



City of Sonoma

Agenda Item Summary

Meeting: City Council - Nov 20 2017



Department

Staff Contact

David Goodison, Planning Director

Agenda Item Title

Discussion, Consideration, and Possible Action on the Recommendations of the City Council Housing Subcommittee with Respect to Short-Term Measures Addressing Housing Loss and Displacement Resulting from the October Fires, Including Consideration of: 1) An Urgency Ordinance Establishing Short-Term Allowances for Housing; 2) A Resolution Addressing Rent Gouging; and, 3) A Resolution Establishing a Fee Waiver Program for Accessory Dwelling Units and Allocating \$30,000 from the Disaster Recovery Fund for that Purpose

Summary

At its meeting of October 23, 2017, the City Council established a number of subcommittees tasked with addressing issues and responses to the October Fires disaster, including the appointment of Mayor Hundley and Councilmember Harrington to the Housing Subcommittee. Since that time, the Housing Subcommittee has held a series of meetings to discuss short-term and long-term options for addressing housing needs created or exacerbated by the fires.

Short-Term Measures: At this time, the Subcommittee is presenting its recommendations on short-term measures, which are as follows:

1. Urgency Ordinance Allowing for Temporary Housing: Three allowances are proposed as follows:

A. Temporary Allowance for RV Occupancy: Under this item, a residential property owner could utilize a recreational vehicle as temporary housing for persons displaced by the October Fire event for an initial period of 45 days, provided that the vehicle has adequate septic holding capacity. After 45 days, a Temporary Use Permit is required, subject to an administrative review. An initial maximum term of one-year is recommended.

B. Temporary Allowance for Use of Guest Rooms: Under this item, existing guest houses, pool houses, and other detached residential accessory structures could be rented to fire victims. This allowance would apply to structures that are approved for residential occupancy. An initial maximum term of one-year is recommended.

C. Temporary Allowance for Long-term Rental of Legal Vacation Rentals: Under this item, legal vacation rentals could be used as long-term rentals for more than one year without losing their non-conforming status.

2. Resolution Addressing Rent Gouging: Through this Resolution, the City Council would direct Code Enforcement to monitor rental listings for potential rent gouging and to document potential instances that it discovers or that are reported to Code Enforcement. After initial review, Code Enforcement will prepare their preliminary information and refer the case to the County District Attorney for further review and enforcement.

3. Resolution Establishing a Fee Waiver Program for Accessory Dwelling Units: Through this

Resolution, the City Council would appropriate funds and direct staff to immediately develop and implement a program granting fee waivers to encourage the construction of Accessory Dwelling Units. As proposed, the waiver would be limited to one per residence and capped at \$5,000. The recommended appropriation is \$30,000, drawn from the already established Disaster Recovery Fund. (Note: This Resolution also includes a fee waiver for the Temporary Use Permit associated with RV Occupancy program described above.)

These measures above have been recommended by the Housing Subcommittee, because they can be implemented immediately and they are compatible with the resources available to Sonoma. While consideration was given to the concept of identifying sites within the city limits and establishing a process to allow small clusters of long-term temporary housing (up to three years), this approach is not recommended at this time. FEMA reports less than 700 people have applied for Housing Assistance in Sonoma County. The County is assessing the number of units that will be needed for long-term temporary housing and their focus at this time is to identify large sites capable of accommodating hundreds of temporary units, with the Santa Rosa Fairgrounds being the likely setting for a large-scale temporary housing community with trailers from FEMA. Displaced households in Glen Ellen and Kenwood are being placed by a private group led by members of those communities.

Next Steps: The Subcommittee is considering a variety of long-term measures to address housing issues. In terms of immediate next steps, the following items are pending:

1. Vacation Rental Ordinance. At its meeting of November 20, 2017, the City Council be considering an ordinance that would place additional limits on new applications for vacation rentals.

2. Housing Impact Fee Nexus Study. At its meeting of December 18, 2017, the City Council will conduct a follow-up discussion on the housing impact fee study and possible changes to the City's inclusionary affordable unit ordinance. In the meantime, the Housing Subcommittee has provided direction to staff concerning information needs associated with this discussion.

More generally, the Housing Subcommittee will continue to meet and evaluate additional options for addressing the needs of displaced households as well as long-term housing needs.

Recommended Council Action

The Housing Subcommittee has recommended that the City Council take the following actions: 1) adopt an urgency ordinance establishing short-term allowances for housing and direct staff to prepare an ordinance implementing those measures adopted through the regular process; 2) adopt a resolution addressing rent gouging; and, 3) adopt a resolution establishing a fee waiver program for Accessory Dwelling Units and Temporary Use Permits for RV housing and allocating \$30,000 from the Disaster Recovery Fund for that purpose.

Alternative Actions

Council discretion.

Financial Impact

The allowance in the urgency ordinance to allow vacation rentals and bed and breakfast units to be rented on a long-term basis could reduce revenues from Transient Occupancy Tax. The

proposed fee waiver program calls for funding in the amount of \$30,000, drawn from the Disaster Recovery Fund (which in turn was appropriated from the City's Emergency Reserve).

Environmental Review

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

Status

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

Attachments

- [1. Housing Measures Ordinance](#)
 - [2. Rent Gouging Resolution](#)
 - [3. Accessory Unit Fee Waiver Resolution](#)
-

Alignment with Council Goals:



HOUSING:

To analyze policy and programmatic tools suggested by the City's Housing Element; implement strategies to facilitate creation of affordable rental and workforce housing; sustain and increase opportunities to continue the programs currently in place to maintain current affordable housing stock.

Compliance with Climate Action 2020 Target Goals:

The use of accessory structures for long-term housing and the incentives for the development of Accessory Dwelling Units are consistent with reducing greenhouse gas emissions by promoting affordable infill development and making use of smaller-scale structures.

CC:

n/a

ORDINANCE # ____ - 2017

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONOMA ESTABLISHING TEMPORARY HOUSING MEASURES TO ADDRESS DISPLACEMENT RESULTING FROM THE SONOMA COMPLEX FIRE

The City Council of the City of Sonoma, State of California, ordains as follows:

Section I. Emergency Findings. This urgency ordinance is adopted pursuant to California Government Code section §36937(b) and shall take effect immediately upon its approval by at least a four-fifths vote of the City Council. The City Council finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

1. Conditions of extreme peril to the safety of persons and property within Sonoma County were caused by fast-moving and widespread fires, referred to as the Sonoma Complex Fire, commencing on the 8th day of October, 2017, at which time the City Council was not in session; and
2. California Government Code section 8630 and Section 2.36.060 of the Sonoma Municipal Code empower the Director of Emergency Services to proclaim the existence of a local emergency when the city is affected or likely to be affected by a public calamity, subject to ratification by the City Council at the earliest practicable time; and
3. On October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties and has declared Sonoma County and the jurisdictions within it eligible for Fire Management Assistance Grant and other relief programs; and
4. On October 10, 2017, the President declared the existence of a major disaster in the State of California and ordered Federal aid to supplement state and local recovery efforts in the areas affected by wildfires, including the Sonoma Complex Fire, beginning on October 8, 2017, and continuing; and
5. On October 11, 2017, the City Manager of the City of Sonoma, acting in the capacity of Director of Emergency Services, proclaimed the existence of a local emergency within the City of Sonoma; and
6. On October 17, 2017, the City Council adopted Resolution No. 55-2017 ratifying the City Manager's proclamation of the existence of a local emergency within the City of Sonoma and requesting that the Governor of the State of California make available California Disaster Act Assistance and seek all available forms of disaster assistance and relief programs; and
7. The Sonoma Complex Fire to date has consumed well over one hundred thousand acres and has led to the destruction of thousands of homes. It is estimated that at least 1500 households in Sonoma County, including unincorporated Sonoma County and municipal jurisdictions within Sonoma County, are without homes; and
8. Even prior to the Sonoma Complex Fire, there existed in the City of Sonoma and Sonoma Valley a lack of rental housing that is affordable to lower and moderate income residents. The housing units destroyed by the Sonoma Complex Fire increased this rental housing shortage by several orders of magnitude and also severely reduced the number of owner-occupied housing units in the Sonoma Valley and the County as a whole; and

9. Destruction of housing units in other nearby counties, including Lake, Napa, Solano and Mendocino Counties further exacerbates the ability of persons who live and work in Sonoma Valley and have been displaced by the Sonoma Complex Fire to relocate to other housing; and

10. It is essential that the changes made by this ordinance to the Sonoma Municipal Code and various City housing policies and regulations related to the use and occupancy of residential dwellings be implemented immediately to allow the fastest possible transition of homeless and displaced residents to interim and long-term shelter.

Section II. Sonoma Complex Fire Temporary Housing Measures. Chapter 19.58, entitled Sonoma Complex Fire Temporary Housing Measures, as set forth in Exhibit A to this ordinance, is hereby added to the City of Sonoma Municipal Code, to remain in effect until December 31, 2018, unless extended or otherwise modified by the City Council.

Section III. Finding of Exemption from the California Environmental Quality Act. Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

Section IV. Effective Date. This Ordinance shall become effective immediately upon its adoption, accordance with Government Code §36937(b).

Section V. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section VI. Publication. This Ordinance shall be published in accordance with applicable provisions of law, by either: 1) publishing the entire Ordinance once in the Sonoma Index Tribune, a newspaper of general circulation, published in the City of Sonoma, within fifteen (15) days after its passage and adoption; or, 2) publishing the title or appropriate summary in the Sonoma Index Tribune at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the Ordinance.

THE FOREGOING ORDINANCE was first read and adopted as an Urgency Ordinance at a regular meeting of the Sonoma City Council on the ____ day of _____, 2017, by the following vote:

AYES: Councilmembers

NOES: Councilmembers

EXHIBIT A

CHAPTER 19.58 SONOMA COMPLEX FIRE TEMPORARY HOUSING MEASURES

Sec. 19.58.010. – Title.

This chapter shall be known as “Sonoma Complex Fire Temporary Housing Measures”.

Sec. 19.58.020. – Purpose.

This chapter is enacted for the purpose of modifying and/or temporarily suspending various City housing permitting policies and regulations to allow the fastest possible transition of residents made homeless or displaced by the Sonoma Complex Fire to interim and long term shelter.

Sec. 19.58.030. – Administration.

This chapter shall be administered under the direction of the City Council, by and through the Planning Director and other departments specified herein.

Sec. 19.58.040. – Effective Period.

- A. The provisions in this chapter shall be effective immediately upon its adoption (November 20, 2017) and shall remain in effect until December 31, 2018, unless otherwise specified herein, subject to extension or modification by the City Council. Unless extended or modified by the City Council, this chapter shall expire on December 31, 2018, and be of no further force or effect.
- B. Unless otherwise provided herein, no residential recreational vehicle use or interim housing authorized pursuant to this chapter shall be used or continued to be used for permanent housing after the expiration date of this ordinance.

Sec. 19.58.050. – Glossary.

A – Purpose. This section provides definitions of terms and phrases used in this chapter that are technical or specialized, or that may not reflect common usage. If any of the definitions in this article conflict with definitions in other provisions of this code, these definitions shall control for the purposes of this chapter. If a word is not defined in this article, or in other provisions of this code, the director shall determine the correct definition.

B – Definitions.

1. **Displaced person(s).** A resident or residents of Sonoma County whose residential dwelling has been destroyed or damaged by the Sonoma Complex Fire, such that the resident(s) cannot occupy the dwelling. Displaced person(s) may be required to provide verification to the City to substantiate their eligibility for uses, permits and/or approvals described in this chapter. Evidence may consist of verification by Federal Emergency Management Agency (FEMA) registration or damage assessment, and/or a driver’s license or other government-issued identification card or utility bill, etc. with a physical address showing the resident resided on a legal parcel impacted by the Sonoma Complex Fire, as determined by the City. Such determination may be made by the director or other City personnel.

2. **Director.** The Planning Director of the City of Sonoma or his or her authorized designee.
3. **Recreational vehicle.** A motor home, travel trailer, truck camper or camping trailer that is (1) self-contained and designed for human habitation for recreational or emergency occupancy; (2) self-propelled, truck-mounted, or permanently towable on California roadways; and (3) a California Department of Motor Vehicles licensed vehicle; or a similar vehicle or structure as determined by the director.
4. **Sonoma Complex Fire.** The series of fires that swept Sonoma County beginning on October 8, 2017, as referenced in City Council resolution number 55-2017, adopted October 17, 2017, and which were the subject of the Proclamation of a State of Emergency by Governor Edmund J. Brown and the Major Disaster Proclamation for California issued by President Donald J. Trump.

Sec. 19.58.060. – Residential Use of Recreational Vehicles.

- A. Initial use. For a period of 45 days from the Effective Date, residential use and occupancy of recreational vehicles on any owner-occupied single-family residential lot in any zoning district shall be allowed without a zoning or building permit, provided that such vehicles have temporary septic holding capacity and/or portable toilets that are serviced through routine pumping services or use of dump stations.
- B. Recreational vehicles for reconstruction or repair of damaged dwellings. The use of one (1) recreational vehicle per owner-occupied single-family residential lot in any zoning district in any residential zoning district during the term of this ordinance shall be allowed, subject to City approval or permit as applicable, for use by displaced persons who are repairing or reconstructing a fire-damaged dwelling on another parcel.
- C. Standards. Other than as provided in Section 19.58.060.A, all residential use of recreational vehicles shall meet the following standards.
 1. The property owner or the property owner's authorized agent shall obtain a City of Sonoma Temporary Use Permit approval. Written consent of the property owner is required in all cases.
 2. Residential use of recreational vehicles is limited to vehicles not on a permanent foundation and used to house displaced persons during the Effective Period set forth in Section 19.58.040.
 3. Residential use of recreational vehicles shall be located outside the boundaries of any recorded easements.
 4. The recreational vehicle shall be connected to an approved source of water meeting one of the following criteria:
 - a. Public water supply;
 - b. Existing well provided that it has been approved by the director as safe for domestic consumption; or
 - c. Other water source approved by the director.
 5. The recreational vehicle shall be connected to an approved sewage disposal system meeting one of the following criteria:
 - a. Public sewer system;
 - b. Existing on-site sewage disposal system that has been approved by the director to be intact, adequately sized, and functioning following the disaster;
 - c. Temporary holding tank with a contract with a pumping company for regular pumping. A copy of the contract shall be provided to the director; or

- d. Other method of sewage disposal approved by the director.
- 6. The recreational vehicle shall be connected to an approved source of electricity meeting one of the following criteria:
 - a. Permitted electrical service hook-up; or
 - b. Other power source approved by the director.
- 7. Residential use of recreational vehicles under this ordinance shall not be allowed in either of the following areas:
 - a. A special flood hazard area defined by this code or regulations, or other authorized federal or state official; or
 - b. An area with health and safety hazards as determined by the director.
 - c. A front yard setback, other than within an existing driveway.

Sec. 19.58.070– Additional Housing Provisions

A – Rental of Existing Guest Houses, Pool Houses and Residential Accessory Structures. Notwithstanding any contrary provision in this code, existing guest houses, pool houses, and residential accessory structures may be rented as interim housing for persons displaced by the Sonoma Complex Fire, but shall remain subject to all other existing regulations and limitations.

B – Rental of Existing Vacation Rentals and Bed and Breakfast Inns. Notwithstanding any contrary provision in this code or use permit conditions, existing rental or residential occupancy of vacation rentals and bed and breakfast inns shall be allowed as interim housing for persons displaced by the Sonoma Complex Fire and the long-term of rental of such units shall not result in a loss of non-conforming status, as set forth in Section 19.82.030.

City of Sonoma

RESOLUTION # ____ - 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA DIRECTING CITY OF SONOMA CODE ENFORCEMENT TO IDENTIFY AND DOCUMENT POTENTIAL INSTANCES OF RENT GOUGING AND TO REFER CREDIBLE COMPLAINTS TO THE DISTRICT ATTORNEY FOR ENFORCEMENT

RESOLVED, that the City Council of the City of Sonoma hereby finds as follows.

1. **The City Council finds and determines, based on evidence and records presented, that:**
2. **Beginning on the evening of October 8, 2017, and continuing for days thereafter, a series of wildfire events, identified as the Tubbs and Nuns Fires (Fires) burned over 90,000 acres in Sonoma County and damaged or destroyed approximately 4500 homes within the boundaries of Sonoma County; and**
3. **On October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties; and**
4. **On October 10, 2017, President Donald J. Trump declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires, beginning on October 8, 2017; and**
5. **On October 11, 2017, the City Manager, in her capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City of Sonoma; and**
6. **On October 17, 2017, the City Council adopted Resolution No. 55-2017 ratifying the City Manager's proclamation of the existence of a local emergency within the City of Sonoma and also subsequently extended it on November 6 for 30 additional days; and**
7. **Penal Code Section 396 ("Section 396") controls price increases for rental housing for an initial period of thirty (30) days after declaration of an emergency by the President, Governor or local agency, and generally prohibits charging a price that exceeds by more than ten percent (10%) the price of the rental unit before the declaration of emergency. Section 396 permits a local legislative body to extend the price controls for additional thirty (30) day periods as needed to protect the lives, property or welfare of its citizens. Nothing in Section 396 preempts the City's ability to prohibit the same or similar conduct, or impose a more severe penalty for the conduct prohibited by Section 396. Section 396 applies to hotels, motels and "...any rental housing with an initial lease term of no longer than one year;" and**
8. **On October 18, 2017, the Governor of the State of California issued Executive Order B-43-17, which, in relevant part, provides that the provisions of Section 396 prohibiting price gouging will remain in effect until April 18, 2018, and waives the thirty (30) day time period limitation set forth in Section 396; and**

9. **Even prior to the Sonoma Complex Fire, the San Francisco Bay Area, including Sonoma County and the City of Sonoma experienced a lack of rental housing, particularly rental housing that is affordable to lower and moderate income residents; and**
10. **The housing units damaged and destroyed by the Fires increased the rental housing shortage within Sonoma County by several orders of magnitude; and**
11. **Destruction of housing units in other nearby cities and counties further exacerbates the ability of persons displaced by the Fires to relocate to other housing; and**
12. **The Sonoma County District Attorney is already investigating credible reports of gouging by persons offering housing for rent in Sonoma County.**

NOW, THEREFORE, BE IT RESOLVED THAT, based on the foregoing findings and the record of these proceedings, the City Council hereby determines, declares, and orders as follows:

1. The City of Sonoma Code Enforcement program is hereby directed to identify and document potential instances of rent gouging within the City of Sonoma and to refer any credible complaints to the Office of the Sonoma County District Attorney for their investigation and enforcement.
2. The City Council hereby finds that the actions authorized by this Resolution are exempt from environmental review pursuant to CEQA Guideline section 15321 (actions taken by enforcement agencies to implement existing laws).

The foregoing Resolution was duly adopted this 20th day of November 2017, by the following vote:

Ayes:
Noes:
Absent:

Rachel Hundley, Mayor

ATTEST:

Rebekah Barr, MMC, City Clerk

City of Sonoma

RESOLUTION # _____ - 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SONOMA ESTABLISHING A PROGRAM OF FEE WAIVERS FOR ACCESSORY DWELLING UNITS AND FOR TEMPORARY USE PERMITS ASSOCIATED WITH HOUSING FOR DISPLACED RESIDENTS AND ALLOCATING \$30,000 FROM THE DISASTER RESPONSE FUND FOR THAT PURPOSE

The City Council of the City of Sonoma hereby finds as follows.

1. **The City Council finds and determines, based on evidence and records presented, that:**
2. **Beginning on the evening of October 8, 2017, and continuing for days thereafter, a series of wildfire events identified as the Sonoma Complex Fire burned over 90,000 acres in Sonoma County and damaged or destroyed approximately 4500 homes within the boundaries of Sonoma County; and**
3. **On October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties; and**
4. **On October 10, 2017, President Donald J. Trump declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires, beginning on October 8, 2017; and**
5. **On October 11, 2017, the City Manager, in her capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City of Sonoma; and**
6. **On October 17, 2017, the City Council adopted Resolution No. 55-2017 ratifying the City Manager's proclamation of the existence of a local emergency within the City of Sonoma; and**
7. **Even prior to the Sonoma Complex Fire, the San Francisco Bay Area, including Sonoma County and the City of Sonoma experienced a severe lack of rental housing, particularly rental housing that is affordable to lower and moderate income residents; and**
8. **The housing units damaged and destroyed by the Fires increased the rental housing shortage within Sonoma County by several orders of magnitude; and**
9. **Destruction of housing units in other nearby cities and counties further exacerbates the ability of persons displaced by the Fires to relocate to other housing; and**
10. **The development of Accessory Dwelling Units represents a relatively quick method of providing additional rental units that will also contribute to the stock of permanent housing; and**
11. **To the extent that building permit fees present a barrier to the development of Accessory Dwelling Units, a fee waiver program will provide an incentive to their construction.**

12. To the extent that the fees for a Temporary Use Permit to provide temporary RV housing for displaced residents, as allowed for under Ordinance XX-2017, a fee waiver program will provide an incentive to their placement.

NOW, THEREFORE, BE IT RESOLVED THAT, based on the foregoing findings and the record of these proceedings, the City Council hereby determines, declares, and orders as follows:

1. The City Council hereby allocates a maximum of \$30,000 from the Disaster Response Fund for the purpose of providing fee waivers as an incentive for the construction of Accessory Dwelling Units and for waiving the Temporary Use Permit fee associated with Recreational Vehicle Housing for displaced residents.
2. The City Council hereby directs staff to implement a program providing fee waivers for accessory dwelling units, in accordance with the following parameters:
 - A. Limited to the construction Accessory Dwelling Units or Junior Accessory Dwelling Units, in accordance with SMC 19.50.090.
 - B. Limited to a single Accessory Dwelling Unit per legal lot of record in conjunction with an existing single-family residence.
 - C. Limited to a maximum of \$5,000 per Accessory Dwelling Unit.
 - D. Fee waiver and reimbursement are limited to Building Permit and Building Permit Plan Check Fees, water connection fees, sewer connection fees, and school impact fees.
3. The City Council hereby directs staff to waive the \$100.00 Temporary Use Permit associated with the Recreational Vehicle temporary housing program established by Ordinance XX-2017.
4. The City Council hereby directs staff to provide a monthly report to the Council on fee waivers provided through the program.
5. This Fee Waiver program shall terminate on December 31, 2018, unless extended by the City Council.

The foregoing Resolution was duly adopted this 20th day of October 2017, by the following vote:

Ayes:
Noes:
Absent:

Rachel Hundley, Mayor

ATTEST:

Rebekah Barr, MMC, City Clerk