



## MEMORANDUM

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TO: Sebastopol General Plan Advisory Committee (GPAC)

FROM: Ben Ritchie and Beth Thompson, De Novo Planning Group

SUBJECT: October 8, 2014 Meeting – Housing and Community Health

DATE: September 25, 2014

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### INTRODUCTION

The October 8<sup>th</sup> GPAC meeting will focus on the topics of housing and community health. This meeting packet includes specific reading materials related to housing and community health, and raises key issues to consider in preparation for the second GPAC meeting. The Housing Element is a required element of the General Plan, and due to State certification requirements and timing, will be prepared and adopted prior to completion and adoption of the rest of the General Plan update. The Community Health Element is an optional element of the General Plan.

In accordance with California State Law, California cities must have an adopted General Plan and the General Plan must contain a Housing Element. While all elements of a General Plan are reviewed and revised regularly to ensure that the plan remains current, state law requires that the Housing Element be updated every five years. State law also dictates the issues that the Housing Element must address and furthermore requires the element to be reviewed by the California Department of Housing and Community Development (HCD) to assure that it meets the minimum requirements established by Government Code §65580-65589.8. This process is commonly referred to as “certifying” the Housing Element.

The major requirement for the Housing Element is that it requires cities to plan to meet their existing and projected housing needs including their share of the regional housing need. The Association of Bay Area Governments (ABAG) has adopted the Regional Housing Needs Allocation (RHNA) for 2014-2022. As part of this process, ABAG worked with regional and local governments to develop a methodology for distributing the nine-county Bay Area's housing need (as determined by HCD) to all local governments in the region. Each city and county has received an allocation of housing units, broken down by income categories. Cities and counties must identify adequate sites zoned at adequate densities to meet this housing allocation, also referred to as the RHNA numbers. The planning period for this version of the Housing Element is 2015-2023. Each city and county in the Bay Area will have to review, update and adopt its Housing Element to address the RHNA and meet requirements of State law by January 31, 2015.

This Housing Element reflects input from a wide variety of sources. The primary mechanism to gather public input for the Housing Element was through a public workshop, held in the afternoon of May 14, 2014. Workshop participants were asked to identify housing strengths, weaknesses, and priorities and to identify appropriate actions to implement top priorities.

Participants in the Visioning process identified the following issues and comments related to the provision of housing:

- Need for more affordable housing, including rental housing, senior housing, and housing for young families
- Methods recommended to increase affordability of housing include land trusts, higher densities, and revisions to parking and height standards
- Ensuring fees are commensurate with the size of unit
- Higher densities downtown
- Increase housing downtown
- Address homeless issues
- Housing for young families
- Low and moderate income housing
- Higher densities
- Permit tiny houses
- Greater range of housing types
- Senior housing
- Price of housing is a limiting factor that restricts diversity
- Ensure that affordable housing is permanently affordable

The Community Health and Wellness Element is an optional element of the General Plan. As such, the City has a great degree of flexibility regarding the scope and range of topics addressed in the Community Health and Wellness Element. The Community Health and Wellness Element will address public health at a broad level in order to support a healthy community through increasing access to necessary services, considering public health in land use decisions, encouraging provision of healthy food choices, and addressing regulations for sales of alcohol and tobacco, and may potentially include policies related to the cultivation and sale of medical marijuana. This element will establish a framework of goals, policies, and actions for developing conditions that will improve the health and wellbeing of Sebastopol residents. The Community Health and Wellness Element will focus on and address health issues not addressed specifically by other elements of the General Plan. The Issues and Opportunities Report discussion of Community Health identifies the range of health-related topics that are addressed in other elements of the General Plan.

## **REQUIRED READING**

Prior to the meeting on October 8<sup>th</sup>, please read the following items:

1. Administrative Draft Housing Element
2. Existing Conditions Report: Chapter 6.0, Community Health
3. Issues and Opportunities Report: 4.3, Housing; and 4.7, Community Health and Wellness
  - a. The Issues and Opportunities Report also includes detailed information and summaries of input received from the community that should be read and considered prior to the meeting.

## **WORK EXERCISE**

After reading the materials identified above, please consider the following questions and be prepared to discuss:

### **Housing**

1. What are the primary challenges the City faces in the provision of housing and housing affordable to moderate and low income groups?
2. What steps can the City take to increase the availability of affordable housing?
3. In considering the questions posed in Chapter 4.3 of the Issues and Opportunities Report related to housing, what input do you have that the GPAC should consider and discuss?

### **Community Health**

1. In developing a goal and policy framework to address community health, what issues or actions should the City prioritize?
2. What types of issues related to community health should be addressed in the General Plan that may not already be covered under other General Plan elements (such as Circulation, Land Use, and Conservation)?
3. In considering the questions posed in Chapter 4.7 of the Issues and Opportunities Report related to community health, what input do you have that the GPAC should consider and discuss?



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TO: Sebastopol General Plan Advisory Committee (GPAC)

FROM: Ben Ritchie and Beth Thompson, De Novo Planning Group

SUBJECT: General Plan Advisory Committee Meeting Summary from September 10, 2014  
(Noise and Safety)

DATE: September 18, 2014

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This memo provides an overview and summary of the input received during the September 10, 2014 GPAC meeting on the topics of Noise and Safety.

**Initial Public Comment**

- Concern over use of drones (small remote aircraft). Privacy and safety issue.

**GPAC Input on Safety**

- Uniform Building Code (UBC) is outdated.
- Slowing traffic is an important components of community safety and should be mentioned in safety element. Lack of bike lanes is a component of this safety concern.
- Crosswalk safety issues include inconsistent design (striping, etc), non-functioning lights, and people don't use them correctly.
- Design review should include analysis of traffic and driveway safety design.
- Bikes, peds, and vehicles should be treated equally in planning and design decisions.
- What was the impetus for the change in the well contamination standards?
- CERT program should be supported by City.
- Buildings should be graded (A-D, etc) based on safety (seismic) conditions, and info should be publicly posted.
- Fire protection services in the SOI should be expanded. Urban departments have expertise in haz mat issues that could benefit surrounding ag lands and operations.
- Ives park should include stormwater detention facilities.
- Hospital closure is a large concern. Hospital is a critical component of disaster planning and emergency response. City should update emergency response plans to address lack of hospital in town. GP should have policy support of hospital re-opening, but should not delve into the specifics of this complex issue.

- Encourage various safety programs like “Map My Neighborhood,” CERT, and other community safety programs.
- Ensure good dissemination of info for emergency preparedness.
- Flood maps should include 200-year flood plain.
- Support community-based health care financial models.
- City should provide up-to-date data on status of vital infrastructure (gas lines, water lines, etc).
- Fire staffing and readiness should be addressed to ensure appropriate levels of service.
- Concern that more of City is subject to liquefaction than what is shown on USGS maps.
- More public outreach is needed on seismic safety issues- particularly on response plans.
- Increase citizen awareness on seismic risks with older buildings.
- Consider prohibiting development within 100-year flood plain.
- Approach flood control holistically and ecologically- consider water management in flood control decisions.
- Look for creative multi-use community uses in flood zones and in flood control facilities (parks, ag operations, etc).
- Ensure GP adequately identifies groundwater recharge areas.
- Encourage and incentivize ample areas for groundwater recharge on private lots throughout town.
- Monitor well levels.
- Push hard to be a leader in bioswales and other BMPs for flood control and water quality.
- Add streets and parcels to flood maps.
- Correction to background report data: Maacama Fault is actually to the northeast (not northwest).
- Encourage County to monitor Ag pumping volumes in wells and find ways to protect against groundwater overdraft.
- Include a GP action item to explore City programs to limit EMF exposure to the greatest extent of the law.
- Promote community education and awareness on EMF health info and stay abreast of current research.
- Generally retain EMF policies in current GP, but refresh, update, and reference City’s telecommunications ordinance.
- Action in GP to update and maintain, as needed, the telecommunications ordinance.

- Request to compile data on location, size, strength, etc of all major cell towers and EMF sources in City.
- Look into best practices from other cities on EMF approaches.

#### **Public Comment following Safety Discussion**

- Seismic risks are a serious concern.
- Lack of local emergency room is a safety concern.
- Concern over ways EMF affects public health and safety. Consider minimum height requirements of towers.
- EMF Safety Network has lots of educational resources. Microwaves are worst sources of EMF.
- Eliminate one-way streets.

#### **GPAC Input on Noise**

- Input that existing noise ordinance is very good, but proper enforcement is the issue.
- Look at standards for interior noise exposure generated inside (very loud inside the Community Center during events).
- Mixed input regarding support for flexible noise standards near the Downtown area. Some felt there should be no exceptions to noise standards, while others felt that flexibility to allow live music and other entertainment-related noise in and around Downtown is beneficial.
- Explore opportunities to collect funds from noise “offenders” to pay for community noise attenuation efforts.
- Review new development projects for potential noise impacts.
- Use the use permit process to limit hours of noise- this can be a very effective tool.
- People need recourse and “teeth” to enforce noise standards.
- Irregular, tonal, and nuisance noise should be considered. More than just decibel levels or averaged noise levels.
- Downtown street sweeping, sidewalk blowing, trash collection, etc. happen very early- needs to be regulated.
- Strengthen policies re: stationary sources- particularly near residential areas.
- Time of day noise regulations are a key component to noise.
- Look for areas of community where late night noise may be acceptable.
- On-site decibel monitoring at entertainment venues should be explored.
- New development in Downtown is good and should be granted exemptions from compliance with residential noise exposure standards.
- No clear consensus on Downtown noise concerns.

- Vegetative screening is a desirable noise mitigation approach in many cases.
- Slowing traffic is a key component of reducing traffic noise.
- Quiet pavement requirements should be explored.
- Standards should be developed to address intermittent noise (peak noise)- particularly during nighttime hours.
- Future noise from airport expansion should be addressed.

**Public Comment following Noise Discussion**

- Extensive and compelling information provided by residents affected by noise from the carwash, which has been an ongoing issue the City is dealing with.

### 4.0 ISSUES AND OPPORTUNITIES

The General Plan Update will address an extensive set of issues and opportunities. Many of these issues and opportunities are defined by State law, while others reflect local concerns and desires.

Typically, in a general plan update program, the plan revolves around and is shaped by a handful of key issues and opportunities. Key issues in Sebastopol concern protecting Sebastopol’s small-town charm, unique character, and strong sense of community; supporting local business development and strengthening the Downtown core; improving traffic and circulation conditions through reduced congestion, reduced vehicle speeds, and providing expanded facilities for bicycles and pedestrians; emphasizing sustainability and environmental stewardship; providing a range of affordable housing opportunities; and ensuring ample opportunity for meaningful community participation in the planning process.

Despite the many challenges Sebastopol may face, there are also opportunities to take advantage of over the time frame of the General Plan. Opportunities include methods of boosting the local economy, enhancing the community’s character, providing community improvements, and expanding services for city residents. However, due to fiscal limitations and regulatory requirements, the City may not be able to address all of the issues and opportunities identified in this report. Therefore, the City and its leaders and residents will need to make important choices during the General Plan Update process as to which issues and opportunities are most important to shape the vision of Sebastopol’s future.

#### ISSUES

##### What is an Issue?

In the context of this report, an “Issue” is defined as an important condition or problem that needs to be addressed through the General Plan Update process.

Each issue is highlighted in a beige box. Following discussion of the issue, key policy questions associated with the issue are identified in italics.

#### OPPORTUNITIES

##### What is an Opportunity?

In the context of this report, an “Opportunity” is defined as a unique, favorable, or advantageous condition that the City can capitalize on through the General Plan Update process.

Each opportunity is highlighted in a teal box. Following discussion of the opportunity, key policy questions associated with the opportunity are identified in italics.



## 4.0: ISSUES AND OPPORTUNITIES

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### 4.3 HOUSING

Housing issues in Sebastopol will be addressed by the Housing Element, which is being prepared on a schedule that is more accelerated than the rest of the General Plan Update due to timing requirements of State law.

A detailed overview of housing information, including the housing needs analysis, analysis of potential constraints to housing, an inventory of potential housing sites and funding resources, and a review of the implementation of the 2010 Housing Element is included in the Draft Housing Element.

Participants in the Visioning process identified the following issues and comments related to the provision of housing:

- Need for more affordable housing, including rental housing, senior housing, and housing for young families
- Methods recommended to increase affordability of housing include land trusts, higher densities, and revisions to parking and height standards
- Ensuring fees are commensurate with the size of unit
- Higher densities downtown
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### Issue: Affordable Housing

Participants in the Visioning process repeatedly identified the need for more affordable housing. Primary concerns were that housing is not affordable to young families, that the City needs more housing affordable to low and moderate income groups, and housing suitable for seniors should be provided. Homeless issues were also identified as a concern.

There are a number of factors that limit the creation of affordable housing. Primary factors are summarized below.

#### *MARKET CONDITIONS*

The price of housing is driven by market conditions, including the price of land, price of existing housing, cost of development for new housing, and mortgage rates. While mortgage rates have been relatively low in recent years, the median housing price in July 2014 was \$550,000. Rents in Sebastopol are also relatively high, with a median rent of \$1,709 for a two-bedroom dwelling unit (August 2014). Current housing costs are affordable to above moderate income households (households earning above 120% of the median income). Lower and moderate income households are either priced out of the market or have to pay a significant portion of their income in order to afford housing in Sebastopol.

#### *LACK OF FUNDING*

In order to develop and retain affordable housing, funding mechanisms to subsidize the cost of the housing are necessary for the home prices to be affordable to lower and moderate income households and for rental rates to be affordable to lower income households. Prior to 2012, tax increment funds collected by redevelopment agencies were a significant source of funding for affordable housing in most communities in California. These funds could be used to subsidize affordable housing, either through low cost loans, purchase of property, or as a match for a variety of federal-, state-, and county-administered funding sources. However, Sebastopol's redevelopment agency (the Sebastopol Community Development Agency) was dissolved in February 2012 in compliance with State law that closed redevelopment agencies statewide.

Sebastopol participates in the Urban County program operated by Sonoma County Community Development Commission (SCCDC). The Urban County/SCCDC administers Community Development Block Grant (CDBG), Housing Investment Partnerships Program (HOME), and Emergency Shelter Grant funds for Sonoma County and the cities of Cotati, Cloverdale, Healdsburg, Rohnert Park, Sonoma, Sebastopol, and Windsor. The City can request housing funds through the Urban County program, but is not guaranteed any funds. The City could opt to participate in the State-administered CDBG and HOME programs, which would allow Sebastopol to compete for a larger amount of funds on an annual basis. However, the State-administered programs have time-intensive administrative and reporting requirements.

## 4.0: ISSUES AND OPPORTUNITIES

### Issue: Affordable Housing

#### *AVAILABILITY OF SITES*

All cities and counties in California are required to identify sites to accommodate their “fair share” of the regional housing need. Sebastopol’s Housing Element will identify sites consistent with the requirements of State law. However, sites are not always available for purchase and Sebastopol’s small “fair share” results in the requirement for a limited amount of acreage. An increase in sites designated for higher density housing, multifamily housing, and/or for affordable housing would provide more options for developers and encourage the development of affordable housing.

#### **Key Questions**

- *Should the City consider opting out of the County-administered Urban County CDBG and HOME Program?*
- *Are there additional sites (see Housing Element Figure IV-1 for the current inventory of housing sites) the City should consider for affordable housing?*

### Opportunity: Create Additional Tools to Encourage Affordable Housing

As part of the General Plan Update, the Land Use Map will be reviewed and revised, where appropriate. This is an opportunity for Sebastopol to identify additional sites to accommodate housing that can meet the expressed need for more affordable housing, including housing for families, low and moderate income housing, senior housing, high density housing, and housing in the downtown.

In addition to updating the Land Use Map, the General Plan Update presents an opportunity to review the existing land use designation descriptions and to determine if additional designations should be made to accommodate preferred types of residential uses. It could also be determined that changes to the Zoning Ordinance are needed in order to implement the vision of the General Plan. While the General Plan Update will not directly revise the Zoning Ordinance, the General Plan may include actions (implementation items) that identify specific revisions to be made to the Zoning Ordinance.

#### *HIGH DENSITY HOUSING*

The City’s High Density Residential designation currently allows densities from 6.1 to 22 units per acre. The lower end of the density scale readily accommodates single family development and the language describing the High Density Residential designation does not specifically prohibit single family units. The Zoning Districts that could be consistent with the High Density Residential designation include the Single Family Residential District (RSF-2), which allows 6 to 7 units per acre, and the Duplex Residential District, which accommodates 12 to 15 units per acre and permits detached single family units. To ensure that the City’s high density sites are not used for market-rate single family development and to encourage affordable housing development, the minimum allowed density could be increased to a higher number and single-family uses that are not affordable in perpetuity could be prohibited.

### Opportunity: Create Additional Tools to Encourage Affordable Housing

#### *DOWNTOWN*

See following Opportunity: Downtown Housing.

#### *AFFORDABLE HOUSING COMBINING DISTRICT*

An overlay designation can be used to allow a broader range of uses on a site and can encourage specific types of uses, while not restricting uses allowed by the underlying zoning. The City's Affordable Housing Combining District encourages affordable housing by allowing affordable single family or multifamily housing, in addition to the uses allowed by the underlying zoning district. The Affordable Housing Combining District could be used to further encourage affordable housing by identifying a minimum allowed density for multifamily housing, and providing incentives (reduced standards, increased density) for desired housing types, such as senior housing, housing that is affordable in perpetuity, and/or workforce housing.

#### *TINY HOUSES*

Participants in the Visioning Workshops and Housing Workshops identified that the City should explore methods to encourage "tiny houses", citing San Francisco and Portland as two examples of successful tiny house programs. While Portland is exploring the use of tiny homes to house its homeless population, it does not have standards for tiny houses. While San Francisco does not appear to have zoning or development standards in place to specifically address tiny houses, San Francisco's zoning does allow narrow lots (25 feet minimum) and small single family lots (2,500 s.f. minimum) and its development fee structure is largely based on the size and/or construction costs of a dwelling unit, rather than a per unit fee system. Potential methods of encouraging small residences include a reduced fee schedule for small units or a fee schedule that pro-rates costs for small units based on unit size, adopting specific development standards for small houses and/or small residential lots, and adopting development standards to allow tiny house villages or clusters (development of multiple tiny houses on a single lot).

#### *LAND TRUSTS*

Housing or community land trusts have the potential to reduce housing costs by separating the ownership of property from the ownership of the land on which that property is built. By retaining ownership of the land, the housing land trust (HLT) removes the value of land from the cost of the home, reducing the impact of changes in land value on the price of the home. HLTs often have long-term or permanent affordability covenants in place to ensure that homes, either single family or multifamily, are sold or rented at affordable prices.

#### *PERMANENT AFFORDABILITY*

Participants in the Housing Workshop noted that affordable housing should be affordable in perpetuity. Affordable housing projects funded through federal and state funding sources typically have a minimum affordability period of 30 to 55 years. Units created through Sebastopol's Inclusionary Housing Requirements program (Chapter 17.240 of the Zoning Ordinance) are required to maintain affordability for a period of 59 years unless otherwise required by the City or by State law. Similarly, units constructed in the Affordable Housing Combining District are required to maintain affordability for 59 years.

### Opportunity: Create Additional Tools to Encourage Affordable Housing

#### Key Questions

- *Should the City increase the minimum density allowed on land designated High Density Residential by the General Plan?*
- *Is there a desire to consider revising the Affordable Combining District to further encourage affordable housing on specific sites or in specific areas?*
- *Should an action be included in the General Plan to revise the Zoning Ordinance and/or development fee schedule to accommodate tiny houses?*
- *Are there actions the City should take to encourage land trusts?*
- *Should the City require inclusionary units to be affordable in perpetuity?*

### Opportunity: Downtown Housing

The Downtown area presents a unique opportunity for higher density housing that may not be appropriate in other areas of Sebastopol. Mixed-use housing, live-work spaces, and affordable housing are additional residential types of uses that would contribute to the Downtown. Increased housing in the Downtown will result in a greater number of residents living downtown, contributing to the vital, bustling downtown atmosphere that is desired.

Housing in the Downtown may attract a more diverse age group and socio-economic range and would also provide housing for persons looking for a pedestrian-oriented lifestyle.

#### *DOWNTOWN*

Participants in the Visioning Workshops identified a desire for more housing and higher densities in the Downtown. Currently, most of the Downtown is designated Downtown Core by the General Plan Land Use Map. The Downtown Core designation allows mixed-use residential developments at densities of 15 to 44 units per acre, but does not allow stand-alone residential development. The Downtown Plan does not identify sites for high density or affordable housing and does not provide any standards for housing development. The Downtown Plan does state that housing can be accommodated on second and third floors over commercial/office uses and provides support for residential and higher density residential development adjacent Downtown. The Downtown Plan does not require housing development on any specific sites and only indicates that the Retail/Office/Film Theater/Art Gallery/Housing (Diamond Lumber/Brown Street/properties facing Brown Street) and Future Study Area (Main Street/High Street/Burnett Street/Willow) elements could be sites for additional mixed use, including housing, development.

The City has the opportunity to include policy direction in the General Plan regarding the type and/or location of housing that is desired in the Downtown. Opportunities to increase housing in the Downtown include accommodating a greater variety of housing types, revising the Zoning Ordinance and/or Sebastopol Downtown Plan to identify minimum and maximum densities and development standards (building height allowance, parking requirements, etc.) that reflect the scale of housing

### Opportunity: Downtown Housing

desired in the Downtown, and designating specific locations as opportunity sites for housing.

#### Key Questions

- *What types of housing are desired in the Downtown?*
- *Are there specific locations in the Downtown that are desirable for future housing development?*
- *Should the Downtown Core designation be revised to allow a broader range of residential uses or to encourage specific types of residential uses?*
- *Should an action be included in the General Plan to update the Sebastopol Downtown Plan to address specific housing issues?*

## 4.0: ISSUES AND OPPORTUNITIES

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### 4.7 COMMUNITY HEALTH AND WELLNESS

The places where people live, work, and play profoundly shape the health of a community. Transportation options, accessible parks, crosswalks, the availability of grocery stores, and the prevalence of fast food restaurants, and real or perceived levels of crime and safety are a few examples of physical indicators that provide a framework for a community, sculpt the daily routines of residents, impact lifestyle choices, and ultimately affect public health and longevity.

Addressing public health in the Sebastopol General Plan Update acknowledges the profound effects of the built environment on travel choices, access to food, levels of physical activity, and exposure to risk from accidents or pollution. Each of these has a health impact, and the General Plan provides an opportunity to prevent further disease and injury and sustain healthy lifestyle choices for Sebastopol residents.

The Community Health and Wellness Element is an optional element of the General Plan. Topics related to community health and wellness stretch across a broad spectrum with respect to the General Plan update. In fact, most every topic addressed in the General Plan has some level of influence over the cumulative health and wellbeing of the community. For example:

- The Land Use Element will address the built environment including the mix of uses, density and intensity of land uses, compatibility between land uses, and creating a walkable environment.
- The Circulation Element will include goals and policies geared towards creating a multi-modal transportation system that promotes walkability, bicycle use, and alternatives to single-passenger vehicle use.
- The Open Space Element will lay out goals and policies to improve the amount of, access to, and quality of parks and open spaces in and around Sebastopol.
- The Conservation Element will address key aspects of environmental health, including clean water, clean air, and the protection of natural resources.
- The Safety Element will include a range of health topics to protect the community from man-made and natural hazards, protection from the harmful effects of electromagnetic frequencies (EMF), and strategies for how the community can adapt and respond to the recent closure of Palm Drive Hospital.
- The Housing Element will include policies and programs to ensure a range of safe and secure housing types accessible to special needs groups, including low income families, the elderly and people with disabilities.

The Community Health and Wellness Element will address public health at a broad level in order to support a healthy community through increasing access to necessary services, considering public health in land use decisions, encouraging provision of healthy food choices, and addressing regulations for sales of alcohol and tobacco, and may potentially include policies related to the cultivation and sale of medical marijuana. This element will establish a framework of goals, policies, and actions for developing conditions that will improve the health and wellbeing of Sebastopol residents. The Community Health and Wellness Element will focus on and address health issues not addressed specifically by other elements of the General Plan.

## 4.0: ISSUES AND OPPORTUNITIES

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With respect to community concerns and priorities related to community health and wellness, during the initial public visioning workshops participants identified a strong network of bicycle and pedestrian facilities as a key component of community health and wellness- a topic that is addressed in greater detail in Transportation and Circulation. Participants also stated that clean air and clean water are key aspects of community health, which will be addressed during discussions for the Conservation Element.

During recent discussions regarding Safety, the GPAC provided input and direction on how the General Plan should address risks and hazards associated with electromagnetic frequency (EMF) and radiation exposure; topics that will be addressed in the Safety Element. In general, the GPAC agreed that the topic of EMF exposure warranted treatment in the General Plan, and directed that the General Plan include action items that call for the City to explore programs to limit EMF exposure to the greatest extent of the law; promote community education and awareness on EMF health issues and stay abreast of current research on this topic; and to generally retain the EMF policy direction in the current General Plan. The GPAC also advised that the City's Telecommunications Ordinance should be maintained and updated, as needed.

The GPAC also discussed issues revolving around the recent closure of Palm Drive Hospital, and provided input regarding how the General Plan should address the hospital closure and how the City should adapt in terms of emergency preparedness. The recent hospital closure is a significant concern to both the GPAC and the community as a whole. The GPAC noted the importance of the hospital as a critical component of disaster planning and emergency response. The GPAC directed that the City should update emergency response plans to address lack of hospital in town as an action item in the General Plan Update, and that the General Plan should have policy support of hospital re-opening, but should not delve into the specifics of this complex issue.

Several visioning workshop participants stated that access to affordable and fresh healthy food, particularly locally grown food, was a priority to address in the General Plan. Other participants noted the need or desire to expand opportunities for civic engagement and increase community activities related to art and culture.

Participants stated that Sebastopol should strive to reduce waste streams and that residents and the community should reduce energy consumption and reduce their carbon footprint. Concerns over climate change were raised, and the need to increase awareness and response measures to climate change were cited.



### Opportunity: Expand Local Agriculture and Urban Farming

According to the United States Department of Agriculture, around 15 percent of the world's food is now grown in urban areas. City and suburban agriculture takes the form of backyard, roof-top and balcony gardening, community gardening in vacant lots and parks, roadside urban fringe agriculture and livestock grazing in open space.

Community gardens promote healthy communities and provide food security for many low income persons. In an urban setting, community gardens are part of the open space network. The gardens and those who participate in community gardening contribute to the preservation of open space, provide access to it, and create sustainable uses of the space. Community gardens strengthen community bonds, provide food, and create recreational and therapeutic opportunities for a community. They can also promote environmental awareness and provide community education.

There are several ways in which the City may be able to encourage and facilitate an increase in community gardening and local food production. The City may allow the use of vacant or underdeveloped City-owned lands, including parks, for use as community gardens. The City may amend the zoning code to allow or encourage community gardens in residential areas. The City may also choose to explore partnership opportunities with Sonoma State University and/or the local school districts to establish a student-based community garden program.

The City has recently taken steps to enhance opportunities for community gardens. In 2008 Skategarden park was opened, which contains a 15,000 square foot state-of-the-art skate structure and 23 community garden plots. There is also an 'art wall' where anyone can paint, and which changes on a weekly basis.

Non-governmental community efforts play a critical role in the establishment, expansion, and success of local community gardens. The Community Garden Network of Sonoma County (CGNSC) works to connect and support the Sonoma County's many (90 and counting) community gardens. They are dedicated to providing access to resources, gardening training, technical assistance, fund development support, leadership training, and other services to community gardens throughout the county, and to facilitating communication and partnership among community garden organizers, garden members, and the larger community.

The Ceres Community Garden, located at 1005 North Gravenstein Highway (behind O'Reilly Media) is operated by the Ceres Community Project. This half-acre organic production garden is operated by Ceres' teen volunteers under the guidance of a Garden Coordinator and experienced adult mentors. The intention is to give local teens a chance to learn directly about where food comes from, to gain the skills to grow their own healthy food, and to understand the important role that local organic food production plays in the health of the community. The produce that the teens grow helps insure that Ceres' clients receive the freshest and most nutrient-rich produce possible to support their healing.

Other local community gardens include the Burbank Heights Community Garden, the 7th Day Adventist Church Community Garden, the Petaluma Avenue Cohousing Community Garden, the Village Park Garden, and the West County Community Seed Exchange Garden.

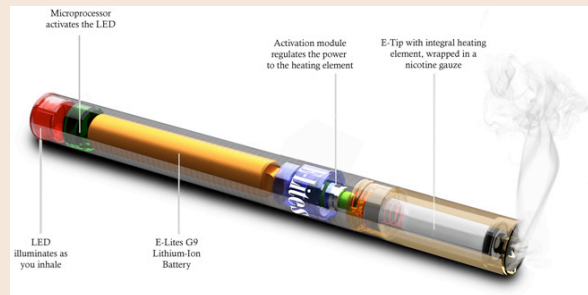
### Key Questions:

- *What steps should City government take to promote and expand community gardening in Sebastopol?*
- *Are there additional resources available to the City to promote local food production?*
- *Are there currently impediments to local community gardening efforts that could be addressed as part of the General Plan Update?*

## Issue: Tobacco, including E-Cigarettes, Hookah Bars, and Smoke Shops

### E-CIGARETTES

E-cigarettes are a relatively new tobacco product and delivery system to hit the marketplace in the past 10 years. They look like the real thing. The end glows as you inhale. As you exhale, you puff out a cloud of what looks like smoke. All e-cigarettes work basically the same way. Inside, there's a battery, a heating element, and a cartridge that holds nicotine and other liquids and flavorings. The nicotine inside the cartridges is addictive. When you stop using it, you can get withdrawal symptoms including feeling irritable, depressed, restless and anxious. It can be dangerous for people with heart problems. It may also harm your arteries over time.



So far, evidence suggests that e-cigarettes may be safer than regular cigarettes. The biggest danger from tobacco is the smoke, and e-cigarettes don't burn. Tests show the levels of dangerous chemicals they give off are a fraction of what you'd get from a real cigarette. But what's in them can vary. E-cigarettes have triggered a fierce debate among health experts who share the same goal -- reducing the disease and death caused by tobacco. But they disagree about whether e-cigarettes make the problem better or worse.

Opponents say that because nicotine is addictive, e-cigarettes could be a "gateway drug," leading nonsmokers and kids to use tobacco. They also worry that manufacturers -- with huge advertising budgets and celebrity endorsements -- could make smoking popular again. That would roll back decades of progress in getting people to quit or never start smoking.

Others look at possible benefits for smokers. Some supporters believe that e-cigarettes could help people quit, just like nicotine gum. Research hasn't shown that yet, though.

Currently there is no California or federal law that restricts where people can use e-cigarettes. Unless a local smokefree law defines "smoking" to include e-cigarette use, the use of this product may be legal in places where smoking cigarettes is prohibited. Dozens of localities in California have restricted the use of electronic cigarettes in places where smoking is prohibited, including Sebastopol. Chapter 8.04 of the Sebastopol Municipal Code (Use of Tobacco in Public Places) specifically identifies e-cigarettes as being

### **Issue: Tobacco, including E-Cigarettes, Hookah Bars, and Smoke Shops**

subject to the restrictions contained in the code.

Voluntary policies may also be used to restrict e-cigarette use. Businesses and private property owners can adopt policies to restrict or prohibit the use of e-cigarettes on their premises. Employers may adopt such policies with regard to their employees, and landlords can include lease provisions prohibiting tenants from smoking e-cigarettes.

California law prohibits the sale of e-cigarettes to minors (California Health and Safety Code § 119405). In most local tobacco retailer licensing laws in California, selling e-cigarettes to a minor is a license violation because tobacco retailer licensing laws automatically incorporate new tobacco control laws – such as the state law prohibiting sales of e-cigarettes to minors - as soon as they go into effect. This regulations is further enforced at the local level in Sebastopol through Chapter 8.08 of the Municipal Code (Sales and Distribution of Tobacco Products to Minors).

Local governments in California also can create a new law to require a business to have a tobacco retailer license to sell e-cigarettes. Sebastopol does not currently require a business to have a tobacco retailer license to sell e-cigarettes. Rather, e-cigarettes are treated as a retail use.

On April 25, 2014, the U.S. Food and Drug Administration (FDA) issued its proposed “deeming rule,” which would regulate e-cigarettes as tobacco products. If the rule is adopted as proposed, the deeming rule would extend FDA’s regulatory authority over a variety of tobacco products, including electronic cigarettes, cigars, pipe tobacco, and hookah tobacco. For example, these products would now be subject to the federal prohibition on sales to minors, the federal prohibition on free sampling, federal warning label requirements, and the requirement that tobacco manufacturers register with the FDA and seek the agency’s review of new tobacco products. However, until such time as the rule is adopted, the FDA’s Center for Tobacco Products does not have authority to regulate the sale or use of e-cigarettes as tobacco products. The FDA Center for Drug Evaluation and Research has limited authority to regulate e-cigarettes as drugs or devices, but only if they are marketed for therapeutic purposes.

The FDA’s proposed deeming rule must go through a public notice and comment process before the agency can implement the rule, and the FDA will likely make changes to the rule in response to this process. Given the large volume of comments the agency will receive, it will take at least a year, if not longer, for the FDA to implement the final rule. Thus, it is unclear when the FDA will release final regulations on e-cigarettes.

Even though the FDA has taken steps toward regulating e-cigarettes, local and state governments may still adopt laws regulating e-cigarettes, including restrictions on their sale or use.

### **HOOCAH BARS**

A hookah bar is an establishment where patrons share shisha (flavored tobacco) from a communal hookah or nargile which is placed at each table. Due to several state anti-tobacco laws, many hookah bars have made the transition from smoking traditional shisha to smoking herbal shisha because it contains no tobacco, or nicotine and is legal indoors in areas specific to the prohibition of tobacco smoking. Herbs do produce tar when they burn. Sebastopol’s current smoking ordinance does not explicitly address hookah bars, but staff has indicated that the City’s interpretation is that hookah bars are subject to the regulations and prohibitions contained in Chapter 8.04 of the Municipal Code.

### Issue: Tobacco, including E-Cigarettes, Hookah Bars, and Smoke Shops

#### SMOKE SHOPS

Smoke shops are establishments that specialize in the sale of tobacco products or tobacco-related paraphernalia. Smoke shops that sell tobacco are regulated by state law, and must have a tobacco retail license issued by the California State Board of Equalization. However, shops that sell only tobacco paraphernalia, including pipes, bongs, vaporizers, bubblers, etc. are not subject to the requirements of a tobacco retail license. In Sebastopol, these types of uses are regulated and treated as a standard retail use.

While nearly all smoke shops vehemently advertise and note that their products are intended for use with tobacco products only, it is commonly known and understood that many, if not most, of the paraphernalia sold at smoke shops is ultimately used for marijuana consumption. Unlike medical marijuana dispensaries, which carefully screen customers or patients prior to the sale or distribution of medical cannabis, smoke shops are only required to ensure that customers are at least 18 years of age.

#### Key Questions

- *Should the City take steps, ahead of state and/or federal efforts, to regulate the sale of e-cigarettes similar to how sales of traditional tobacco products (such as “regular” cigarettes) are regulated?*
- *Are hookah bars an issue of concern for the community, and should they be explicitly addressed in the Municipal Code?*
- *Does the GPAC feel that smoke shops should be more carefully regulated through local zoning actions?*

### Issue: Medical Marijuana

California became the first state to enact protections for medical cannabis patients and their primary caregivers when voters approved Proposition 215, the Compassionate Use Act, in 1996. The state's legislature subsequently passed the Medical Marijuana Program Act in February 2003, establishing a voluntary ID card program and a legal framework for collectives and coops to distribute medical cannabis as well as protections for transporting cannabis. Both measures have been subject to differing legal interpretations, particular in regard to the sale of cannabis through storefront dispensaries, that have been litigated before the California Supreme Court.

Patients and their caregivers are permitted to legally use, possess, and grow cannabis for medical purposes. The law also protects not-for-profit collective and cooperatives and allows primary caregivers to be reimbursed for the costs of their services.

The cultivation, distribution, and use of medical marijuana remains illegal under federal law. However, in recent years, the federal government has taken a relatively passive approach to the enforcement of these laws. In practice, the regulation of medical marijuana has fallen largely to local jurisdictions, many of which have passed ordinances or zoning regulations to provide regulations for dispensaries and cultivation operations.

Sebastopol has detailed regulations for medical marijuana, which are detailed in Chapter 17.140 of the Sebastopol Zoning Ordinance (Medical Cannabis Dispensaries use Permit Criteria and Procedures). This chapter regulates the number of dispensaries allowed within the City (currently limited to one), identifies permit and review requirements, fees, location requirements, size requirements, operational requirements, and cultivation of medical cannabis for personal use. The City's current medical cannabis ordinance is exceptionally thorough, and may be considered one of the best examples of a local ordinance in the state.

While some minor updates of these regulations may be appropriate to consider, Sebastopol has had no enforcement or other issues with its existing single dispensary. However, in the course of the drafting of the General Plan, State regulations affecting such uses are likely to evolve.

### Key Questions

- *Does the GPAC feel that there are any issues or concerns related to the City's current handling of issues surrounding medical marijuana that should be addressed in the General Plan?*
- *Should the City monitor developments in statewide medical marijuana regulations, and consider updates to its regulations as necessary?*

September 10, 2014

City of Sebastopol  
General Plan Advisory Committee  
P.O. Box 1776  
Sebastopol, CA 95473

Dear members of the General Plan Advisory Committee:

Attached is a petition requesting that our neighborhood (see attached map), currently outside of Sebastopol's Urban Growth Boundary, remain in unincorporated Sonoma County with current Sonoma County zoning. This is an environmentally sensitive area, consisting of the lowlands and floodplains along Atascadero Creek adjacent to Ragle Ranch Park. It includes critical wildlife habitat, provides groundwater recharge and flood control and helps maintain the water quality of Atascadero Creek. We are in the middle of a drought; preservation of our watershed is crucial. Protecting views along our roads as we enter and leave the city, and views from within Ragle Park are also important considerations. Preserving this area as it is will have ecological and esthetic benefits that will enhance the future of Sebastopol.

Sebastopol is a great place to live, except for the traffic problem, and our neighborhood has more than its share. Many large trucks and commuters use Ragle Road as a connector to 116 in order to bypass downtown. The intersection of Ragle and Bodega is very dangerous for pedestrians due to a combination of poor visibility and drivers frequently exceeding the posted speed limit. The intersection at Ragle, Valentine, and Medved is another dangerous spot, lacking a crosswalk across Ragle. Other than at Ragle and Bodega, there is only one crosswalk across Ragle Road, at Ragle Park, nearly a half-mile between crosswalks. We do not want any more traffic in our neighborhood.

Let's plan for the future with integrity and a conscience, and put the environment, public safety, and quality of life over profit.

If you have questions regarding this petition and these issues, please call me at 829-9791.

Sincerely,



Louise Eisen  
8290 Bodega Ave  
Sebastopol CA 95472

Attachments

C: ☒ Sebastopol City Council  
Sebastopol Planning Commission

We are petitioning for our neighborhood west of Ragle Road (see attached map) to remain outside of Sebastopol's Urban Growth Boundary. We are opposed to annexation by the City of Sebastopol. We believe that current County zoning is appropriate for our neighborhood and that we should remain outside Sebastopol's Urban Growth Boundary.

14 Name Louise Eisen Date 8/1/14  
Address 8290 Bodega Ave Sebastopol  
Phone/email 829-9791 flora\_phile@yahoo.com

16 Name Martin Ozols Date 8-3-14  
Address 8312 Bodega Ave Sebastopol  
Phone/email 707 823 2253 marclex@att.com

8 Name Francisco Ferreira Date 8/3/14  
Address 240 Ragle Road Sebastopol CA  
Phone/email 707-823-2561 ferreirafrank@yahoo.com

46 Name Tamera Reed Date 8/3/14  
Address 332 Ragle Rd. Sebastopol CA.  
Phone/email (707) 694-2506

26 Name Mary Maki-Rich Date 8-3-14  
Address 8380 Medved Ln. Sebastopol  
Phone/email 823-1852 bikegal50@yahoo.com

Thank-You! 30 Name Rosalind Tanenbaum Date 8/3/14  
Address 8336 Medved Lane  
Phone/email 823-2933

34 Name Vern + Russell Burdick Date 8-3-14  
Address 448 Ragle Rd  
Phone/email 707-823-2966

22 Name Jennifer Rando-Graves Date 8-3-14  
Address 436 Ragle Rd, Sebastopol 95472  
Phone/email 823-54233 carolrandojg@yahoo.com

30 Name Jane Danenetz Date   
Address 438 Ragle Rd Sebastopol  
Phone/email 827-6110 danenetz3@sebastolnet

10 Name Viki Ius Date 8-5-14  
Address 172 RAGLE RD, SEBASTOPOL, CA 95472  
Phone/email (707) 548-0459

We are petitioning for our neighborhood west of Ragle Road (see attached map) to remain outside of Sebastopol's Urban Growth Boundary. We are opposed to annexation by the City of Sebastopol. We believe that current County zoning is appropriate for our neighborhood and that we should remain outside Sebastopol's Urban Growth Boundary.

38 Name Juan Pedro and Joyce Gaffney Date \_\_\_\_\_  
Address 8354 Bodega Ave Sebastopol 95472  
Phone/email 824-1819 juanpedrogaaffney@corohispano.org

35 Name BRUCE & KATHLEEN DUNNAN Date 8/2  
Address 432 RAGLE RD.  
Phone/email 707-823-6625 CCOTTER@SOLIC.NET

37 Name Tiffany Samson Date 8/5/14  
Address 3416 RAGLE ROAD SEBASTOPOL CA 95472  
Phone/email 823-5213

6 Name Cristina Gomez Date 8/5/14  
Address 298 Ragle Rd. Sebastopol Ca, 95472  
Phone/email 707-829-4721

26 Name Jerome Couch Date 8/5/14  
Address 8400 Medved Ln.  
Phone/email (707) 480-2564

7 Name John Azziz & Colleen Wimmer Date 8/12/14  
Address 266 RAGLE RD  
Phone/email ~~707~~ 707 824 0834

47 Name John & Risty Marckx Date 9/19/14  
Address 8370 Medved Lane, Sebastopol, CA  
Phone/email 707.634.6222

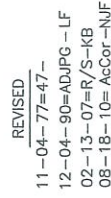
18 Name Ashley Radzai Date 9/13/14  
Address 440 Ragle Rd. Sebastopol  
Phone/email 707 970 9218 aradzai@yahoo.com

44 Name Amy Lombrozo Date 9-17-2014  
Address 332 Ragle Rd  
Phone/email 707 829 8976

29 Name Galia Verni Date 9/17/2014  
Address 8344 Medved Ln Sebastopol  
Phone/email 707-829-2427



See petition



**NOTE:** This map was prepared for Assessment purposes only and does not indicate either parcel legality or a valid building site. No liability is assumed for the accuracy of the data delineated. The acreages are based on the information supplied to the Assessor (i.e. recorded survey maps, recorded deeds, prior assessment maps, etc.)

**NOTE:** Assessor's parcels do not necessarily constitute legal lots. To verify legal parcel status, check with the appropriate city or county community development or planning division.