

**From:** [Cochran, Brian](#)  
**To:** [-- City Council](#)  
**Subject:** Answers to Questions on Tonight's Agenda  
**Date:** Monday, July 10, 2023 3:41:07 PM

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Hello Mayor and Councilmembers – Please see below for some Councilmember questions and staff responses for various agenda items on tonight's meeting.

**Item 4 – Termination of Local Emergency** – A Councilmember noted a couple of typographical errors related to several dates referenced in the resolution. Those have been corrected and a new resolution uploaded to the agenda packet.

**Item 5, exhibits ABC, I don't see anything and I tried through my personal desktop and via city website and City's iPad.**

The attachments appear to be functioning and available on the City website in the meetings link <https://cityofpetaluma.primegov.com/Portal/Meeting?meetingTemplateId=5282>

**Item 9 – Public Safety Facilities**

**Current PPD upgrades- would it also include enlarging victims interview rooms?**

The anticipated remodel hasn't focused on upgrading our existing interview rooms, however, that has been an area of significant discussion for the new facility planning. For the new facility, our hope is to have multiple different interview rooms which have different intended uses based on the type of investigation. One would be specifically designed for victims of abuse rather than our existing dual-use (suspect and victim) interview room. The proposed remodel is primarily focused on the locker rooms, emergency operations center and the creation of additional office space for staff in spaces that are not suitable for their current use. If we have extra space we can evaluate this request further at that time. We also currently attempt to use the interview rooms at the Family Justice Center for victim and children interviews when available.

**Has staff considered the new public safety facility at the fairgrounds could easily be 2-3 stories? Reducing footprint and allow for parking for City vehicles and public.**

Please note that the images contained in the PowerPoint are concept sketches at this point and should not be considered a "design". There is much work still to be done to arrive at a more fully realized design concept. The initial assessment has been heavily focused on determining the necessary space and programming needs for our public safety agencies. Once we determined those needs we worked to review a variety of different properties that could potentially meet those needs and address our service priorities. We are open to any design options including multi-story designs and have encouraged design that ensures the location and building are accessible, welcoming, and provide opportunities for engagement with the

community.

**If fairgrounds property is used, does there need a zoning change? Could it be added to our New General Plan zoning?**

Much of the fairgrounds property is currently zoned “civic facilities”, with some portions being “mixed use”. In either case, the zoning will be analyzed as part of the entitlements for the project, and will depend on the final siting of the facility.

**Item 10 – Mobile home rent stabilization –**

**I still need clarification of when "lawful vacancy" occurs, a time park owners can set new rents, unlimited at this time and in our new ordinance.**

**Does it include all these cases:**

**Park owner owns unit as well as the land so every time a renter moves out, they can raise land rent (while keeping unit rent same per our tenant protection laws) with no controls (sale to new owner at this time also).** Not a lawful vacancy

**Homeowner owns unit and rents it out so when renter leaves (vacates) the park owner can raise rent.** Not a lawful vacancy

**Homeowner dies (or goes into medical facility) and leaves unit to an inheritance person, even when done under a trust agreement.** Not a lawful vacancy

**Homeowner sells unit to another party.** Not a lawful vacancy

**Homeowner vacates short term for either renting or improving the unit (new construction or even new unit brought in)** Not a lawful vacancy

**In any of these cases, does the new homeowner get a full disclosure of new land rent before purchase?** I would hope a proposed tenant sees the rent amount before signing a lease. We have amended our annual registration forms to include which units are protected and to inform us if there is a lawful vacancy and the rental cost of each unit. So we will be better able to monitor rents and make sure they are complying with the annual rent

**If no vacancy control, then park owner can legally double the rate above all current rates (no limit) and new owners may or may not know this could happen. Unit prices are very dependent on land rents, so two are financially intertwined, esp. if loan is needed that looks at income and total monthly costs.**

**I am concerned that with the new rent controls in place, vacancy will be used to maximize land rents during a turnover. I want to make sure we understand the consequences of not putting vacancy control in place along with the rate controls of current owners.**

Under the City’s Mobilehome Rent Stabilization Ordinance (Ordinance) a park owner can only charge a “new base rent” if there is a “lawful space vacancy”. The base rent is how much a park owner can charge a mobilehome unit to rent that space and not how much an owner of a

mobilehome unit is able to charge their tenant. The Ordinance only addresses how much a park owner can charge a tenant for renting the space and does not address how much an owner of a mobilehome unit may charge a tenant to reside in the mobilehome.

Lawful space vacancy is defined in Petaluma Municipal Code Section 6.50.240 and only occurs if a mobilehome is removed from the space, not including rehab or improvements to the mobilehome, or if the tenancy is terminated under the Mobilehome Residency Law. A termination of tenancy is similar to a “just cause eviction”. Pursuant to Civil Code Section 798.56 a Termination of tenancy occurs if a tenant failing to comply with a local or state law after receiving notice, conduct causing a substantial annoyance to residences, failure to comply with a reasonable park rule after receiving notice and opportunity to cure, conviction for drugs or prostitution at the park, nonpayment of rent, condemnation of the park, or a change of use by the park owner for the park.

Staff believe it is rare for there to be a lawful space vacancy as a termination of a tenancy or a mobilehome unit removing their unit from a space is infrequent. This is why the park owners were saying that the City does have strict vacancy control. However, if there is a lawful space vacancy the Ordinance does not restrict the amount a park owner may charge for that new base rent. If Council desires they have the ability to amend the Ordinance to place a cap on how much a park owner is able to increase the base rent on the rare occasion that there is a lawful space vacancy. If Council were to add a vacancy control cap, for guidance the staff report shows the vacancy control of neighboring jurisdictions and the park owners advocate for the average of the three highest rents in the park.

The proposed Ordinance adds several amendments to further strengthen Petaluma Municipal Code Section 6.50.240. One amendment now states that relocating or unit to another unit in the same park does not constitute a voluntary removal of your unit and is not a lawful space vacancy. Another amendment adds a subsection to make it clear that title switching from one person to another is not a “lawful space vacancy”. So under the posed hypothetical where the unit is sold to another or if the owner dies and the unit is bequeathed to another party, neither is a lawful space vacancy in the Ordinance. A proposed amendment adds a subsection that states there cannot be a new base rent if there was a previous increase to the space vacancy within the prior 24 months.

The proposed Ordinance also makes further amendments to ensure that a new base rent is not charged in spaces that do not have a lawful space vacancy. One amendment adds a requirement that all park owners must provide tenants and tenants-to-be with a notice that informs the tenants of their rights. This form will be created by City staff and will emphasize what is and is not a “lawful space vacancy”. Additionally, the annual registration forms that park owners must fill out and provide to the City yearly will require a park owner to tell the City the rent of each unit and if a park has a lawful space vacancy. This will allow the City to

monitor the annual rent increases and make sure that rents do not increase above the allowable annual limits unless there is a lawful space vacancy. Lastly, a proposed amendment will require a park owner to comply with the City's Ordinance, including providing the annual registration form to the City before the park owner can increase their rents.

**Am I reading ordinance correctly that if park owner makes substantial improvement or capital investments above and beyond normal maintenance they may not raise rents above our 4% or 70% CPI limits, but can request arbitration to increase rents over all the properties in the park receiving benefit. Arbitration is \$65 per unit or per unit per month during arbitration?**

**If Park Owner wants to improve the property, usually requiring a city permit, can we set up an automatic arbitration so some percentage of cost can be added to rents? We do want owners to improve properties, but with willingness of renters to receive the benefits. In at least one park the owner greatly improved property without renter involvement and increased rents automatically to compensate. Can we help assist in cases of desire or need to improve the parks?**

Yes, that is a correct reading of the ordinance. If a park owner wants to charge more than the allowable rent cap then they would need to demonstrate to an arbitrator why the increase is necessary. The need to make capital improvements is a justification that an arbitrator may agree with necessitating an increase the rents. The annual arbitration fee that tenants pay is \$65 per unit per year.

The amended ordinance does include an automatic arbitration. Under the proposed amendments, arbitration automatically being triggered if the park owner wants to increase the rent above the annual rent cap of 4% or 70% CPI. Previously, arbitration was only automatically triggered if the proposed rent increase was above 300% of CPI. This meant that if a park owner increased the rent more than the allowable annual rent increase, 6% or 100% CPI, but below the 300% automatic rent arbitration, then arbitration would only have been triggered if 50% of all affected tenants petitioned the City for an arbitration. The thought process behind this amendment is that burden should be on the park owner to initiate the arbitration, not the tenants, if they want to increase their rent above the allowable limits and owners are in a better position than the tenants to seek the arbitration.

## **Item 11 – Police Department Space Rental**

**Could the map in the report be sized to show relation to police station?**

**Site is pretty old with chained gate and old, possibly leaky roofs. Does it need to be upgraded to meet some minimum standards for lighting and electrical connections? Gate**

**structure may need to be improved for security. Adding cameras? Lots of weeds, tree needing pruning of dead limbs, uneven pavement - will this all get fixed before rental starts or do we have to pay for these actions? May be a good site for abandoned vehicles and wrecked vehicles used for evidence - but still need better security.**

**Given this site seems abandoned for several years, the price per month still feels a little high given the age of buildings and need for improvements. I am hoping this is temporary storage site with everything moving to new fairgrounds facility in due time.**

**Did we look at the abandoned slaughterhouse across the way? Lots of space on high ground, large barn area. Would like to know other areas tried, did not work, and associated prices for comparison so this is more than just a yes/no discussion on single property.**

For reference, the PD site is approximately 1.784 acres and the Hansel property is 4.277 acres. This agreement (Item 11) is to lease only a portion of the site both indoor and outdoor square footage. There is a total of 18,500 square feet of indoor space available and we are only seeking to lease 7,260 for emergency equipment. The remaining 8,400 square feet will be outside space. I have included a satellite image showing the two properties for comparison.

You are correct in that the site is outdated and served formerly as the Hansel Automotive Dealership, more recently as an marine repair and RV storage facility. While there is some office space inside, most of the indoor space is industrial commercial space inside of a steel warehouse building. We would be cleaning the outdoor areas we will occupy, mainly landscape trimming and cleaning, and install an alarm and video surveillance tied to our existing systems, but those costs will be minimal to achieve the level of security we need for storage. The access points, in the form of rolling and swinging gates are adequate, can be secured, and match existing perimeter fencing at the PD. If a second tenant were to occupy the remaining space we would explore additional fencing or separation barriers in the interior areas as needed. We would absorb any of these minimal costs in our operating budget as needed.

The integrity of the roof appears to be intact and does not leak currently. We do not need to perform any upgrades to the electrical or lighting, beyond the installation of security measures.

We have been working with local real estate professionals for more than five years and we have exhausted all possible options due to the space and size of access doors required for this equipment. The cost per square foot is consistent with going rates here in Petaluma and other possible options have not been financially viable because they also include large office spaces. Please rest assured that we have thoroughly investigated any and all options, to

include Marin Sun Farms, the slaughterhouse, which is still occupied and functioning as a slaughterhouse.

We see this as a best fit temporary solution until a more adequate city storage facility can be constructed. It will allow us to accommodate a growing staff and their needs, and improve safety in our current parking lot, and ensure proper storage of specialized equipment while being readily accessible to our current operations.

**Does the City currently tow the RV's that are park on City roadways for longer than the time allowed. How much revenue does City receive from impounding vehicles now?**

The Police Department does tow vehicles including RVs as appropriate and in compliance with the law. Our abandoned abatement vehicle is funded by reimbursements from the County of Sonoma's abandoned vehicle abatement fund but those funds are generated only in specific towing abatement situations where the vehicle is clearly abandoned and left on the roadway. More routine towing occurs following violations of the 72 hour noticing or pursuant with vehicle code towing authority sections such as following an arrest, evidence, blocking a roadway, etc. Our towing services are conducted pursuant to our Tow Franchise Service Agreement and revenues are received from the tow service providers. Additional fees are also received in the form of an administrative fee charged by the Police Department for each towed vehicle. This past year according to the Finance Department a total of approximately \$65,000 was collected related to our towing fees and revenues.

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