such businesses. However, the MMRSA explicitly acknowledged that cities and counties retain the right to not only regulate such activities, but to ban them entirely. The MMRSA also acknowledged that permissive zoning schemes can implicitly prohibit such activities, including the indoor and outdoor cultivation of medical marijuana when those zoning regulations do not expressly list such activities as permitted or conditionally permitted uses; and

WHEREAS, on December 21, 2015 the City Council adopted Resolution No. 47-2015 which confirmed that the City’s Development Code prohibited and prohibits the delivery of medical marijuana, other commercial medical marijuana activities and the cultivation of medical marijuana; and

WHEREAS, the Control, Regulate and Tax Adult Use of Marijuana Act has qualified for the November 8, 2016 ballot as Proposition 64 (“Proposition 64”). If adopted by the voters, Proposition 64 will legalize the recreational use of marijuana in California for individuals 21 years of age and older; and

WHEREAS, Proposition 64 would authorize the personal cultivation of up to six marijuana plants within a private residence or upon the “grounds” of that private residence for nonmedical purposes; and

WHEREAS, pursuant to Proposition 64, the City can enact reasonable regulations for the cultivation of nonmedical marijuana that occurs inside a residence or accessory structure; and

WHEREAS, Article XI, Section 7 of the California Constitution provides that a city may make and enforce within its limits all local police, sanitary and other ordinances and regulations not in conflict with general laws; and

WHEREAS, in the event Proposition 64 passes, it is more likely than not that the number of individuals who will desire to and will cultivate nonmedical marijuana for personal use will be significant. It is further more likely than not that substantial numbers of persons interested in cultivating nonmedical marijuana will commence doing so immediately after or soon after Proposition 64 passes, unless and until local regulations and/or prohibitions (on outdoor cultivation) are enacted which control such activities; and

WHEREAS, the cultivation of medical and nonmedical marijuana in other cities has resulted in (a) calls for service to their police departments, including calls for robberies and thefts, and (b) the increase in criminal activity, and it is reasonable to assume that should Proposition 64 pass without reasonable controls imposed by the City of Sonoma, similar, if not greater, numbers of such incidents pertaining to the indoor cultivation of nonmedical marijuana will occur in the City of Sonoma. Similar incidents involving complaints resulting in criminal investigations and the discovery of illegal marijuana cultivations have occurred in the City of Sonoma. In the event that Proposition 64 passes without the restrictions imposed by this ordinance, there is a current and immediate threat to the public health, safety and welfare of substantial numbers of persons cultivating nonmedical marijuana indoors and creating the complaints and enforcement problems already being experienced in other communities and the City of Sonoma and exposing citizens to robberies, potential violence, vandalism of property and theft of marijuana plants; and

WHEREAS, the City Council finds that allowing the use of property within the City for the indoor cultivation of marijuana for nonmedical purposes without the City having any authority to establish conditions, regulations, restrictions, and limitations upon such activities presents a current and immediate threat to the public health, safety, or welfare, including but not limited to the harmful effects associated with such activities, such as: the spread of malodorous smells; indoor electrical fire hazards; inadequate ventilation; health hazards from mold and water damage; criminal activity such as robberies, burglaries, and trespassing, which have been experienced by other communities and/or are significant risks resulting from such activities; and increased nuisance conditions in neighborhoods, among others; and

WHEREAS, based upon the experience of the State of Colorado and other states in which nonmedical marijuana has been legalized, it is likely that should Proposition 64 pass it will have significant impacts on the City's police department, the medical resources of the State and the regulatory function of local agencies, including the City of Sonoma; and

WHEREAS, the short period between Proposition 64's qualification for the November 8, 2016, ballot and the November 8, 2016, election and Proposition 64's creation of a complex, state-wide licensing system for the commercial production, delivery, marketing, testing and selling of nonmedical marijuana have impeded and prevented the City from adequately studying its impacts and the most appropriate manner in which to comprehensively address the issues implicated by the Proposition and its implementation. The City needs time to further study the Proposition should it pass and whether and to what extent the City's General Plan, Development Code and other regulations will need to be or should be modified to accommodate and/or address the impacts of Proposition 64 on the City and its citizens. Were the City Council to permit the unregulated, indoor cultivation of nonmedical marijuana while it studied the means and methods to address such activities, those persons who were engaged in such indoor cultivation activities may garner rights to continue such activities as grandfathered uses, unaffected by later-enacted legislation by the City Council. Such an outcome presents an immediate and current threat to the ability of the City Council to properly plan and regulate such activities and will undermine the purpose of any such plan and regulation as to those persons who were able to commence the indoor cultivation of nonmedical marijuana before such plans and/or regulations are put into place; and

WHEREAS, in order to determine the most appropriate and publicly beneficial manner in which to address the indoor cultivation of nonmedical marijuana issues implicated by Proposition 64 and the effect of such indoor cultivation activities should the City determine to regulate such uses within the City's corporate boundaries, and in order to protect residents and businesses from the potential harmful effects of some indoor nonmedical marijuana cultivators, the City needs time to study whether to permanently regulate such uses and, if so, the City needs time to examine the regulations relating thereto and to permit the public adequate time to review and comment upon the issue in accordance with state law in tandem with the City's consideration of any such regulations; and

WHEREAS, it would be destructive of and render ineffective any proposed policies, restrictions, ordinances and regulations if, during the period they are being studied and considered by the City, parties seeking to avoid their operation and effect establish such uses, which said operations and activities will defeat, in whole or in part, the objectives of such policies, restrictions, ordinances and regulations; and

WHEREAS, absent the adoption of this interim urgency ordinance, it is likely that the establishment and operation of indoor nonmedical marijuana cultivations within the City, without appropriate controls in place to regulate same and their impacts on the community, will result in harmful effects to the businesses, property owners and residents of the City; and

WHEREAS, because of the facts set forth above, there exists a current and immediate threat that persons shall commence indoor nonmedical cultivation operations, that such poses a current and immediate threat to the health, safety and welfare of the citizens of the City and having such uses commence operations and operate in the City before the City has had an opportunity to consider, study and/or adopt regulations governing the said indoor cultivations will render such regulations ineffective and destroy the purpose of engaging in such an analysis

and process in the first place, thus constituting a current and immediate threat to the health, safety and welfare of the citizens of the City; and

WHEREAS, subject to the provisions of this ordinance, the City Council desires to adopt an interim moratorium on the indoor cultivation of nonmedical marijuana throughout the City; and

WHEREAS, the City Council desires that this ordinance shall only take effect if and when Proposition 64 is approved by the voters of California at the election occurring on November 8, 2016; and

WHEREAS, pursuant to Section 15001 of the California Environmental Quality Act (CEQA) Guidelines, this ordinance is exempt from CEQA based on the following findings:

(1) This ordinance is not a project within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in physical change in the environment, directly or ultimately.

(2) This ordinance is categorically exempt from CEQA under Section 15308 of the CEQA Guidelines as a regulatory action taken by the City pursuant to its police power and in accordance with Government Code Section 65858 to assure maintenance and protection of the environment pending the consideration, evaluation and possible adoption of contemplated local legislation, regulation and policies.

(3) This ordinance is not subject to CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subparagraphs (1) and (2), above, and pursuant to CEQA Guidelines Section 15061, it can be seen with certainty that there is no possibility that this ordinance will have a significant effect on the environment:

NOW THEREFORE, the City Council of the City of Sonoma does ordain as follows:

Section 1. Recitals Made Findings. The above recitals are hereby declared to be true and correct and represent the findings of the City Council of the City of Sonoma, made in the exercise of its independent judgment. Said findings are incorporated by this reference.

Section 2. Urgency Moratorium Imposed.

A. Cultivation not in compliance with this ordinance. It is declared to be unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any parcel or premises within any zoning district in the city to cultivate nonmedical marijuana except as provided for in this ordinance. No person other than an individual 21 years of age or older may engage in the cultivation of nonmedical marijuana.

B. Indoor cultivation. Indoor cultivation of nonmedical marijuana is prohibited in all zoning districts of the city, except when such cultivation occurs on a parcel with an approved private residence. All indoor cultivation of nonmedical marijuana must be in compliance with this ordinance.

C. Indoor cultivation in private residence. The indoor cultivation of nonmedical marijuana on a parcel with an approved private residence shall only be conducted within a fully enclosed and secure structure or within a residence. Such cultivation shall be in conformance with the following minimum standards:

1. The primary use of the property shall be for a residence. Nonmedical marijuana cultivation is prohibited as a home occupation.

2. All areas used for cultivation of nonmedical marijuana shall comply with Title 14 (Buildings and Construction) of the Sonoma Municipal Code, as well as applicable law.

3. Indoor grow lights shall not exceed 1,000 watts per luminaire, and shall comply with the applicable provisions of the California Building Standards Code as adopted and amended by Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code.

4. The use of gas products (CO₂, butane, propane, natural gas, etc.) or generators for cultivation of nonmedical marijuana is prohibited.

5. Any fully enclosed and secure structure or residence used for the cultivation of nonmedical marijuana must have a ventilation and filtration system installed that shall prevent marijuana plant odors from exiting the interior of the structure and that complies with the applicable provisions of the California Building Standards Code as adopted and amended by Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code.

6. A fully enclosed and secure structure used for the cultivation of nonmedical marijuana shall be located in the rear yard area of the parcel, and must maintain a minimum ten-foot setback from any property line. The yard where the fully enclosed and secure structure is maintained must be enclosed by a solid fence at least six feet in height. This provision shall not apply to cultivation occurring in a garage.

7. Adequate mechanical locking or electronic security systems must be installed as part of the fully enclosed and secure structure or the residence prior to the commencement of cultivation.

8. Nonmedical marijuana cultivation shall be limited to six marijuana plants per private residence, regardless of whether the marijuana is cultivated inside the residence or in a fully enclosed and secure structure. The limit of six plants per private residence shall apply regardless of how many individuals reside at the private residence.

9. The residential structure shall remain at all times a residence, with legal and functioning cooking, sleeping and sanitation facilities with proper ingress and egress. These rooms shall not be used for nonmedical marijuana cultivation where such cultivation will prevent their primary use for cooking of meals, sleeping and bathing.

10. Cultivation of nonmedical marijuana shall only take place on impervious surfaces.

11. From a public right-of-way, there shall be no exterior evidence of nonmedical marijuana cultivation occurring on the parcel.

12. Nonmedical marijuana cultivation area, whether in a fully enclosed and secure structure or inside a residence, shall not be accessible to persons under 21 years of age.

13. Written consent of the property owner to cultivate nonmedical marijuana within the residence or in a fully enclosed and secure structure shall be obtained and shall be kept on the premises, and available for inspection by the chief of police or his/her designee.

14. A portable fire extinguisher, that complies with the regulations and standards adopted by the state fire marshal and applicable law, shall be kept in the fully enclosed and secure structure used for cultivation of nonmedical marijuana. If cultivation occurs in a residence, the portable fire extinguisher shall be kept in the same room as where the cultivation occurs.

D. Definitions.

1. "Fully enclosed and secure structure" means a space within a building that complies with the applicable provisions of the California Building Standards Code as adopted and amended by Chapter 14.10 (Construction Codes) of the Sonoma Municipal Code, and has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roof must be constructed of solid materials that cannot be easily broken through, and must be constructed with non-transparent material. Plastic sheeting, canvas, vinyl, or similar products or materials, regardless of gauge, are not considered solid materials. A fully enclosed and secure structure must be an accessory structure to a private residence located upon the parcel on which that private residence is situated.

2. "Indoors" means inside a fully enclosed and secure structure or within a private residence.

3. "Luminaire" means a complete lighting unit consisting of lamp(s) and the parts that distribute the light, position and protect the lamp(s), and connect the lamp(s) to the power supply.

4. "Nonmedical marijuana" means marijuana that is intended to be used for nonmedical purposes pursuant to Health and Safety Code section 11362.1 et seq., as those sections may be amended from time to time.

5. "Nonmedical marijuana cultivation" or the "cultivation of nonmedical marijuana" means the planting, growing, harvesting, drying, curing, grading, trimming or processing of marijuana plants or any part thereof pursuant to Health and Safety Code section 11362.1 et seq., as those sections may be amended from time to time.

6. "Marijuana" means all parts of the plant cannabis sativa L, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; cannabis; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

7. "Outdoors" means any location within the City that is not within a fully enclosed and secure structure or a private residence.

8. "Private residence" or "residence" means a house, an apartment unit, a mobile home or other similar dwelling.

9. "Solid fence" means a fence constructed of substantial material, such as wood or metal, that prevents viewing the contents from one side to the other side of the fence.

D. Statutory Findings and Purpose.

This ordinance is declared to be an interim ordinance as defined under California Government Code Section 65858. This ordinance is deemed necessary based on the findings of the City Council of the City of Sonoma as set forth in the recitals, incorporated by Section 1 of this ordinance.

Section 3. Except as Provided in this Ordinance, Establishment, Maintenance or Operation of Nonmedical Marijuana Cultivation Indoors Declared Public Nuisance.

It is unlawful and a public nuisance for any person owning, leasing, occupying, or having possession of any parcel or premises within any zoning district in the city to cause or allow such parcel or premises to be used for the indoor cultivation of nonmedical marijuana except as provided in this ordinance. Violations of this ordinance may be enforced by any applicable laws or ordinances, including but not limited to injunctions, or administrative penalties under the Sonoma Municipal Code.

Section 4. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council of the City of Sonoma hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 5. Effective Date and Duration.

This ordinance shall become effective on November 9, 2016, if (a) Proposition 64 is passed by a majority vote of those persons voting on it and (b) adopted by at least four-fifths vote of the City Council, and shall be in effect for 45 days from its adoption unless extended by the City in accordance with California Government Code Section 65858.

Section 6. Posting. The City Clerk shall cause this ordinance to be published and/or posted within fifteen days after its adoption.

This ordinance was adopted on the 7th day of November, 2016, by the following vote:

AYES: City Council Members: _____

NOES: City Council Members: _____

ABSENT: City Council Members: _____

Laurie Gallian, Mayor

APPROVED AS TO FORM:

ATTEST:

Jeffrey A. Walter, City Attorney

Rebekah Barr, City Clerk



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

MEMORANDUM¹

To: League of California Cities' City Managers Department
League of California Cities' City Attorneys Department
From: League Staff
Date: September 26, 2016
Re: The Control, Regulate and Tax Adult Use of Marijuana Act

On November 8, 2016, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA" or "Act") will come before California voters as Proposition 64. If passed, the AUMA will legalize the nonmedical use of marijuana by persons 21 years of age and over, and the personal cultivation of up to six marijuana plants. In addition, the AUMA will create a state regulatory and licensing system governing the commercial cultivation, testing, and distribution of nonmedical marijuana, and the manufacturing of nonmedical marijuana products. The regulatory system governing these commercial marijuana activities largely mirrors the Medical Marijuana Regulation and Safety Act ("MMRSA"), but there are key differences. This memorandum will provide an overview of the AUMA, highlight the ways in which the AUMA differs from the MMRSA, and identify the issues that cities will need to take action on if the AUMA passes.

I. Overview of the AUMA

A. Personal Nonmedical Marijuana Use

The AUMA makes it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without any compensation, 28.5 grams of marijuana, or 8 grams of concentrated marijuana, including as contained in marijuana products; and (3) possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use.² The AUMA requires that marijuana in excess of 28.5 grams that is produced by plants kept pursuant to the personal cultivation provision of the Act be kept in a locked space on the grounds of a private residence that is not visible from a public place.³

Although persons 21 years of age or older may use and possess nonmedical marijuana under the Act, their ability to engage in these activities is not unfettered. The AUMA prohibits the smoking

¹ **DISCLAIMER:** These materials are not offered as or intended to be legal advice. Readers should seek the advice of an attorney when confronted with legal issues. Attorneys should perform an independent evaluation of the issues raised in these materials.

² Health & Saf. Code § 11362.2(a).

³ Health & Saf. Code § 11362.2(a)(2).

of marijuana: (1) in any public place, except where a local jurisdiction has authorized use on the premises of a retailer or microbusiness in accordance with Business and Professions Code section 26200; (2) where smoking tobacco is prohibited; (3) within 1,000 feet of a school, day care center, or youth center while children are present; and (3) while driving, or riding in the passenger seat of, any vehicle used for transportation.⁴ Moreover, individuals cannot possess marijuana on school grounds, in day care centers, or in youth centers while children are present, or possess an open container of marijuana or marijuana products while driving, operating, or riding in any vehicle used for transportation.⁵ The AUMA further provides that cities may prohibit possession and smoking in buildings owned, leased, or occupied by the city, and that employers, including cities, may maintain a drug and alcohol free workplace by prohibiting the use, consumption, possession, transfer, transportation, sale, display or growth of marijuana in the workplace.⁶

1. Personal Cultivation

The AUMA provides that local governments can reasonably regulate, but cannot ban, personal indoor cultivation of up to six living marijuana plants within the person's private residence.⁷ The Act defines private residence as "a house, an apartment unit, a mobile home, or other similar dwelling unit."⁸ This includes cultivation in a greenhouse on the same property as the residence that is not physically part of the home, as long as it is fully enclosed, secure, and not visible from a public space.⁹

The AUMA completely protects the ability of local governments to regulate, and to ban, personal outdoor cultivation operations.¹⁰ However, it purports to repeal any ordinance that bans outdoor cultivation upon the California Attorney General's determination that nonmedical use of marijuana is lawful under federal law.¹¹

B. Commercial Nonmedical Marijuana Activity

Under the AUMA, California will have a comprehensive state regulatory system for nonmedical marijuana that governs the industry from "seed to sale." The Bureau of Marijuana Control, currently the Bureau of Medical Cannabis Regulation, which is within the Department of Consumer Affairs, will have primary responsibility for administering and enforcing the AUMA.¹²

The AUMA divides state licensing and enforcement responsibilities among three agencies: (1) the Department of Consumer Affairs, which will issue licenses for marijuana the transportation,

⁴ Health & Saf. Code §§ 11362.3; 11362.4.

⁵ Health & Saf. Code §§ 11362.3(3), 11362.3(4).

⁶ Health & Saf. Code § 11362.45 (f)-(g).

⁷ Health & Saf. Code §§ 11362.1(a)(3), 11362.2.

⁸ Health & Saf. Code § 11362.2(5).

⁹ Health & Saf. Code § 11362.2(a)(2).

¹⁰ Health & Saf. Code § 11362.2(b)(3).

¹¹ Health & Saf. Code § 11362.2(b)(4).

¹² Bus. & Prof. Code § 26010.

storage, distribution, and sale of marijuana;¹³ (2) the Department of Food and Agriculture will issue marijuana cultivation licenses, which will administer the provisions of the AUMA related to the cultivation of marijuana;¹⁴ and (3) the Department of Public Health, which will issue licenses for marijuana manufacturers and testing laboratories.¹⁵ Each of these state licensing authorities is responsible for creating regulations governing their respective areas of responsibility, and must begin issuing licenses by January 1, 2018.¹⁶

A state marijuana license will be valid for one year.¹⁷ A separate state license is required for each commercial marijuana business location.¹⁸ With the exception of testing facilities, any person or entity licensed under the AUMA may apply for and be issued more than one type of state license.¹⁹

1. Local Control

All nonmedical marijuana businesses must have a state license.²⁰ A state license cannot issue to an applicant whose operations would violate the provisions of any local ordinance or regulation.²¹ However a state applicant need not provide documentation that the applicant has a local license or permit.

The AUMA does not limit the authority of a local jurisdiction to adopt and enforce local ordinances regulating or completely prohibiting state-licensed marijuana businesses.²² Local jurisdictions may establish "standards, requirements, and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections that exceed state standards."²³

2. Local Enforcement

Like the MMRSA, the AUMA establishes a dual enforcement scheme for commercial marijuana activities that violate either state or local laws. The state licensing authorities will enforce state statutes and regulations. State authorities can suspend or revoke state licenses,²⁴ pursue civil penalties against violating businesses in an amount equal to three times the applicable licensing fee per violation,²⁵ or may prosecute violators criminally.²⁶ Local authorities will be responsible

¹³ Bus. & Prof. Code § 26012(a)(1).

¹⁴ Bus. & Prof. Code § 26012(a)(2).

¹⁵ Bus. & Prof. Code § 26012(3).

¹⁶ Bus. & Prof. Code §§ 26012(c), 26013 (a).

¹⁷ Bus. & Prof. Code § 26050(c).

¹⁸ Bus. & Prof. Code § 26055(c).

¹⁹ Bus. & Prof. Code § 26053.

²⁰ Bus. & Prof. Code § 26038.)

²¹ Bus. & Prof. Code § 26055(e).

²² Bus. & Prof. Code § 26200(a). But see, Bus. & Prof. Code §§ 19340(f), 26080(b), 26090(c) [prohibiting cities from preventing the use of public roads to lawfully transport or deliver nonmedical marijuana].

²³ Bus. & Prof. Code § 26201.

²⁴ Bus. & Prof. Code § 2603.

²⁵ Bus. & Prof. Code § 26038(a)

²⁶ Bus. & Prof. Code § 26038(c).

for enforcing local ordinances and regulations.²⁷ For state-licensed facilities operating within a city, a city may have authority to enforce state law and regulations “if delegated the power to do so by the [B]ureau [of Marijuana Control] or a licensing authority.”²⁸

II. Key Differences Between the AUMA and MMRSA

A. Licensing

The MMRSA established dual licensing of medical marijuana businesses, requiring both local approval and a state license in order for a business to operate legally.²⁹ Specifically, the MMRSA requires applicants to provide the relevant state licensing entity with documentation proving their compliance with local ordinances and regulations.³⁰

The AUMA does not require an applicant to provide evidence of local permission prior to being issued a state license.³¹ Instead, the AUMA prohibits state licensing entities from approving licenses for activities that would violate local ordinances.³² Thus, state licensing officials bear the onus of evaluating local regulatory compliance.

Under this system, the AUMA allows a nonmedical marijuana business licensed by the state to operate within city limits unless the city’s municipal code prohibits the use. Cities that wish to regulate or prohibit nonmedical marijuana businesses will need to do so before the State begins issuing licenses, either by enacting a nonmedical marijuana ordinance/regulation or by amending an existing medical marijuana ordinance/regulation to include nonmedical marijuana within its scope.

B. License Revocation

Under the MMRSA, revocation of a local license or permit unilaterally terminates the ability of the medical marijuana business to operate in the jurisdiction issuing the permit, until such time as the local permitting entity reinstates it.³³

Under the AUMA, if a local jurisdiction revokes a local license, permit, or authorization for a licensee to engage in commercial marijuana activity within the local jurisdiction, the Bureau of Marijuana Control must initiate proceedings to determine whether the state license issued should be suspended or revoked within ten days of being notified by the local jurisdiction of the local revocation.³⁴ Note, however, that, even if the state license is not suspended or revoked immediately, the business cannot operate within the local jurisdiction once local revocation occurs.

²⁷ Bus. & Prof. Code § 26200 (b).

²⁸ Bus. & Prof. Code § 23202(a).

²⁹ Bus. & Prof. Code § 19320(b).

³⁰ Bus. & Prof. Code § 19322(a).

³¹ Bus. & Prof. Code § 26056.

³² Bus. & Prof. Code § 26055(e).

³³ Bus. & Prof. Code § 19320(d).

³⁴ Bus. & Prof. Code § 26200(c).

C. Personal, Indoor Cultivation

Under the MMRSA, local governments possess the power to regulate and completely ban personal, indoor cultivation.³⁵ Under the AUMA local governments can “reasonably regulate” indoor cultivation of up to six marijuana plants for personal use, but cannot ban it.³⁶

D. Personal Outdoor Cultivation

Under the MMRSA local governments can prohibit all outdoor cultivation. Under the AUMA local governments can prohibit all outdoor cultivation, until such time as the Attorney General determines that the use of nonmedical marijuana is lawful in the State of California under federal law.³⁷ Upon such determination, the AUMA purports to repeal all local bans on outdoor cultivation.³⁸

E. Amendment

Any portion of the MMRSA can be amended at any time, if there is sufficient political support within the Legislature for making substantive changes to the regulatory structure. Under some circumstances, an amendment to the MMRSA by the Legislature might arguably violate The Compassionate Use Act of 1996 (adopted by the voters as Proposition 215), which decriminalized the personal use of medical marijuana.³⁹

Under the AUMA, the Legislature may amend Sections 5 (relating to the use of medical marijuana for medical purposes) and 6 (relating to state licensing) and the provisions relating to penalties by majority vote. The Legislature may amend any other provision of the Act by a 2/3 vote. Any amendment must further the purposes and intent of the AUMA. The purpose and intent of the Act include allowing local governments to ban nonmedical marijuana businesses.

F. Taxation

The AUMA imposes new state taxes on medical and nonmedical marijuana in the following manner:

- Effective January 1, 2018, the AUMA imposes an excise tax at the rate of 15% of gross retail sales receipts.⁴⁰
 - This tax will be in addition to existing state and local sales tax.⁴¹ Given that state and local sales taxes can range from 7-10%, the combined excise tax + sales tax at the retail level could approach 25%;

³⁵ Health & Saf. Code § 11362.777(g); *Maral v. City of Live Oak* (2013) 221 Cal.App.4th 975, 984; *Kirby v. County of Fresno* (2015) 242 Cal.App.4th 940, 969-970.

³⁶ Bus. & Prof. Code § 11362.2(b)(1).

³⁷ Bus. & Prof. Code § 11362.2(b)(4).

³⁸ Bus. & Prof. Code § 11362.2(b)(4).

³⁹ Health & Saf. Code § 11362.5.

⁴⁰ Rev. & Tax Code § 34011(a).

- Effective January 1, 2018, the AUMA imposes a separate cultivation tax on all harvested marijuana as follows:⁴²
 - \$9.25 per dry-weight ounce on all marijuana flowers;
 - \$2.75 per dry-weight ounce on all marijuana leaves;
- The AUMA prohibits imposition of state and local sales taxes on medical marijuana.⁴³
- The AUMA exempts marijuana cultivated for personal use from taxation.⁴⁴

The AUMA does not pre-empt local taxation.⁴⁵ However, the AUMA's estimated cumulative tax rate of nearly 35% on the purchase of nonmedical marijuana has potentially troubling implications for local governments. A high state tax rate by itself may depress sales and stimulate the black market. Any local taxation of marijuana should be governed by an awareness that a high retail sales tax rate, imposed on an industry that, until recently, has not been regulated at all, might stimulate black market activity and compromise the anticipated yield of revenue. In order to avoid such a result, cities might consider imposing an excise tax on discrete commercial nonmedical marijuana activities rather than on retail sales. New taxes on marijuana require compliance with Proposition 218.

1. Allocation of State Tax Revenues

After repaying certain state agencies for marijuana regulatory costs not covered by license fees, and making certain grants to universities for research and development and the Governor's Office of Business and Economic Development, the AUMA distributes the remaining tax revenue as follows:

- 60% for youth programs, substance abuse education, prevention and treatment;
- 20% for environmental cleanup and remediation; and
- 20% for state and local programs that reduce DUI and grant programs designed to reduce negative health impacts resulting from marijuana legalization

G. Deliveries

Under the MMRSA, medical marijuana deliveries can only be made from a state-licensed dispensary in a city, county, or city and county that does not explicitly prohibit it by local ordinance.⁴⁶ A delivery person must carry a copy of the dispensary's state-issued license, a government ID, and a copy of the delivery request.⁴⁷ The patient or caregiver requesting the delivery must also maintain a copy of the delivery request.⁴⁸ Dispensaries and delivery people who comply with MMRSA are immune from prosecution for marijuana transportation.⁴⁹

⁴¹ Rev. & Tax Code § 34011(d).

⁴² Rev. & Tax Code § 34012.

⁴³ Rev. & Tax Code § 34011(g).

⁴⁴ Rev. & Tax Code § 34012(j).

⁴⁵ Rev. & Tax Code § 34021.

⁴⁶ Bus. & Prof. Code § 19340(a).

⁴⁷ Bus. & Prof. Code §§ 19340(b)(2), 19340(d).

⁴⁸ Bus. & Prof. Code § 19340(e).

⁴⁹ Bus. & Prof. Code § 19317(f).

Under the AUMA, deliveries can be made by a state-licensed retailer, microbusiness, or nonprofit unless they are prohibited by local ordinance.⁵⁰ Although the AUMA does require a customer requesting delivery to maintain a copy of the delivery request, there is no express requirement that delivery people carry or maintain any records.⁵¹ Moreover, unlike the MMRSA, the AUMA does not require that deliveries come *from* a dispensary. Instead, it states that “Deliveries, as defined in this division, may only be made *by* a licensed retailer or microbusiness, or a licensed nonprofit under Section 26070.5.”⁵² Thus, there is at least some question regarding whether deliveries may be made from non-retail locations by retail employees.

Under both the MMRSA and the AUMA, local jurisdictions can ban or regulate deliveries within their borders.⁵³ However, local jurisdictions cannot prevent a delivery service from using public roads to simply pass through its jurisdiction from a licensed dispensary to a delivery location outside of its boundaries.⁵⁴

III. Local Regulatory Options⁵⁵

The AUMA preserves the authority of a city to adopt business regulations and land use regulations for nonmedical marijuana activities.⁵⁶

A. Personal Marijuana Cultivation

Under the AUMA local governments can regulate or ban all personal, outdoor cultivation, until such time as the Attorney General determines that the use of nonmedical marijuana is lawful in the State of California under federal law. In addition, local governments can “reasonably regulate,” **but cannot ban**, personal, indoor cultivation. Nothing in the AUMA requires a city to enact an ordinance or regulation by a certain date. However, assuming that the AUMA passes, if a city does not have a ban or regulatory scheme governing personal, outdoor cultivation or a regulatory scheme governing personal, indoor cultivation in place before November 9, 2016, a person may legally engage in personal cultivation of up to six marijuana plants at his or her private residence.

⁵⁰ Bus. & Prof. Code §26090(a).

⁵¹ Bus. & Prof. Code §26090(b).

⁵² Bus. & Prof. Code § 26090(a).

⁵³ Bus. & Prof. Code §§ 19340(a), 19316(a), 26200.

⁵⁴ Bus. & Prof. Code §§ 19340(f), 26080(b), 26090(c).

⁵⁵ For a thorough discussion of the various marijuana regulatory options that a city may consider, see McEwen, *Medical Marijuana-Revisited After New State Laws* (Spring 2016) <<http://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2016/Spring-2016/5-2016-Spring-Medical-Marijuana-%E2%80%93-Revisited-After>>. In addition, sample ordinances may be found on the League’s website, at: <http://www.cacities.org/Policy-Advocacy/Hot-Issues/Medical-Marijuana>. **But note:** the regulatory schemes discussed in the McEwen paper and posted on the League’s website pertain to medical marijuana businesses under the MMRSA and may need to be modified to comply with the requirements of the AUMA.

⁵⁶ Health & Saf. Code § 11362.2; Bus. & Prof. Code §§ 26201, 26200(a).

B. Nonmedical Marijuana Businesses

The AUMA recognizes a range of businesses, including dispensaries, cultivators, manufacturers, distributors, transporters, and testing laboratories. Cities may expressly ban, adopt business regulations, or adopt land use regulations pertaining to any or all of these businesses.

Again, the AUMA does not require a city to enact a regulatory scheme or ban by a certain date. However, assuming that the AUMA passes in November, if a city wishes to regulate or ban marijuana businesses before marijuana businesses may legally operate within the city, the regulations or ban will need to take effect before the state begins issuing nonmedical marijuana business licenses. The League anticipates that cities have until January 1, 2018 to enact bans or regulations relating to nonmedical marijuana businesses, because: (1) nonmedical marijuana businesses cannot operate in any city without a state license;⁵⁷ (2) the state licensing agencies in charge of implementing the AUMA have stated that they anticipate that they will not begin issuing licenses under the MMRSA until January 2018, and it is unlikely that said agencies will be able to begin issuing licenses under the AUMA before they begin issuing licenses under the MMRSA; and (3) the AUMA does not require state agencies to issue licenses until January 1, 2018.⁵⁸ It is not the League's position that state licensing agencies cannot issue licenses before January 1, 2018, just that it is unlikely that they will do so.

C. Caution Against Use of Permissive Zoning

Under a permissive zoning code, any use not enumerated in the code is presumptively prohibited, unless an authorized city official finds that the proposed use is substantially the same in character and intensity as those land uses listed in the code.⁵⁹ Although the MMRSA upheld a city's authority to rely on permissive zoning to prohibit medical marijuana land uses, it is unlikely that cities will succeed in arguing that nonmedical marijuana land uses are prohibited by permissive zoning under the AUMA. This is so because: (1) the statutory language in the AUMA regarding local control seems to anticipate that a city will adopt an ordinance explicitly prohibiting and/or regulating nonmedical marijuana businesses (rather than relying on the silence of its Code to argue for a prohibited use);⁶⁰ (2) the AUMA does not contain the same protective language as the

⁵⁷ Bus. & Prof. Code § 26038.

⁵⁸ Bus. & Prof. Code § 26012 (c).

⁵⁹ See *City of Corona v. Naulls* (2008) 166 Cal.App.4th 418, 433-436. See also *County of Los Angeles v. Hill* (2011) 192 Cal.App.4th 861, 871 [holding that "medical marijuana dispensaries and pharmacies are not 'similarly situated' for public health and safety purposes"]; *City of Monterey v. Carrnshimba* (2013) 215 Cal.App.4th 1068, 1091 [holding that a medical marijuana dispensary was not substantially similar to the listed commercial use classifications for personal services, retail sales, pharmacies and medical supplies]; *County of Tulare v. Nunes* (2013) 215 Cal.App.4th 1188, 1205 [holding that a medical marijuana collective did not qualify as an "agricultural" land use because "marijuana is a controlled substance and is not treated as a mere crop or horticultural product under the law"].

⁶⁰ Bus. & Prof. Code § 26200 ["Nothing in this division shall be interpreted to supersede or limit the authority of a local jurisdiction to *adopt* and *enforce* local ordinances to regulate businesses licensed under this division, including, but not limited to, local zoning and land use requirements, business license requirements, and requirements related

MMRSA with respect to permissive zoning;⁶¹ and (3) the AUMA explicitly designates nonmedical marijuana as an agricultural product—thus if a city’s permissive zoning code authorizes agricultural uses, the city may be precluded from arguing that marijuana is prohibited.⁶² Therefore, cities that wish to ban all or some nonmedical marijuana activities should adopt express prohibitions, even if they operate under a permissive zoning code.

IV. What actions need to be taken?

At this time city officials should: (1) review the city’s municipal code; (2) consider whether they wish to regulate the personal cultivation of nonmedical marijuana indoors; (3) consider whether they wish to regulate or ban the personal cultivation of nonmedical marijuana outdoors; (4) consider whether they wish to enact business regulations of nonmedical marijuana businesses; (5) consider whether they wish to enact land use regulations of nonmedical marijuana businesses; (6) consider whether they wish to enact local taxes on marijuana; and (7) comply with Proposition 218 if they decide to enact local taxes on marijuana.

Cities should prioritize considering or enacting ordinances regulating personal nonmedical marijuana cultivation, because it will be legal under state law on November 9, 2016 if the AUMA passes, whereas nonmedical marijuana businesses will not be able to operate lawfully until the state licensing system becomes operational (likely in late 2017). **Although cultivation for personal use will be legal as of November 9, 2016 if the AUMA is approved by voters, local governments will not lose any regulatory authority if they do not have an ordinance in place addressing personal cultivation before the election. Locals will retain the ability to regulate personal cultivation and to enact related ordinances at any time after the election. The only change the AUMA will make in this area is to prohibit local bans of indoor cultivation for personal use. No ordinance enacted prior to the election can prevent this change in the law.**

to reducing exposure to second hand smoke, or to completely prohibit the establishment or operation of one or more types of businesses licensed under this division within the local jurisdiction.”] (emphasis added).

⁶¹ Compare Health & Saf. Code § 11362.777(b)(3) [a “person or entity shall not submit an application for a state license . . . if the proposed cultivation of marijuana will violate the provisions of any local ordinance or regulation, or if medical marijuana is prohibited by the city, county, or city and county in which the cultivation is proposed to occur, either expressly or otherwise under principles of permissive zoning”] with Bus. & Prof Code § 26205(e) [“Licensing authorities shall not approve an application for a state license under this division if approval of the state license will violate the provisions of any local ordinance or regulation adopted in accordance with Section 26200.”].

⁶² Bus. & Prof. Code § 26067(a).

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City of Sonoma
City Council
Agenda Item Summary

City Council Agenda Item: 7A

Meeting Date: 11/07/16

Department	Staff Contact
Public Works	Lisa Janson/Special Events Manager

Agenda Item Title

Adoption of a Resolution Approving an Application by Destination Races for Temporary Use of City Streets for the Napa to Sonoma Wine Country Half Marathon on Sunday, July 16, 2017

Summary

Destination Races has requested temporary use of city streets for the Napa to Sonoma Wine Country Half Marathon as follows:

1. Closure of East Napa Street between Broadway and First Street East 6:30 a.m. until 11:00 a.m. on Sunday July 16, 2017.
2. Closure of the north-bound far right lane of Broadway between East MacArthur and the Plaza (including Road closure signs at Chase, France and Patten Streets) 7:15 a.m. until 11:00 a.m. on Sunday July 16, 2017.
3. Closure of East MacArthur Street between Second Street East and Broadway 7:50 a.m. until 11:00 a.m. on Sunday July 16, 2017.
4. Closure of Denmark Street between High School and Napa Road 7:15 a.m. until 10:45 a.m. on Sunday July 16, 2017.
5. The applicant will be responsible for providing notice to all residents and business affected by street closures in the affected areas.
 - i. Denmark between High School and Napa Road from 7:15am to 10:45am
 - ii. Macarthur between 2nd St East and Broadway from 7:50am to 11:00am
 - iii. Chase Street between Broadway and Austin Ave from 7:50am to 11:00am
 - iv. France Street between Broadway and Austin Ave from 7:50am to 11:00am
 - v. Patten Street between Broadway and 1st Street East from 7:50am to 11:00am
 - vi. Broadway between Macarthur and the Plaza from 7:50am to 11:00am
 - vii. E. Napa Street between Broadway and 1st St East
6. Applicant will be required to hire a professional traffic safety entity to assist with all detours within City limits.

The Special Events Committee reviewed this proposal at its meeting of October 5, at which time they identified recommended conditions of approval that have been incorporated in the attached Resolution.

Council Action

Adopt the resolution approving the use of city streets, which includes the conditions recommended by the Special Events Committee members, including Police, Fire, Public Works and Planning Departments.

Alternative Actions

N/A

Financial Impact

The applicant is required to reimburse the City for additional personnel costs incurred as a result of this event.

Environmental Review

Status

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

- Approved/Certified
- No Action Required
- Action Requested

Attachments:

1. Draft Resolution
2. Application for Use of City Streets
3. Course Maps
4. Minutes from the CSEC Meeting of 9/14/2016

CC: Matt Dockstader
Destination Races
1905 Sperring Road
Sonoma, CA 95476

CITY OF SONOMA

RESOLUTION # ____ - 2016

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA APPROVING AND
CONSENTING TO THE USE OF CITY STREETS FOR THE WINE COUNTRY HALF
MARATHON 2017**

WHEREAS, Destination Races has made application to conduct the Napa to Sonoma Wine Country Half Marathon, which will involve use of city streets and State Route 12; and

WHEREAS, the Napa to Sonoma Wine Country Half Marathon will temporarily impede and restrict the free passage of traffic over city streets and State Route 12 on July 16, 2017 between the hours of 7:50 a.m. and 11:00 a.m.

WHEREAS, the application for the use of city streets was brought forward to the City Council at its meeting of October 17, 2016.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Sonoma as follows:

1. The City Council approves and consents to the street closure associated with the proposed Wine Country Half Marathon and recommends approval of and consents to the proposed restriction of State Route 12 upon terms and conditions deemed appropriate and necessary by the State of California, Department of Transportation.
2. The approval of the street closure is subject to the following conditions and limitations:
 - A. Applicant shall contact Police Department as soon as possible to finalize traffic control plan and contract with the Sonoma County Sheriff's Department for services as required.
 - B. Applicant shall provide a written request for special barricading to the Public Works Department at least thirty days prior to the event and meet with the Street and Police Dept.
 - C. Applicant shall provide notice of the event and the street closure to all businesses located on Broadway and on all sides of the Plaza no later than thirty days prior to the event.
 - D. Applicant will be required to hire a professional traffic safety entity to assist with all detours within City limits.
 - E. Applicant shall comply with City of Sonoma standard insurance requirements.
 - F. The applicant is required to reimburse the City for additional personnel costs incurred as a result of this event.

The foregoing Resolution was duly adopted this 7th day of November 2016, by the following vote:

Ayes:
Noes:
Absent:

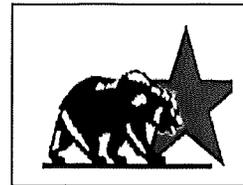
Laurie Gallian, Mayor

ATTEST:

Rebekah Barr, MMC
City Clerk



City of Sonoma
No. 1 The Plaza
Sonoma CA 95476



PERMIT APPLICATION
FOR USE OF CITY STREETS

Revised 12/3/15

Application Fee: \$576.00

(Encro 100-00000-000-30203)

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

Name of Applicant: Wine Country Half Marathon / Matt Dockstader

Name of Sponsoring Organization: Destination Races / Hanna Boys Center

Address: 1224 Sperring RA, Sonoma, CA 95476

Telephone Numbers: Day: 707-933-1769 Cell: 415-717-5918 Email: matt@destinationraces.com

Name of Event: Napa to Sonoma Wine Country Half Marathon

Type of Event – Mark Appropriate Box

Run or Walk

Rally or Assembly

Parade

Other

Date(s) of Event: Sunday, July 16, 2017

Street Closure(s) Requested:

Macarthur between 2nd St E and Broadway from 7:50 am to 11:00 am
N-Bound R-Lane Broadway between Macarthur and Plaza from 7:50 am to 11:00 am
Denmark between High School and Napa Rd from 7:15 am to 10:45 am
E. Napa St between Broadway and 1st St E from 6:30 am to 11:00 am

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

14th Annual Half Marathon running from Napa to Sonoma Plaza. Race finishes at 10:45 am. Post-race festival runs from 9:30 am to Noon. Announcer begins at 7:50 am

Estimated Daily Attendance: 3500 Runners / 8000 total in Plaza

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

Announcer at Race Finish from 7:50am to 10:30 am. Band in Plaza from 9:30am-10:30 am & 11:30 am-noon.

Application Fee \longrightarrow Small scale vs. large scale event \$306-\$958	\$	Park 100-00000-000-30702	Insurance is required & must be submitted <u>two weeks</u> prior to the event.
Rental Fee	\$	Park 100-00000-000-30702	Insurance provided by your organization:
Maintenance Fee	\$	Park 100-00000-000-30702	Yes <input type="checkbox"/> No <input type="checkbox"/>
Damage Deposit	\$	750-00000-000-22950	
Parking Fee	\$		Other:
ALCOHOL PERMIT: Attached form)	\$	Park 100-00000-000-30702	Gales Creek www.galescreek.com or
Fire Dept. Inspection Fees:			
STREET USE PERMIT: \$519.00 Attached form)	\$	Encro 100-00000-000-30203	RVNA http://www.rvnuccio.com/specialevent.html
Business License Organizer * Plus Day Fee for Vendors **		\$187 * for organizer for-profit; \$23** per vendor per event	
TOTAL DUE:	\$	<u>Application is incomplete until all fees are paid.</u>	

Approved as a small scale event, no further review necessary: Date: _____ Approved by: _____

PROVIDE A COMPLETE DESCRIPTION OF THE EVENT:

PLAZA EVENT MAP: On the attached Plaza map indicate the location of all major features (including all temporary structures, fences) and activities. For large events use a scale of 1 inch equals 20 feet (20" x 25" maps are available).

Include on the map – location, dimensions and type of structure:
<ul style="list-style-type: none"> • Canopies, tents, booths, stages, platforms, beer gardens, cooking areas, tables, chairs, vehicles, trailers, trash containers, dumpsters, generators, portable toilets, barricades, first aid facilities or ambulances exit locations, transportation buses, signs, etc.
Include a list (map key) of each structure:
<ul style="list-style-type: none"> • Name of structure, activity (e.g. VIP area, registration, catering station, etc.) plus dimensions (width, length, height), how they will be supported and structural material (or submit a picture of the material being used).
<ul style="list-style-type: none"> • Staking or fencing to delineating activity areas is discouraged and requires CSEC and Parks Department approval.
<ul style="list-style-type: none"> • Vendors require a one day event business license. For-profit events must comply with the City of Sonoma policy regulating Food and Beverage Ticket Sales.

* Attach additional sheets as necessary to describe event components below.

EVENT COMPONENTS: (Please indicate which of the following components are included in your event)

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Canopies or Tents | <input checked="" type="checkbox"/> Use of City Streets | <input type="checkbox"/> Banner Sign on historic directory (by permit only) |
| | <input checked="" type="checkbox"/> Reservation of Public Parking | <input checked="" type="checkbox"/> Water Needed |
| <input checked="" type="checkbox"/> Food Vendors (Vendor list required) | <input checked="" type="checkbox"/> Food cooked on site | <input checked="" type="checkbox"/> Electricity Needed |
| <input checked="" type="checkbox"/> Alcohol Permit and ABC | <input checked="" type="checkbox"/> Booths, Temporary Structures | <input checked="" type="checkbox"/> Barricades (security) |
| <input checked="" type="checkbox"/> Plaza Light Pole Banners: (DRHPC application) | <input checked="" type="checkbox"/> Amplified Sound or Music | <input checked="" type="checkbox"/> Fencing or delineating areas (by permit only) |

CANOPIES, TENTS & STAKING – Tents & Canopy standards are provided by the **Fire Department** during the SEC meeting review; heating and cooking safety is also reviewed. Due to underground utilities, **no stakes** - metal, wood, or any type of stake shall be driven into the lawn area without authorization from the Public Works Department.

FOOD VENDORS – Provide a **LIST** of all vendors before event (all must have a City business license); cooking safety reviewed by the Fire Department. If food vendors are selling direct to event participants, 40% is given back to a local non-profit. **Food vendors may use tents and canopies with CSEC event review and approval.**

VENDORS – Vendors must have a one day event business license. A vendor list must be provided to staff one week before the start of the event. The event Manager will make one payment (\$23 for each vendor) to the City. If a for-profit vendor is selling direct to public/participants, they must contribute 40% to the non-profit sponsor.

ALCOHOL SERVED – Submit a completed Permit Application for Possession and Consumption of Alcoholic Beverages on City Property along with your Plaza Use Application. Following CSEC review, approval by the Police Chief and the City Manager will be required.

USE OF CITY STREETS & STREET CLOSURES – **Requires approval by the City Council and Police Department.** Submit a completed Permit Application for Use of City Streets along with your Use Application. Attach detailed maps that will be reviewed with the Police Department, showing streets and route being proposed. Requests to close some portion of Highway 12 Broadway, W. Napa Street, and/or Sonoma Highway- must also be approved by **Caltrans Encroachment Permit: 707-762-5540.**

PROPOSED BUDGET: Please attach your proposed budget (income and expenses). _____

SECURITY PLAN: Please describe your Security Plan (final will be approved by the Police Chief). *2 Security Guards, 10 Crowd Monitors, Sheriff Officers + CHP for Traffic Control*

RECYCLING PLAN: Special Events Waste Minimization Planning form. Attach for all events. *Green Mary*

ADDITIONAL PERMITS REQUIRED:

- | | |
|---|---|
| <input checked="" type="checkbox"/> City Alcohol Permit | <input checked="" type="checkbox"/> Caltrans Encroachment Permit |
| <input checked="" type="checkbox"/> City Street Use Permit (City Council) | <input checked="" type="checkbox"/> City Business License (all vendors) |
| <input checked="" type="checkbox"/> ABC Alcohol License | <input checked="" type="checkbox"/> Reservation of Public Parking |

SITE MANAGER: Kevin Pool	Cell Phone: 410-596-9189	Home Phone:
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Applicant Agreement: I, the undersigned, as applicant or on behalf of the applicant, signify that the information provided on this application is true and correct and hereby accept full responsibility for any breakage or damage to property or building, and for department and conduct of those attending the function for which the facility is requested. I agree to indemnify, defend, and hold harmless the City of Sonoma, its officer, officials, employees and volunteers from and against all claims, damages, losses and expenses including attorney fees arising out of the negligent act or omission of myself, any agent, anyone directly or indirectly by them or anyone for whose acts by them may be liable, except where caused by the active negligence, sole negligence or willful misconduct of the City. If permission is granted, I, or my representative agrees to be present during the entire use of the facility. This agreement requires that the City of Sonoma be named as "an additionally insured" and that the applicants insurance apply on a primary and non-contributory basis, over any coverage the city of Sonoma may have. My signature below signifies that I agree to abide by all of the conditions of this application, the Special Event Use Policy and of any contract issued based on this application. I also agree to pay to the City of Sonoma all costs the City may incur as a result of any failure to comply with all of these conditions including damages due to failure to leave the premises in rentable condition.

	Matt Dockstader	8-28-16
Signature of Applicant and Co-Sponsor(s)	Print Name (s)	Date

Approved: _____
City of Sonoma
Date

**Special Event Committee Review (SEC)
Conditions of Approval**

APPLICANT:

Must Schedule pre-event walk-through with **Parks Supervisor** Terry Melberg at (707) 933-2239 **two weeks before event** and attend a post-event site inspection (**1 day after event**).

Contact **Street Supervisor** Dean Merrill at (707) 933-2232 - **30 days prior to event**, for reserved parking, barricades, street closures, and reserved street parking.

COMMENTS-REQUIREMENTS:

PUBLIC WORKS: _____

STREET SUPERVISOR: _____

PARKS SUPERVISOR: _____

Port-O-Potties required: _____

Notify Sonoma County Transit Authority if Horseshoe closed: **(707) 585-7516**

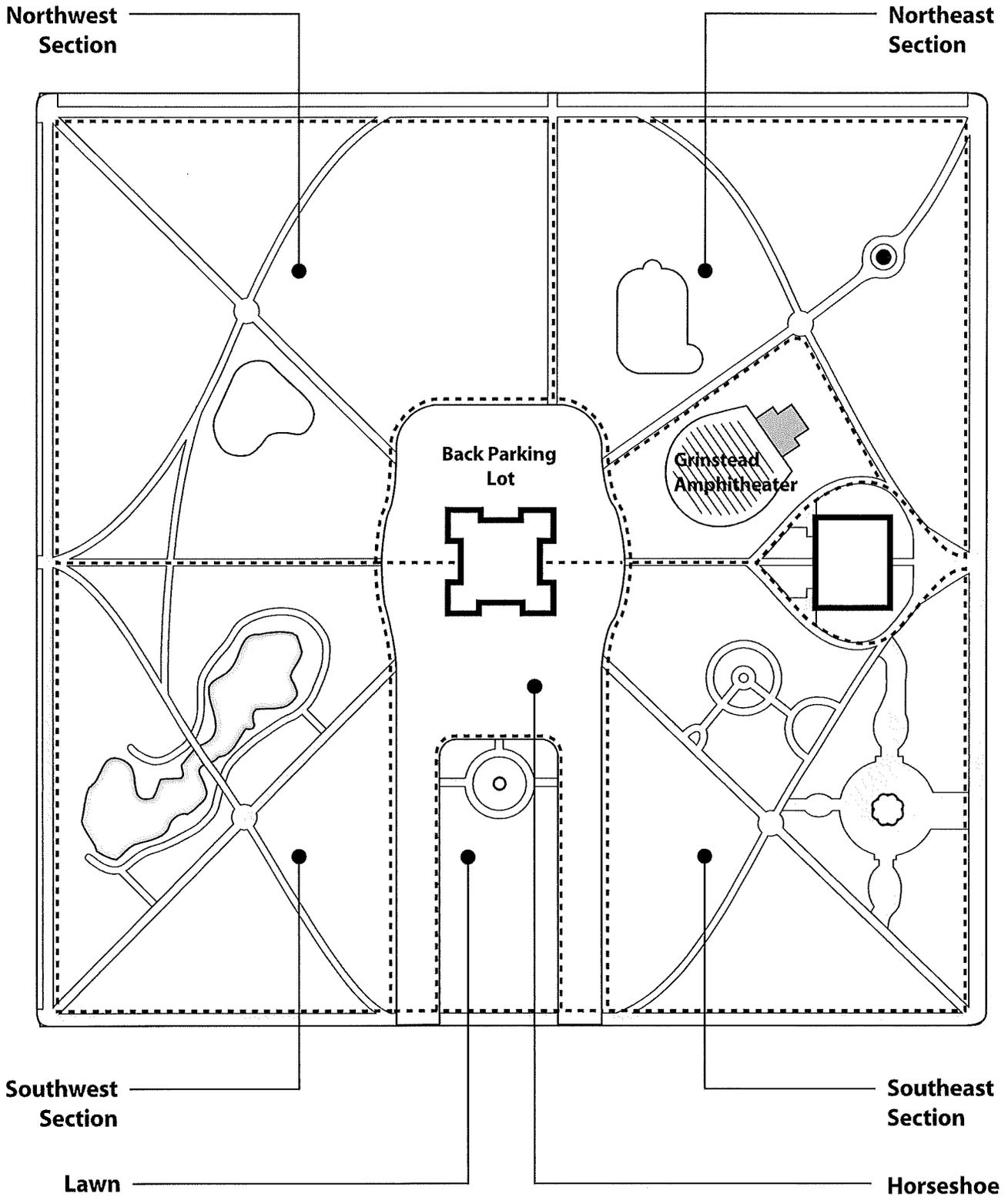
POLICE DEPARTMENT: _____

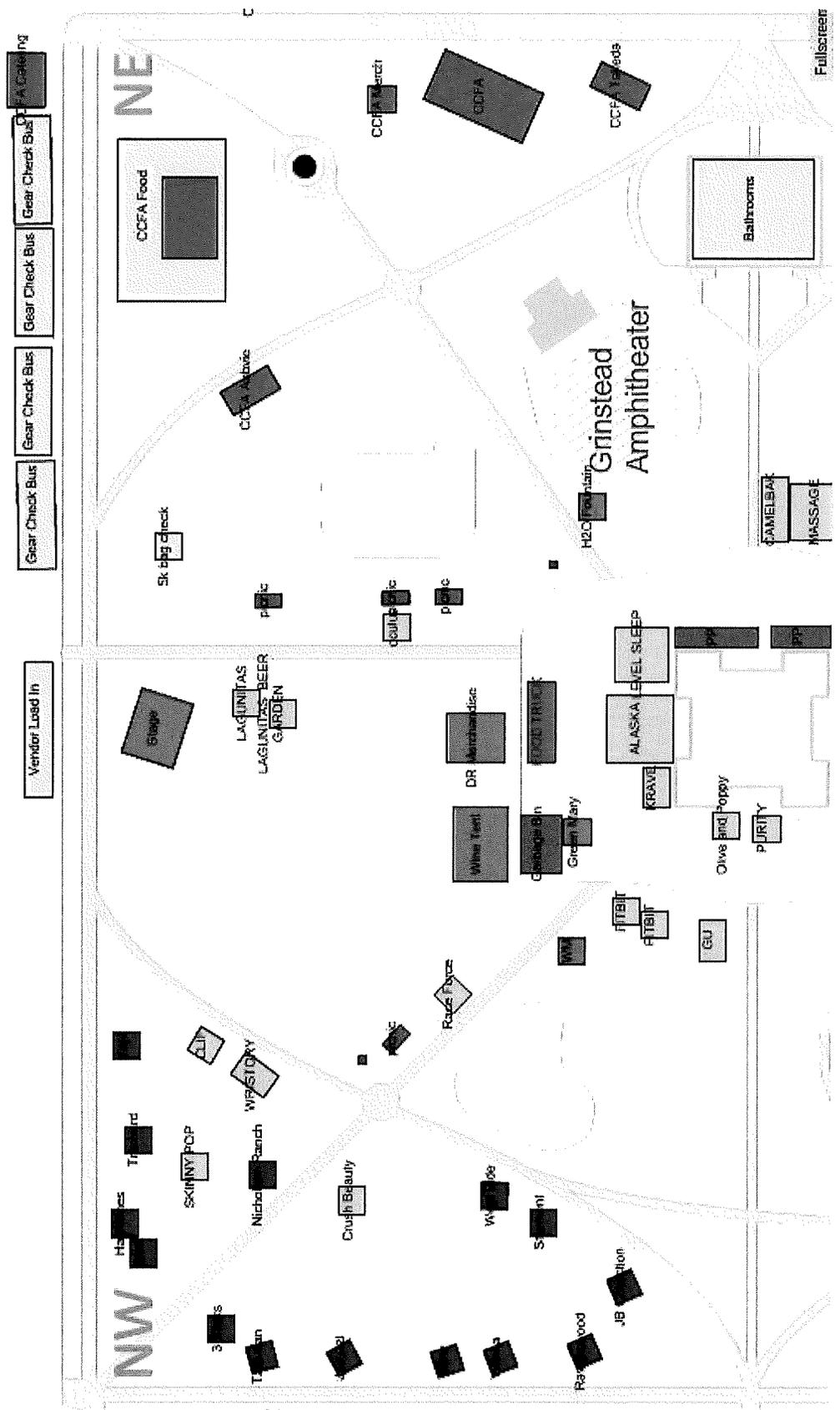
FIRE DEPARTMENT: _____

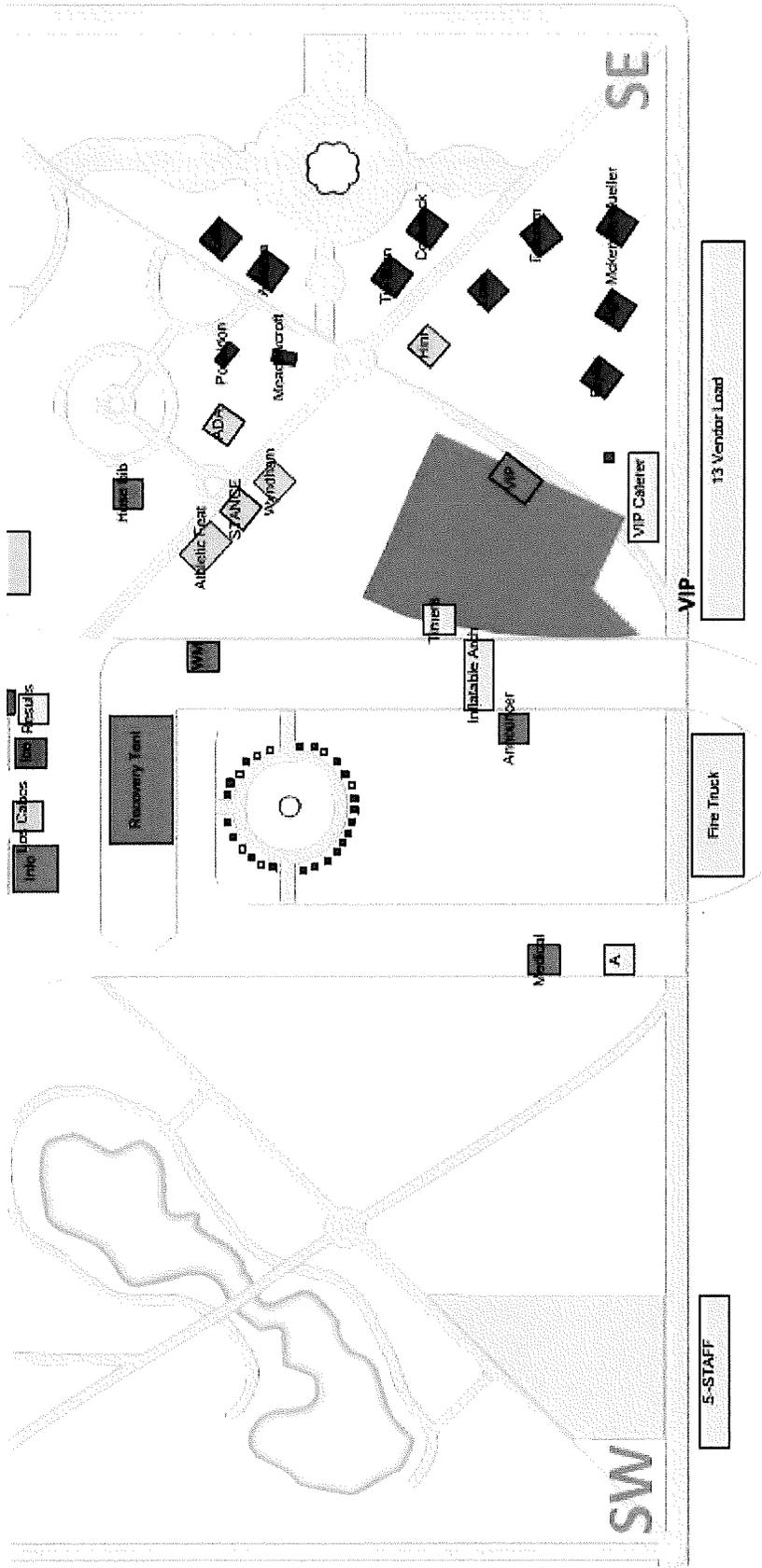
SPECIAL EVENT COORDIANTOR: _____

Post Event Meeting: Community Services and Environment Commission (CSEC) meeting must be scheduled no more than 90 days after the event; Financial Summary and Recycling/Waste Management Report required.

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







Napa to Sonoma Wine Country Half Marathon Legend

July 16, 2017

Exhibitors (10x10)=yellow

Wineries (two umbrellas at each)=red

CCFA-orange. 20x40 tent, 15x15 food tent (NE quadrant)

Recovery Tent-20x40 (in front of City Hall)

Wine Glass Tent-20x30 (behind dumpster enclosure)

Massage tent-15x15

Merchandise tent-20x20

Stage-16x24

VIP-10x10 tent, 4 umbrellas

Bus Staging

Participant Bus Staging and Loading:

5:15-7:15am-Buses will transport runners from **1st Street East** by Little League fields to the start of the races at Cuvaision Carneros and Gundlach Bundschu

10:00am-Noon: Buses will pull up **along the barracks on 1st Street East** to load passengers and depart to the various destinations.

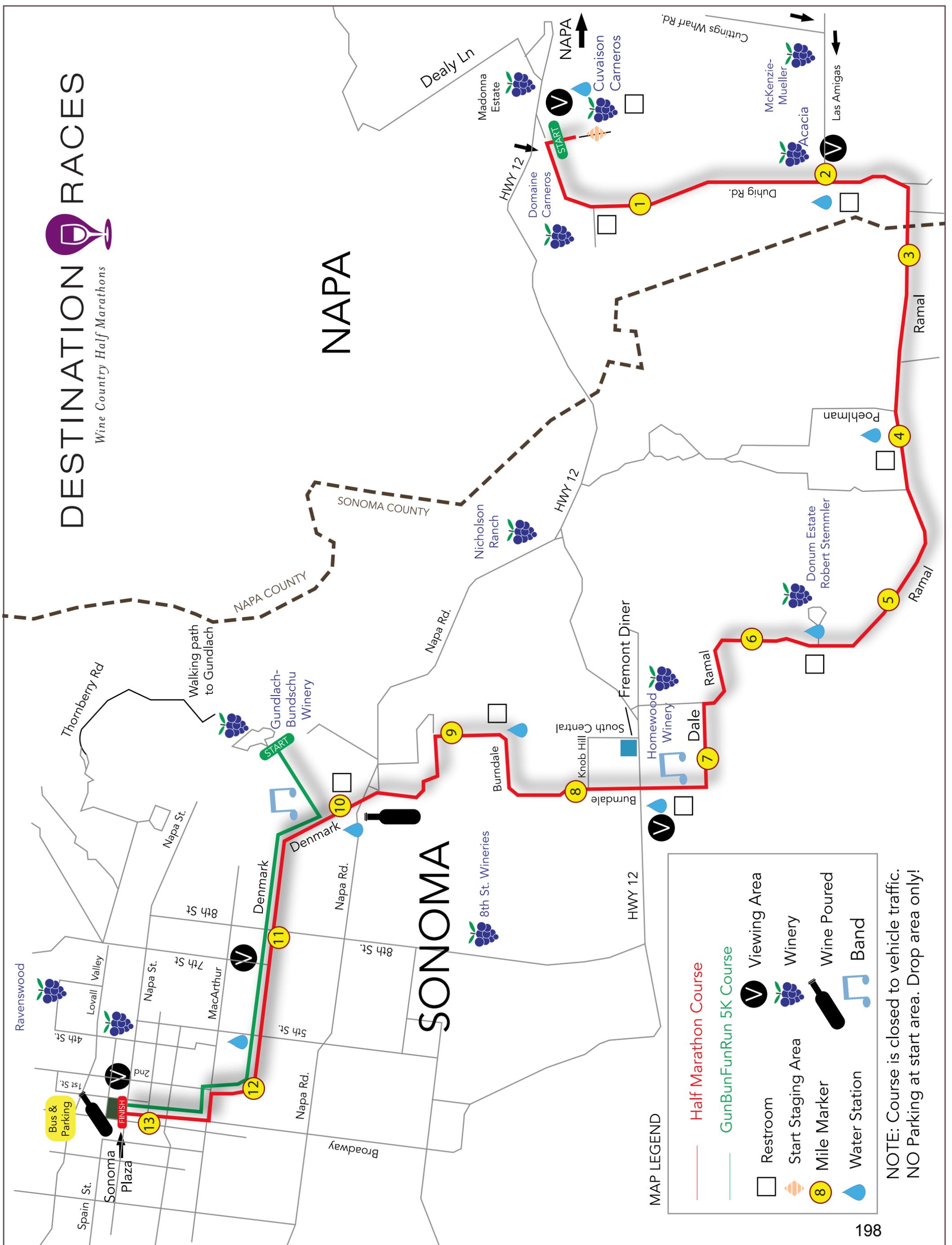
8:00am-Noon: Gear Buses will stage on **East Spain St**

Team Challenge Bus Staging:

7:00am-Noon: 3 Team Challenge buses will stage at **Sonoma Valley High School**. After race, Team Challenge buses will pick up along **1st St East** (NE corner of Plaza), 1 bus picks up at a time.

DESTINATION RACES

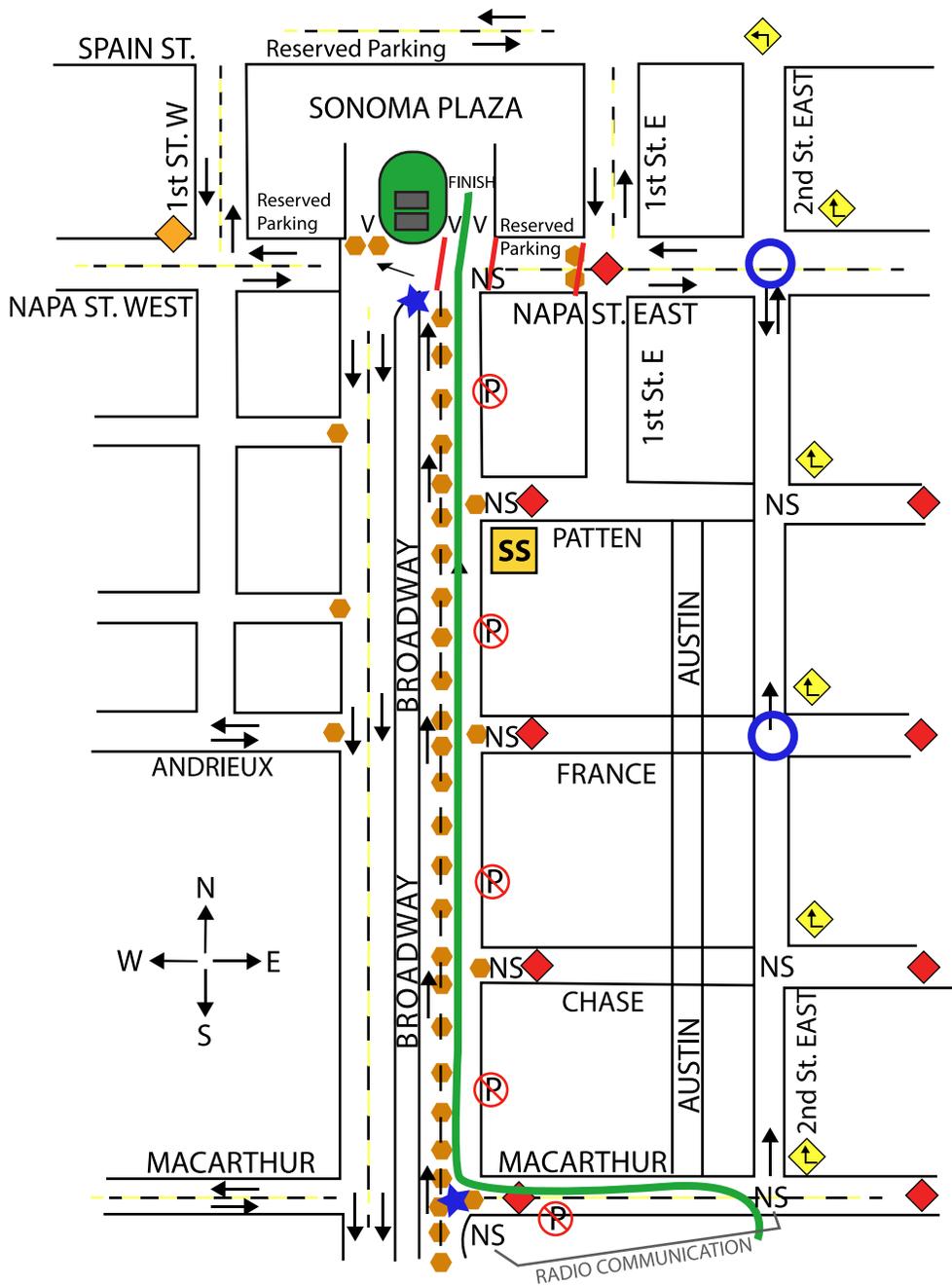
Wine Country Half Marathons



MAP LEGEND

- Half Marathon Course
- GunBunFunRun 5K Course
- ☐ Restroom
- ☐ Start Staging Area
- ⑧ Mile Marker
- 💧 Water Station
- Ⓥ Viewing Area
- 🍇 Winery
- 🍷 Wine Poured
- 🎵 Band

NOTE: Course is closed to vehicle traffic.
NO Parking at start area. Drop area only!



NOTES

1. Close Northbound far right Lane of Broadway to vehicles - 8:00 - 11:00am
2. Patten, France, Chase, and MacArthur closed at Broadway 8:00-11:00am.
3. Napa St. E closed from Broadway to 1st St. E - 7:00am to 11:30am. Barricades and police officer at Broadway.
4. Sonoma Police officer positioned at MacArthur and Broadway. -- Flaggers to implement detour plan at France/2nd St. E and at Napa St./2nd St. E.
5. Native Sons at 2nd St. E & MacArthur and at Broadway & MacArthur to be in radio communication.
6. Native Sons and signs placed at all other intersections on Broadway and 2nd St. East to detour traffic.
7. NO parking signs posted by city along northbound side of Broadway for closure Sun 2am to Sun 11:00am
8. Businesses on Broadway receive notification 10 days prior to event.
9. All residents east of 2nd St. E wanting to travel West between 8am and 11am will be detoured north to Spain St. and will be able to travel West on Spain.

KEY		
	DETOUR SIGN	V VOLUNTEER
	NO PARKING	★ POLICE
	BARRICADE	NS NATIVE SONS
	ROAD CLOSED SIGN	○ FLAGGER
	Caution: Runners on Road	
	RUNNER ROUTE	
	CONES	

Denmark St from 5th St E to High School





COMMUNITY SERVICES & ENVIRONMENT COMMISSION

Community Meeting Room
177 First Street West
Sonoma, CA 95476

September 14, 2016
Minutes

Commissioners Present: Comms. Brown-Chairman, Allebach, Cook, Harrington, Hutzler, Metzler, Petlock, Pollack, and Wilbanks

Commissioners Absent: Comm. Rateaver

Also Present: Public Works Administrative Manager Wall
Special Events Manager Janson
Public Works Operations Manager Hudson
Sonoma Valley Historic Race Car Festival: Jerry Wheeler
Hit the Road Jack: Gary Johnson
Napa to Sonoma Wine Country Half Marathon: Matt Dockstader
Valley of the Moon Certified Farmers' Market: Chris Welch, Bill Dardon
Alisha O'Loughlin and Adrian Palanchar, Sonoma Bicycle Coalition
Tom Conlon, Transition Sonoma Valley

Chair Brown called the meeting to order at 6:31 P.M.

1. Approval of the Minutes from August 10, 2016

It was moved by Comm. Pollack and seconded by Comm. Allebach to approve the minutes of August 10, 2016. The motion carried unanimously.

2. Post Event Review

a. **Sonoma Valley Historic Race Car Festival—June 4, 2016**

It was moved by Comm. Petlock and seconded by Comm. Cook to approve the post event review of the Sonoma Valley Historic Race Car Festival event. The CSEC voted 8-0 (with one commissioner absent) to approve the post event review and to release the deposit.

b. **Hit the Road Jack—June 5, 2016**

It was moved by Comm. Pollack and seconded by Comm. Cook to approve the post event review of the Hit the Road Jack event. The CSEC voted 8-0 (with one commissioner absent) to approve the post event review and to release the deposit.

c. **Murrazzo/Furnanz Family Gathering—July 7, 2016**

It was moved by Comm. Petlock and seconded by Comm. Harrington to approve the post event review of Murrazzo/Furnanz Family Gathering event. The CSEC voted 8-0 (with one commissioner absent) to approve the post event review and to release the deposit.

d. **Napa to Sonoma Wine Country Half Marathon—July 17, 2016**

It was moved by Comm. Pollack and seconded by Comm. Cook to approve the post event review of the Napa to Sonoma Wine Country Half Marathon event. The CSEC voted 8-0 (with one commissioner absent) to approve the post event review and to release the deposit.

It was noted by Comm. Petlock that there is an existing agreement for the event that allows the applicant to only provide the proceeds and expenses accumulated in the City of Sonoma. City staff has not identified such a formal agreement at this time.

3. Discussion, Consideration, and Possible Action to Approve the Proposed Time Change to the 2016 Farmers' Market Application

Special Events Manager Janson presented the time change request for the 2016 Farmers' Market event, which would allow the farmers participating in the event to set up earlier at 3:45 PM and open to the public between

4:15 PM-4:30 PM. The change to the event application would also allow the farmers to move behind and to the sides of City Hall.

After review and public testimony, it was moved by Comm. Petlock and seconded by Comm. Pollack to approve the time change to the 2016 Farmers' Market event application. The CSEC voted 8-0 (with one commissioner absent) to approve the change.

4. Plaza Bicycle Parking Review

The CSEC reviewed a proposal to include additional bicycle parking in the Plaza. The proposal prepared by Comm. Metzler outlined the recommendation to convert two or more on-street car parking spaces on the perimeter of the Plaza to permanent bicycle parking.

After a report from City staff and public testimony, it was moved by Comm. Harrington and seconded by Comm. Pollack to recommend City Council approve the conversion of two car parking spaces to permanent bicycle parking in the Plaza, preferably near the rideshare parking spaces (exact location to be determined by Council). The CSEC voted 7-1 (with one commissioner absent; Comm. Cook dissented) to approve this recommendation to Council.

5. Subcommittee Report

- a. Tree Committee (Standing Subcommittee). The Meeting Time Discussion was postponed to the October 12 regular meeting agenda.

6. Bike Share Program Review

The CSEC formed a subcommittee consisting of Comms. Petlock and Metzler to further explore the option of a City of Sonoma Bike Share Program.

7. Water Bottle Filling Station Review

The CSEC reviewed the concept of replacing an existing drinking fountain in the Plaza with a water bottle filling station, which was included by the City Council under the Infrastructure Goal for Fiscal Year 2016/17.

After review and public testimony, it was moved by Comm. Cook and seconded by Comm. Pollack to approve the water bottle filling station as proposed, with the condition that City staff would investigate to make sure the cantilevered design would withstand weight applied to it if someone were to sit or stand on the station. The motion also requested that staff review the option of adding another water bottle filling station in Depot Park. The CSEC voted 8-0 (with one commissioner absent) to approve the proposed station.

8. Future Agenda Items

The following items will be placed on the October 12, 2016 meeting agenda:

- Consider Recommending City Council Adopt Policy to Reduce Greenhouse Gas Emissions (requested by Comms. Harrington and Allebach)

9. Commissioner and Staff Comments

Chair Brown adjourned the meeting at 8:38 P.M. The next regular meeting is scheduled for Wednesday, October 12, 2016 at 6:30 P.M.

Respectfully submitted,

Katherine Wall, Public Works Administrative Manager