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August 12, 2021

Ms. Sheryl Bratton
County Administrator
County of Sonoma
575 Administration Drive – Room 104A
Santa Rosa, CA 95403-2888

In RE: Response by the City of Rohnert Park relative to our position on the State's Microenterprise Home Kitchen Operations (MEHKO) Law

Dear Ms. Bratton:

Thank you for your July 26, 2021 letter to the City of Rohnert Park relative to the above-referenced issue. The City of Rohnert Park City Council appreciates having the opportunity to participate in this dialogue, and has approved this letter be submitted in response to Board of Supervisors request for input on a MEHKO program.

Briefly, while the City of Rohnert Park does see the value of programs similar in scope to MEHKO, we feel that, as conceived, this program inherently goes too far – on many levels – and in doing so creates myriad areas of concern, ranging from basic public health and safety to economic inequities for traditional brick-and-mortar businesses.

In support of this view, there are numerous issues, which must be given consideration. These factors include several well-reasoned, real-world consequences that would likely result should the County choose to opt into this State program:

1. Fire Safety

The operation of a MEHKO, in essence, creates a commercial kitchen environment within an occupancy that was *never designed or conceived* for uses of such intensity. Because of this increased volume and scale of use, there is a direct and commensurate increase in the risk of fire. Devices such as automatic fire-suppression systems, exhaust hood systems, grease filters, and similar protective equipment typically found in a commercial establishment will likely never exist in a MEHKO, increasing the likelihood of a combustion accident. The City of Rohnert Park has already experienced one such fire which was the direct result of the attempted operation of a commercial kitchen from a residence.

Further, by creating environments where members of the public can dine-in, a MEHKO poses a higher threat for injury or death in an emergency situation than a commercial establish would. Consider: lack of emergency exit signage; non-existent panic/egress hardware; lack of fire sprinklers (in older structures); ADA accessibility; etc. Essential safety structures required of commercial establishments will be absent, putting the public at higher risk.

2. Neighborhood Disruptions

Residential neighborhoods are designed around the concept of security, stability and quiet property enjoyment. The introduction of MEHKO's complicate zoning laws intended to prevent businesses and other types of incompatible uses from developing in residential neighborhoods. Commercial restaurants require infrastructure. They require the delivery of materials; the management of refuse and waste; the collection and disposal of grease; provision of adequate parking facilities for employees and customers; and countless other organizational needs.

There are certain home-based enterprises that are allowed in some residential areas, but they are subject to defined conditions designed to prevent the types of neighborhood impacts which would be created by the inclusion of MEHKO's within these areas. These impacts can manifest in parking availability issues, increased foot traffic, and the prevalence of noise and/or odor disturbances – all of which affect the right of quiet enjoyment customarily associated with residential living.

3. Pressure on Limited Resources

The County's Health Services Department becomes the regulatory agency for a MEHKO program. However, cities are generally required to assist or carry out the enforcement activities, which is the case when restaurants violate an operational order. A MEHKO program might increase the need for City enforcement staff. Conversely, it is unknown if the Health Services has the capacity to license and monitor this new industry. The City of Rohnert Park strongly recommends that the County consider and build capacity for the program and establish the proper tools to coordinate the successful program between County and city partners in the region.

It is also worth noting that some key County MEHKO standards, such as work hours and meal volume, are not yet defined. Such flexibility presents challenges to monitoring and enforcement, and unfortunately creates areas of exploitation for hours of operation, capacity, service frequency, and labor. Clear standards plus sufficient resources to monitor and enforce will help to prevent abuse of a system.

4. Impacts to Existing Businesses

Restaurants have struggled for the last eighteen months as a result of the pandemic and its associated restrictions, and – for those businesses that have survived thus far – it can be argued that the industry has not yet recovered. The recent surge of the Delta variant proves that the pandemic is not over. The establishment of MEHKO's at this time introduces new players into an already-vulnerable market space, the impacts of which could result in traditional brick-and-mortar restaurants no longer being able to sustain their operations. This is simply not the appropriate time to initiate the MEHKO program.

The position of the City of Rohnert Park is that the State, while well intentioned, went too far with the MEHKO legislation. While under better-defined circumstances there are merits to the MEHKO concept, the legislation that exists lacks the necessary collaboration, resources, and planning guidance for a truly successful program. To that end, the City would prefer to work with the County to find a regional solution that addresses all of the concerns enumerated above.

In closing, we would again like to express our appreciation for having this opportunity for input, and to start a meaningful dialogue concerning this important and far-reaching matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Darrin Jenkins", is positioned above the printed name.

Darrin Jenkins
City Manager
City of Rohnert Park