Title 17: Zoning Code

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Chapter 17.04: ZONING CODE

17.04.010 Adoption of Zoning Code.
There is hereby adopted a Zoning Code for the City of Sebastopol, State of California, said Zoning Code being a districting plan as provided by law. This Zoning Code consists of the Zoning Map and certain designated zoning districts and regulations for each, as well as general requirements, which control the uses of land, population density, uses and locations of structures, height and bulk of structures, the areas and dimensions of building sites, requirements for off-street parking, and attendant regulations within such zoning districts.

17.04.020 Prior rights and violations.
The enactment of this code shall not terminate or otherwise affect variances, use permits, or other approvals authorized under the provisions of any ordinance repealed, suspended, or revised by the adoption of this code, nor shall any prior violation of any such prior ordinance be excused by the adoption of this code.

17.04.030 Fees.
The City Council shall set, by resolution, and may amend and revise from time to time, in accordance with State law, fees for processing the various applications authorized or required by this code. All required fees shall be considered nonrefundable, and shall be paid at the time an application is filed. No processing of any application shall commence until the fee(s) is paid in full.

17.04.040 Title and scope.
This title may be cited as the "City of Sebastopol Zoning Code" The City's official Zoning Map, entitled "The Zoning Map of the City of Sebastopol," which is on file in the Planning Department, is hereby incorporated by reference as part of this code. The boundaries of the zoning districts as set forth on the Zoning Map are hereby confirmed adopted and established, and may be changed in accordance with the provisions of this code.

17.04.050 Purpose.
The Zoning Code is adopted to promote and protect the public health, safety, peace, comfort, convenience, and general welfare and, for the specified purposes more particularly described as follows:

A. To implement the General Plan of the City of Sebastopol including the growth management policies.

B. To provide a definite and comprehensive zoning plan for development of the City and to guide, control, and regulate the future growth of the City in accordance with such plan and the City's General Plan.

C. To protect the character and the social and economic stability of the land uses within the City, and to assure the orderly and beneficial development thereof.

D. To minimize disagreements between private individuals or groups or other disagreements which might result from incompatible or inappropriate adjacent land uses.

E. To maintain and enhance desirable characteristics of neighborhoods, to provide for open space for light and air, to prevent undue concentration of population, to promote orderly community development, and to otherwise promote the implementation of the Sebastopol General Plan.

F. To promote efficient use of land, thereby minimizing unnecessary cost of development.

17.04.060 Interpretation.
When interpreting and applying the provisions of this title, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

17.04.070 Applicability of Zoning Code.
A. The Zoning Code shall apply, to the extent permissible under other laws, to all property within the City of Sebastopol except dedicated streets, alleys, paths or other dedicated rights-of-way, whether such property is in private or public ownership, except that projects of the City of Sebastopol approved by the City Council shall not be subject to this code.

B. Except as specifically herein provided, it is not intended by the adoption of this code to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the erection, construction, establishment, moving, alteration, or enlargement of any building or improvement.

C. Except as specifically herein provided, it is not intended by the adoption of this code to interfere with or abrogate or annul any easement, covenant, or other agreement between parties; provided, however, that in cases in which this title imposes a greater restriction than is imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits or by such easements, covenants, or agreements, the provisions of this code shall control.

17.04.080 Conformity with Zoning Code required.
Except as otherwise allowed by the Zoning Code, no uses shall be established, substituted, expanded, constructed, altered, moved, or otherwise changed, and no lot lines shall be created or changed, except in conformity with the Zoning Code.

17.04.090 State of California.
All references to “State” refer to the State of California. References to codes, including, but not limited to, the Business and Professions Code, Civil Code, Education Code, Government Code, Health and Safety Code, Public Resources Code, Street and Highways Code, and Vehicle Code that are not within the SMC refer to those codes adopted by the State of California unless otherwise specified.

Chapter 17.08: DEFINITIONS

17.08.010 Purpose - Applicability.
The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Code. The meaning and construction of words and phrases as hereinafter set forth shall apply throughout the Zoning Code, except where the context of such words or phrases clearly indicates a different meaning or construction.

17.08.020 General rules for construction of language.
A. The particular shall control the general.

B. In case of any difference of meaning or implication between the text of any provision and any caption or illustration, the text shall control.

C. The word “shall” is always mandatory and not discretionary. The word “may” is discretionary.

D. The word “permitted” means permitted without the requirement for a use permit, but subject to all applicable regulations.

E. The words “conditionally permitted” mean permitted subject to the granting of a conditional use permit, and subject to all other applicable regulations.

F. All public officials, bodies, and agencies to which reference is made are those of the City of Sebastopol unless otherwise indicated.

17.08.030 Definitions “A”
“Accessory use, structure, or building” means a use or structure subordinate to the principal use of a lot, or of a principal building on the same lot, and serving a purpose clearly incidental to a permitted principal use of the lot or of the building, and which accessory use or structure is typically associated, or otherwise, is compatible with the principal permitted uses and/or structures authorized under zoning regulations applicable to the property. Accessory dwelling units allowed for in this title shall not be considered accessory structures or buildings. In residential districts, accessory buildings are permitted only if constructed simultaneously with or subsequent to the same main building on the same lot. Also see definition of ‘secondary use.’

In residential districts accessory buildings are allowed; provided, that they conform to the requirements as follows:

1. Exclusive of garage and storage areas, the maximum square footage of accessory structures shall not exceed 400 square feet. If the total enclosed structure exceeds 400 square feet, storage areas shall be accessible from the outside of the structure.
2. Two rooms maximum, exclusive of bath facilities and closets.
3. No showers, except for use in conjunction with a swimming pool.
4. No bathtubs.
5. Sinks and toilets may be included.
6. No cooking facilities unless in conjunction with a built-in barbecue, rotisserie, or charcoal broiler; provided, that when such facilities are constructed the accessory building will be limited to one room.

7. Two accessory buildings are permitted; provided, that the combined area does not exceed 400 square feet over and above garage and storage areas and meets all other requirements of this title and the Building Code (SMC Title 15).
8. Accessory structures shall not be used for human habitation.
9. In residential districts, accessory structures shall not be located in a required front yard, or within the required rear yard of a through lot.
10. If structurally attached to a principal structure, the accessory structure shall conform to the setback requirements for the principal structure.

"Accessory Use Types." In addition to the principal uses expressly included therein, each use classification type shall be deemed to include such uses as are customarily associated with and are appropriate, incidental, and subordinate to, such a principal use. Such accessory uses include, but are not limited to, the uses indicated below:

1. Off-street parking and loading serving a principal use, whether located on the same lot or on a different lot, but only if the facilities involved are reserved for the residents, employees, patrons, or other persons participating in the principal use.
2. Home occupations, subject to the provisions of SMC 17.260.020.
3. Operation of an employee cafeteria by a firm engaging in a principal nonresidential use on the same lot.
4. Sale of goods on the same lot as a principal civic use, but only if such goods are available only to persons participating in the principal use.
5. Production of goods for sale by a firm engaged in a principal commercial use on the same lot, but only if:
   a. All goods so produced are sold at retail by the same firm on the same lot; and
   b. Such production does not occupy more than 50 percent of the total floor area and open sales, display, storage, and service area occupied by such firm on the lot; and
   c. Such production does not in any case occupy more than 2,000 square feet of such floor area and open area.
6. Storage of goods sold by a principal commercial use, or used in or produced by a principal industrial use, engaged in by the same firm on the same lot.
7. Operation of an administrative office of a firm engaged in a principal manufacturing use on the same lot, but only if such office does not occupy more than 50 percent of the total floor area and open sales, display, storage, and service area occupied by such firm on the lot.
8. Wholesale sale or retail sale to the buyers of custom order of goods produced by a principal manufacturing use engaged in by the same firm on the same lot.
9. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into five or more lots.
10. For residential uses, yard or garage sales, not more than seven days per year.

"Advertising message" means that copy of a sign describing products or services being offered.

"Affordable housing" means housing affordable to households with very low, low, or moderate incomes as defined in this chapter.

"Affordable housing project" means a housing development in which all of the units are deed-restricted for occupancy to very low-, low-, and moderate-income households. In non-residential districts, such projects may include up to 25% of non-residential square footage.

"Agriculture, indoor growing or harvesting" means the growing and harvesting of shrubs, plants, flowers, trees, vines, fruits, vegetables, hay, grain, and similar food and fiber crops in a greenhouse, warehouse, or other structure.

"Agricultural, outdoor growing or harvesting" means the growing and harvesting of shrubs, plants, trees, flowers, vines, fruits, vegetables, hay, grain and similar food and fiber crops outdoors.

"Alley" means a dedicated public way intended primarily to provide secondary vehicular access to abutting properties.

"Alteration" means any enlargement, addition, relocation, repair, remodeling, change in the number of dwelling units, development of or change in an open area, but excluding painting, ordinary maintenance for which no building permit is required, and demolition or removal.

"Animal, domestic" means a small animal of the type generally accepted as household pets, including dogs, rabbits, goats, cats, birds, and the like, but not including bees, roosters, hens, ducks, geese, poultry, sheep, swine, horses, cattle and the like, or other animals determined by the Planning Commission to be inappropriate as a household pet, either generally or in a particular situation or setting.

"Animal hospital" means an establishment for the care and treatment of animals, including veterinary offices, where all facilities are within an enclosed building, except for any exercise runs.

"Animal hospital, office only" means an establishment for the care and treatment of animals, including veterinary offices, where all facilities are within an enclosed building, and there are no exterior animal-related uses such as dog runs or kennels.

"Antenna" means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

1. "Antenna, building-mounted" means any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast less than 13 feet tall and six inches in diameter, or structure other than a telecommunications tower.
2. "Antenna, ground-mounted" means any antenna with its base placed directly on the ground or a mast less than 13 feet tall and six inches in diameter.

3. "Antenna, vertical" means a vertical type antenna without horizontal cross-sections greater than one-half inch in diameter.

"Antenna, minor" means any of the following:

1. A ground- or building-mounted receive-only radio or television antenna including any mast;
2. A ground- or building-mounted citizens band radio antenna including any mast;
3. A single ground- or building-mounted whip (omni) antenna without a reflector less than four inches in diameter whose total height includes any mast to which it is attached;
4. A ground- or building-mounted panel antenna with a face area of less than four and one-half square feet;
5. A ground- or building-mounted satellite dish no greater than 10 feet in diameter; or
6. A ground-, building-, or tower-mounted antenna operated by a Federally licensed amateur radio operator as part of the Amateur Radio Service.

"Minor antenna, non-commercial" uses are separated into four classes:

Minor antennas, Class A. Noncommercial minor antennas that meet the requirements of SMC 17.130.020 through 17.130.060, and comply with the following, as appropriate:

1. Ground-mounted antennas may not exceed 20 feet in height, except that citizens band radio antennas or a ground- or tower-mounted antenna operated by a Federally licensed radio operator as a part of the Amateur Radio Service may not exceed 30 feet in height.
2. Building-mounted antennas may not exceed 15 feet (including any mast height) on a building that does not exceed 35 feet in height.

Minor antennas, Class B. Noncommercial minor antennas that meet the requirements of SMC 17.130.020 through 17.130.060, obtain site plan approval from the Planning Director, and comply with the following, as appropriate:

1. Ground-mounted antennas may not exceed 35 feet in height, except that citizens band radio antennas or a ground- or tower-mounted antenna operated by a Federally licensed radio operator as a part of the Amateur Radio Service may not exceed 75 feet in height.
2. Building-mounted antennas may not exceed 20 feet (including any mast height) on a building that does not exceed 35 feet in height, except that citizens band radio antennas or a ground- or tower-mounted antenna operated by a Federally licensed radio operator as a part of the Amateur Radio Service may not exceed 40 feet in height on a building that does not exceed 35 feet in height.

Minor Antennas, Class C. Noncommercial minor antennas that do not meet all of the requirements of SMC 17.130.020 through 17.130.060.

Minor antennas, Class D. Noncommercial minor antennas that exceed the permitted heights for ground-mounted or building-mounted antennas, except that they may not exceed 100 feet in height.

"Applicant" means any person, firm, partnership, association, or any other entity which seeks City permits and approvals, including individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of an entity required to file an application for a permit under SMC Title 17.

"Artist work studios and arts-related fabrication" means a work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft. There may be incidental retail sales of items produced on the premises. This category may also include incidental instruction.

"Authorized agent" means the person specifically authorized by an owner to represent and act on behalf of the owner and to act as an operator, manager, and contact person of a non-hosted vacation rental, and to provide and receive any notices identified in this section on behalf of the owner, applicant, permittee, or authorized agent.

"Automotive gas or fueling station" means a retail business selling gasoline and/or other motor vehicle fuels, and related products.

"Automotive Sales, Service, and Repair." Automotive sales, repair, and service uses include the following uses, and similar uses as may be determined by the Planning Commission:

1. New and/or used auto sales.
2. New and/or used trailer/recreational sales.
3. Automotive rental service.
4. Automotive service stations.
5. Automotive repair garages.
6. Automotive or truck wash.
7. Tire sales and service.
8. Fast service oil change.

17.08.040 Definitions "B"

"Bed and breakfast inn" means a residential structure in which guests are lodged on an overnight basis for compensation, and in which meals may be served in conjunction with said lodging. There shall be a maximum of five guest rooms in residential zones and 10 guest rooms in nonresidential zones. Residential structures with two or fewer guest rooms for rent are exempt from the requirements for bed and breakfast inns.

"Bedroom" means a private room in a dwelling unit planned and intended for sleeping, separated from other rooms by a door, accessible to a bathroom without crossing another bedroom, and having a closet for clothing storage and other related purposes.

"Bee keeping, amateur" means an apiary site made or prepared for the use of bees which is owned and operated by a person who possesses nine (9) or fewer colonies and is not in the business of beekeeping.

"Bee keeping, commercial" means an apiary site made or prepared for the use of bees which is owned and operated by a person, persons, or businesses who possesses nine (9) or greater colonies and is in the business of beekeeping.

"Boarding or lodging house" means a residential structure, other than a hotel or motel, in which lodging and/or meals for three or more persons is provided for compensation, whether directly or indirectly.

"Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

"Building frontage" means the width of a building fronting on a street, excluding alleys, service ways and private accesses.

"Building inspector" means the building official or his duly authorized deputy assistant.

"Building, main" means a building in which is conducted the principal use of the lot or parcel on which it is situated.

"Building site" means a lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this title and having its principal frontage on a street, road, or highway.

"Business frontage" means that primary frontage within a parcel of land such as in a shopping center which is the user's place of business.

17.08.050 Definitions "C"

"Canopy or marquee" means a permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, glass, plastic, or wood.

"City" means the City of Sebastopol.

"Combining district" means a zoning district that is applied in combination with other district designations.

"Commercial use" means a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over a period of time.

"Community Assembly Civic Uses." Community assembly civic uses include the activities typically performed by, or at, the following institutions or installations and similar uses as determined by the Planning Commission:

1. Churches, temples, and synagogues.
2. Food service and other concessions within public parks.
3. Public, parochial, and private nonprofit clubs, lodges, meeting halls, and recreation centers.
4. Public and parochial playgrounds and playing fields.

5. Temporary nonprofit festivals.

"Community care facility" means a facility, place or building which is maintained and operated to provide nonmedical residential care, day care, or home finding agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, or incompetent persons, developmentally disabled, mentally disordered children and adults, court wards and dependents, neglected or emotionally disturbed children, alcohol- or drug-addicted children or adults, battered adults or children, and aged persons and serves 13 or more persons.

"Community Care Residential."

1. "Small community care residential" means a home which provides the following services to six or fewer persons, including those that reside in the home: intermediate care facility, developmentally disabled-nursery, congregate living health facility, pediatric day health, respite care facility, foster homes, rest homes and homes for the aged, and alcoholism and drug abuse recovery or treatment facilities.

2. "Large community care residential" (same as "large community care home") means a home which provides the following services to seven to 12 persons, inclusive, and including those that reside in the home: intermediate care facility, developmentally disabled-nursery, congregate living health facility, foster homes, pediatric day health, respite care facility, rest homes and homes for the aged.

"Community Education Civic Uses."

1. "Small community education civic" includes the activities typically performed by the following institutions, involving six or fewer persons, clients, or students and similar uses as determined by the Planning Commission:

   a. Public, parochial, and private day care centers.

   b. Public, parochial, and private nursery schools and kindergartens.

   c. Public, parochial, and private elementary, junior high, and high schools.

2. "Large community education civic" includes the activities typically performed by the following institutions, involving seven or more persons, clients, or students and similar uses as determined by the Planning Commission:

   a. Public, parochial, and private day care centers.

   b. Public, parochial, and private nursery schools and kindergartens.

   c. Public, parochial, and private elementary, junior high, and high schools.

3. "Large community education civic, adult" includes colleges, universities, professional, vocational, and art schools, seminaries, and similar uses.

"Community Garden" means an area of land used to grow and harvest non-commercial food crops by individuals or collectively by members of a group and may be arranged into multiple plots.

"Community Non-assembly Civic Uses." Community non-assembly cultural civic uses include the activities performed by the following institutions and similar uses as determined by the Planning Commission:

1. Public, parochial, and private nonprofit museums.
2. Public, parochial, and private nonprofit libraries.

"Conditional use" means a use of property that may be permitted only by conditional use permit and which use must comply with all terms and conditions of the permit.

"Conditional use permit" means a permit which may be granted under the provisions of this code and which, when granted, authorizes a particular use to be made of a particular premises, subject to compliance with all the terms and conditions contained in the permit.

"Convenience Sales and Service." Convenience sales and service uses include the following uses, and similar uses as may be determined by the Planning Commission:

1. Barber and beauty shops.
2. Shoe repair shops.
3. Drug stores/pharmacies.
4. Florists.
5. Launderettes.
6. Cleaners (pick-up station only).
7. Tailors.
8. Other personal service uses.
9. Food stores.
10. Professional offices.
11. Video stores.
12. Copy center/mail pick-up.
13. Physical therapy offices, yoga studios, exercise facilities, and similar uses of 1,000 square feet or less.

17.08.060 Definitions "D"

"Demolition." For the purposes of this title, "demolition" involves the whole or substantial removal of a structure or part thereof as determined by the Building Official and Planning Director. The City shall generally consider a structure to have been demolished if at least one-half of its exterior walls have been removed.

"Developer" shall mean a person, firm, corporation, partnership, or agency who proposes to divide, subdivide, or construct improvements on, real property for oneself or for others.

"Development agreement" means an agreement that is between the City and any person having a legal or equitable interest in real property for the development of the property and that conforms to the requirements of the SMC and Government Code Sections 65864 through 65869.5.

"District" means a portion of the City within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, as set forth and specified in this code. The application of a district to a parcel may be referred to as "zoning" and references to the application of a district to a parcel may be referred to as "zoned".

"District, base" means the primary district applied to a parcel or portion thereof.

"District, combining" means a district whose regulations supplement or supersede one or more of the regulations of the base zoning district.

"Downtown" means the area shown in Figure 17.08-1.

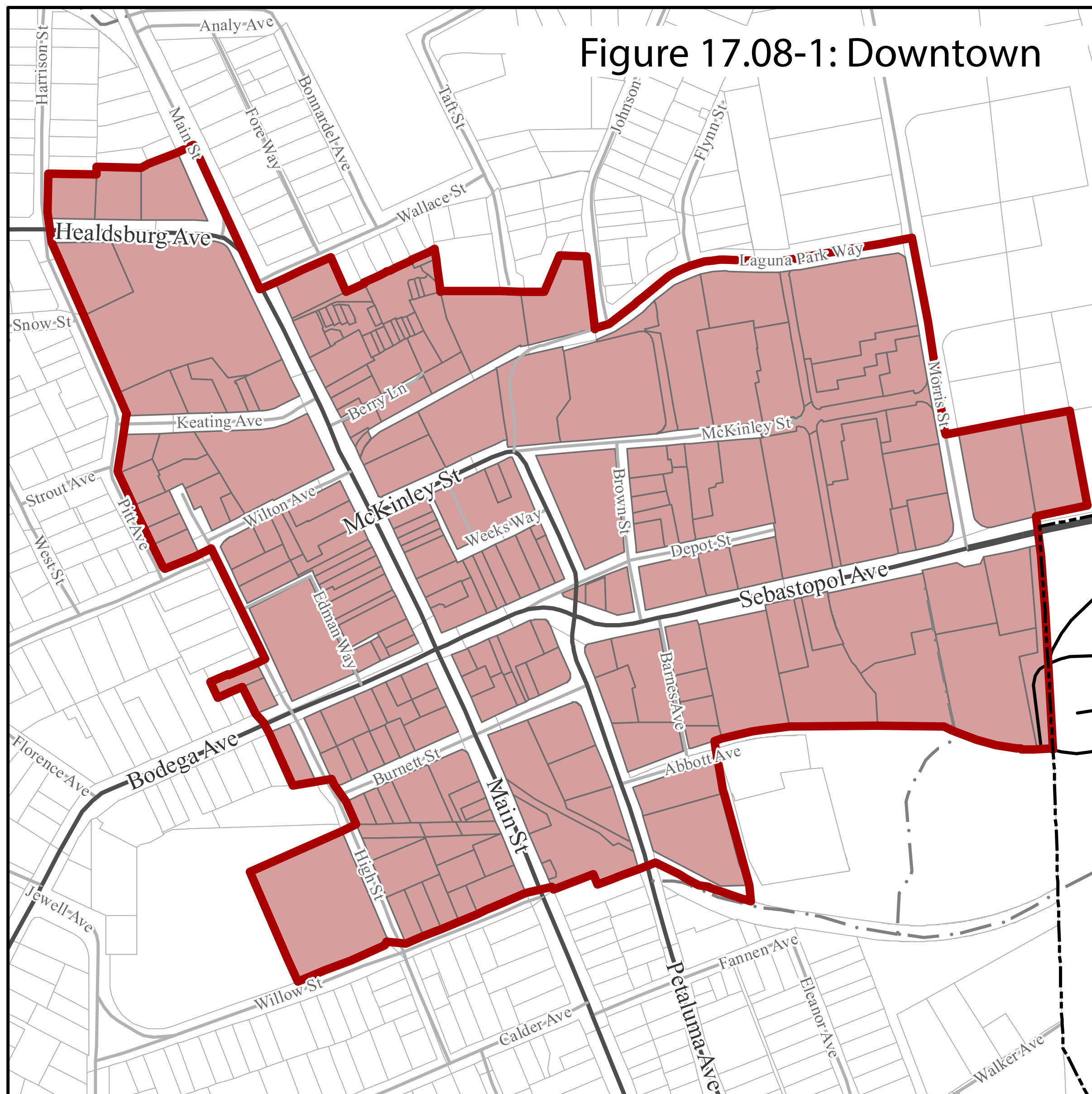

Figure 17.08-1: Downtown

"Drive-through use" means an establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services whether with an

attendant or employee or by automation. This includes non-restaurant drive-through uses, as well as restaurant drive-through uses. A drive-through business that serves a use not related to a restaurant, fast-food restaurant or formula fast-food restaurant includes the operation of a drive-through service at a bank or financial institution, food sales, personal services, and retail sales (e.g., department store, pharmacy). Drive-through restaurants include drive-through businesses that operate in conjunction with a restaurant, fast-food restaurant or formula fast-food restaurant. Drive-through uses are prohibited, except for specified existing uses. This definition does not encompass automotive service stations, oil change businesses, car washes, or similar uses as determined by the Planning Commission.

"Dwelling" or "dwelling unit" means a room or group of internally connected, habitable rooms that have sleeping, cooking, and sanitation facilities, but not more than one kitchen occupied by or intended for one household on a long-term basis. A "dwelling" is the same as an independent housekeeping unit.

"Dwelling groups" means a group of two or more detached or semi-attached, one-family, two-family, or multifamily dwellings occupying a parcel of land, in one ownership and having any yard or court in common.

"Dwelling, accessory" (same as "accessory dwelling unit" or "second unit") means a residential dwelling unit which provides complete independent living facilities and includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as another dwelling is situated. Accessory dwelling units may be constructed within, be attached to, or be detached from the principal dwelling unit. An accessory dwelling unit shall not be considered an accessory structure or building.

"Dwelling, multifamily" means a building or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the same residence of two or more families living independently of each other and doing their own cooking in such building.

"Dwelling, permanent" means a room or group of internally connected rooms that have sleeping, cooking, and sanitation facilities, but not more than one kitchen, which constitutes an independent housekeeping unit, occupied by or intended for one or more permanent residents on a long-term basis (30 days or more), and is constructed on a permanent foundation, with permanent utility connections.

"Dwelling, single-family" means a detached or attached building designed for, or used exclusively for, residence purposes by one household, which includes facilities for sleeping, cooking, living, and sanitation. All single-family dwellings shall meet the following minimum standards:

1. Housing shall be built to applicable standards:
    a. Manufactured homes and mobile homes shall meet the requirements of the Health and Safety Code (Sections 18000, et seq.), including compliance with the National Manufactured Home Construction and Safety Standards Act of 1974.
    b. Factory built housing shall meet the California Building Standards Code, California Health and Safety Code (Sections 19960, et seq.), and California Code of Regulations Title 25 requirements.

c. All other housing shall meet the requirements of the California Code of Regulations Title 24.

2. All units shall be attached to a permanent foundation.

"Dwelling, temporary" means a detached structure that: is designed or used for residence purposes by one household, may be moved under its own power, towed, or on a trailer, is not attached to a permanent foundation, and is not occupied on a permanent basis. Temporary dwellings are limited to the following:

1. Recreational vehicles as defined by Health and Safety Code Section 18010 and that meet the requirements of Health and Safety Code Sections 18000 et seq.
2. Park trailers as defined by Health and Safety Code Section 18009.3 and that meet the requirements of Health and Safety Code Sections 18000 et seq.

"Dwelling, two-family" means a building containing not more than two kitchens and that is designed and/or used to house not more than two families, living independently of each other.

"Dwelling Unit, Principal." A "principal dwelling unit" or "principal unit" is an existing or proposed single-family home, duplex, triplex, apartment house, or condominium. A principal dwelling unit must be located on the same parcel as a proposed accessory dwelling unit.

17.08.070 Definitions "E"

"Employee housing (agricultural)" means housing for commercial agricultural employees as described in Health and Safety Code Sections 17021.5 and 17021.6, and employee housing as defined in Health and Safety Code Section 17008 and the other applicable provisions of the Employees Housing Act at Health and Safety Code Section 17000 et seq., and to include a residential safety management plan.

"Employee housing (six or fewer employees)" means employee housing, as defined by Health and Safety Code Section 17008, for six or fewer employees. Employee housing (six or fewer employees) that is consistent with Health and Safety Code Section 17021.5 is considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type (e.g., single family dwelling, multifamily, etc.) in the same zone.

"Exercise facilities" means a training facility, including health clubs, that may include exercise equipment for the purpose of physical exercise by human beings, and may provide instruction in weight training, bodybuilding, yoga, and cardiovascular training, as well as general health and fitness instruction.

"Extensive Commercial." Extensive commercial uses include the following uses, and similar uses as may be determined by the Planning Commission:

1. Animal hospital.
2. Outdoor sales.
3. Theaters.
4. Exercise facilities greater than 1,000 sq. ft.
5. Saloon/bar.

6. Night club.

7. Lumberyard.

8. Outdoor recreation.

9. Winery.

10. Dry cleaner.

11. Coffee roastery.

12. Mini- or micro-brewery.

"Extensive Impact Civic Uses." Extensive impact uses include the activities typically performed by, or the maintenance and operation of, public and public utility corporation yards, reservoirs and water tanks, and similar uses as may be determined by the Planning Commission.

17.08.080 Definitions "F"

"Factory-built housing" is defined by State law. See Government Code Section 19971.

"Family" means the same as "Household".

Family Day Care Homes.

1. "Small family day care home" means a home which provides day care for eight or fewer children, including children under the age of 10 years who reside at the home, as set forth in Health and Safety Code Section 1597.44. The use of a single-family residence as a small family day care home shall be considered a residential use of property and is subject only to those restrictions that apply to other single-family dwellings in the same zone consistent with Health and Safety Code Section 1597.45.

2. "Large family day care home" means a home which provides family day care for up to 14 children, including children under the age of 10 years who reside at the home, as set forth in Health and Safety Code Section 1597.465.

"Farmers' market, outdoor" consists of a Certified California Farmers' Market, pursuant to the requirements of Division 17, Chapter 10.5, Article One of the Food and Agricultural Code and Title 3, Division 3, Chapter 1, Subchapter 4, Article 6.5 of the California Code of Regulations, or their successor provisions, which is held outdoors.

"Flood elevation, 100-year" means Flood hazard areas identified on the FEMA Flood Insurance Rate Map which are identified as a Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood.

"Floor area" means the total of the gross horizontal areas of all floors, including usable basements and cellars, within the outer surfaces of the exterior walls of buildings, or the centerlines of party walls separating such buildings or portions thereof, but not including any area within the building utilized for off-street parking spaces. If exterior walls exceed 12 inches in thickness, the calculation may be performed using an assumed wall thickness of 12 inches.

"Floor area ratio (FAR)" means the measure of the intensity of nonresidential uses which is the maximum gross floor area of a building permitted on a site divided by the total area of the site, expressed in decimals to one or two places.

"Food Sales". Food sales uses include stores that sell food, such as a vegetable and fruit store, bakery, and meat market.

"Frontage" means a front lot line; also the length thereof.

"Frontage of property" means any lineal dimension of a parcel of property abutting on a public street or way.

17.08.090 Definitions "G"

Group Home. See "Community care facility"

17.08.100 Definitions "H"

"Habitat and/or wildlife conservation" means the management and conservation of an area with sensitive ecological habitat, wildlife habitat, or other environmental resources.

"Health care civic uses" includes the activities typically performed by the following institutions, and similar uses as determined by the Planning Commission:

1. Health clinics.
2. Hospitals.
3. Centers for observation or rehabilitation, with full-time supervision or care.

"Health care facility" means a facility, place or building which is maintained and operated to provide health care. Health care facilities shall include, but not necessarily be limited to, hospitals, nursing homes, intermediate care facilities, clinics, and home health agencies, all of which are licensed by the State Department of Health Services, and defined in the Health and Safety Code.

"Height, building" means the maximum allowable height shall be measured as the vertical distance from the natural grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade. The natural grade shall not be artificially raised to gain additional building height.

"Home occupation" means an accessory activity of a nonresidential nature, which is performed within a living unit, accessory structure located on the premises, or within a garage attached thereto and reserved therefor, by an occupant of the living unit, and which is customarily incidental to the residential use of the living unit.

"Homeless shelter" means a residential facility operated by a provider which provides temporary accommodations to persons or families with low income for a period of generally not more than six months. Such use may also provide meals, counseling and other services, as well as common area for users of the facility. Such facility may have individual rooms, but is not developed with individual dwelling units.

"Hostel" means a place where travelers may stay for a limited duration at low cost in a facility that is licensed or otherwise recognized by a national or international hostel organization that may include dormitory-like sleeping accommodations.

"Hotel" means a residential building other than a bed and breakfast inn containing six or more guest rooms which are used, rented or hired for sleeping purposes by transient guests or travelers for generally less than 30 consecutive days. Such uses may also include accessory uses such as beauty and barber shops, restaurants, florists, small shops, and indoor athletic facilities. Hotel includes "motel" uses.

"Household" means one or more persons, whether or not related by blood, marriage or adoption, jointly occupying a dwelling unit in a living arrangement characterized by the sharing of common living areas, including area and facilities for food preparation.

17.08.110 Definitions "I"

"Incidental food service" means a retail use for the on-site consumption of food and/or beverages where less than 250 square feet (interior and exterior) is utilized for on-site consumption of any food or beverage, including seating, counter space, or other eating arrangement.

"Industrial, general" includes the following uses, and similar uses as may be determined by the Planning Commission:

1. Food processing.
2. Meat products processing and packaging, not including the slaughtering of animals or the rendering of fats or oils.

"Industrial, Heavy" includes the following uses, and similar uses as may be determined by the Planning Commission:

1. Manufacturing, compounding, processing, assembly, packaging, treatment, or fabrication of articles of merchandise from bones, garbage, offal, or dead animals.
2. Fat rendering.
3. Stocking or slaughtering of animals.
4. Storage and/or distribution of natural or liquid gas and other petroleum derivatives in bulk.
5. Manufacturing or storage of acid, cement, fertilizer, gas, flammable fluids, glue, gypsum, lime or plaster of Paris. Asphalt or concrete batch plants, gravel processing plants, and related storage facilities.

"Industrial, Light" includes the following uses, and similar uses as may be determined by the Planning Commission.

1. Manufacture, assembly or packaging of products from previously prepared materials such as cloth, fiberglass, plastic, paper, leather, precious or semiprecious metals or stones.
2. Commercial, large-scale photographic developing and processing.
3. Research, development, and testing laboratories and facilities.
4. Manufacturing, assembly or packaging of products such as cameras and photographic equipment, but excluding film, professional or scientific instruments, medical or dental instruments and appliances, handicraft, art objects and jewelry.

"Inhabited area" means any residence, any other structure regularly occupied by people, or any outdoor area used by people on a regular basis.

17.08.111 Definitions "J"
"Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

"Junk yard" means the use of more than 100 square feet of the area of any lot or the use of any portion of that half of any lot, which half adjoins any street for the storage of junk, including scrap metals, salvage or other scrap materials or for the dismantling or "wrecking" of automobiles or other vehicles, or machinery, whether for sale or storage.

17.08.112 Definitions "K"
"Kennel, animal boarding" means a commercial facility for the grooming, keeping, boarding or maintaining of five or more domestic animals (four months of age or older), except for dogs or cats or domestic animals for sale in pet shops, or patients in animal hospitals.

"Kitchen" shall mean a room, space, or area with equipment for the preparation and cooking of food.

17.08.113 Definitions "L"
"Laboratory" means a facility for testing, analysis, and/or research. Examples of this use include medical labs, soils and materials testing labs, and forensic labs.

"Live-work" means a residential use providing an integrated housing unit and work space, occupied by a single household, that accommodates joint residential occupancy and work activity, and which includes complete kitchen space and sanitary facilities as well as working space reserved for and regularly used by one or more occupants of the unit in conjunction with an approved home occupation. The nonresidential ground floor portion of the unit shall comprise no less than one-third of the ground floor space, not including stairwells.

"Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of vehicles while loading or unloading merchandise or materials.

"Lot" means a recorded lot or parcel of real property under single ownership, lawfully created as required by the applicable Subdivision Map Act and City ordinance requirements, including this title and SMC Title 16, Subdivisions.

"Lot area" means the area of a lot measured horizontally between bounding lot lines.

"Lot, corner (exterior)" means a lot situated at the intersection of two or more streets which streets have an angle or intersection of not more than 135 degrees.

"Lot coverage" means the maximum area of a lot, expressed as a percentage of a lot's total area, that may be encumbered by structures over 30 inches in height, exclusive of eaves, cornices and the like. Wheelchair ramps and lifts and other features providing access for the disabled, open arbors, and solar energy equipment shall not be considered lot coverage.

"Lot, flag" means a lot having only its access strip fronting on a public street.

"Lot, interior" means a lot other than a corner lot.

"Lot, key" means an interior lot adjacent to a corner lot, the side line of which is contiguous with the rear lot line of the corner lot.

"Lot line" means the property line bounding the lot:

1. "Lot line, front" means the line separating the lot from the street. In the case of a corner lot, the front line is the shorter of any two adjacent street lot lines.
2. "Lot line, rear" means the line opposite to, and most distant from, the front lot line, other than a side lot line.
3. "Lot line, side" means a lot line which is neither a front or rear lot line.

"Lot, through" means a lot, other than a corner lot, having frontage on two parallel, or approximately parallel, streets. The "front" yard of a through lot shall be the street frontage from which the residence is addressed, or in the case of a vacant lot, the street frontage from which the neighboring properties are addressed.

"Lot width" means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and the rear lot lines.

"Low-income housing" means housing that is affordable to a household whose combined income is at or between 50 percent to 80 percent of the median income for Sonoma County, as established by HUD or the State Department of Housing and Community Development.

"Lumberyard" means an area used for the storage, distribution, and sale of lumber and lumber products, but not including the manufacture, re-manufacture, or fabrication of lumber, lumber products or firewood.

17.08.114 Definitions "M"

"Manufactured housing" has the same meaning as "manufactured home" as defined by State law. See Government Code Section 18007.

"Manufacturing, Commercial" means the fabrication, processing, assembly, or blending of organic or inorganic materials and/or substances into new products and are usually directed to the wholesale market or industrial uses. Commercial manufacturing uses include the following uses, and similar uses as may be determined by the Planning Commission:

1. Creameries.
2. Small-scale wineries.
3. Commercial laundries/cleaning and dyeing.
4. Light machine shops.
5. Sheet metal shops.
6. Light manufacturing.
7. Blacksmith.
8. Planing mills.
9. Glass manufacturing and sales.
10. Small-scale food processing.

"Mechanical equipment" includes electrical, heating, ventilation, plumbing, cooking, air conditioning, and pool and spa equipment.

"Mezzanine" means an intermediate floor, placed within a room, open to a room below it, the area of which does not exceed one-third of the floor below. A mezzanine shall not be considered a story.

"Mixed-Use Residential." Mixed-use residential uses include the allowance of permanent residential uses such as multifamily residences or live-work dwelling units in conjunction with nonresidential uses allowed in the zoning district; or in the case of planned community projects as a separate but integral part of a commercial and/or industrial development and where, generally, the residential square footage does not exceed more than 85 percent nor less than 25 percent of the square footage of the project.

"Mobile food truck" means a motorized vehicle or trailer towed by a motorized vehicle from which food or drink (prepared on-site or pre-packaged) is sold or served to the general public, whether consumed on-site or elsewhere. They are retail food facilities and health regulated businesses subject to SMC 17.355.

"Mobile home" is defined by State law. See Government Code Section 18008.

"Mobile home Park" means an area or parcel of land where one or more mobile home lots are rented, available for rent, owned, or available for sale.

"Moderate-income housing" means housing affordable to households whose combined income is above 80 percent and at or below 120 percent of the median income for Sonoma County, as established by HUD or the State Department of Housing and Community Development.

"Motel." See "Hotel"

17.08.115 Definitions "N"

"Nameplate" means a non-illuminated sign not exceeding two square feet in area identifying only the name and occupation or profession of the occupant of the premises on which the sign is located.

"Neighborhood food sales and service" means food sales and service that is oriented to offices, residential and commercial uses located in the immediate vicinity of the establishment. Such establishments cannot exceed 1,600 square feet in size, must be pedestrian oriented and without drive-through features, and may have no more than 25 square feet of signage on the premises.

"NIER" means nonionizing electromagnetic radiation (i.e., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).

"Nicotine, tobacco or smoke shops, vape shops" means any store, stand, booth, concession, or other place at which sales of tobacco, tobacco products, nicotine products, or smoking devices or accessories are made to purchasers for consumption or use.

"Nonconforming structure/building" means a structure or a portion thereof which was lawfully erected and which has been lawfully maintained, but which, because of the application of the

provisions of this code, no longer conforms to the regulations and requirements of the district in which it is located.

"Nonconforming use" means a use of land or of a structure which was lawfully established and has been lawfully maintained but which, because of the application of the provisions of this code, no longer conforms to the regulations and requirements of the district in which it is located.

17.08.116 Definitions "O"

"Office." Office uses include the following uses, and similar uses as may be determined by the Planning Commission:

1. Banks/savings and loan offices.
2. Business offices.
3. Medical/dental offices.
4. Studios.
5. Mortuary.
6. Professional offices.
7. Printing and/or shipping services.
8. Hearing aid service.
9. Optician.
10. Massage service/school.
11. Co-working space.

"Open space, usable" means outdoor area on the ground, or other features such as roof, balcony, deck, or porch which is designed and used for outdoor living, recreation, pedestrian access, or landscaping. Does not include off-street parking areas.

"Outdoor barbecue, commercial" means any outdoor facility for cooking food directly over hot coals, gas or other means, smoking food, or other similar methods and where the food is intended to be sold or distributed for commercial purposes.

"Overlay district" means a zoning district that overlays and replaces the prior district.

17.08.117 Definitions "P"

"Park, community" means a publicly-owned outdoor recreation facility for use by local residents or visitors to nearby establishments and may include trails, picnic areas, sports fields and facilities, a swimming pool, water play area, and playground facilities. The community park use does not include "sports park" uses.

"Park, sports" or sports facility means a privately-owned indoor or outdoor recreation facility that is provided for organized, competitive use and may include soccer fields, golf courses, sports courts, multiple swimming or diving pools, and similar uses

"Parking Facility, Public or Commercial" means freestanding parking lots or structures operated by the City or a private entity. Does not include towing impound and storage facilities.

"Parapet or parapet wall" means that portion of a building wall that rises above the roof level.

"Parcel of Property." Any real property shown on the latest adopted tax roll as a unit, or as contiguous units under common ownership.

"Passive recreational area" means an area that is generally open space, is publicly accessible, and has minimal development. Minimal development includes trails, benches, and parking areas, but does not include active recreation facilities, such as playgrounds and ball fields.

"Planning staff" means Planning Director, City Planner, Planning Consultant, or other person appointed by the City Manager to serve as the City's Planning staff.

"Plant Nursery" means a commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses. The sale of house plants or other nursery products entirely within a building is also included under "Retail."

"Premise or premises" means a parcel of property.

"Public service use or facility" means a use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, library, fire and police protection, solid waste management, or utilities.

"Public view" means, for antennas and the like, where some portion of the minor antenna or telecommunications facility will be visible from a public street or public place, or from four or more adjoining private properties.

17.08.118 Definitions "Q"
"Quasi-public use" means a use serving the public at large, and operated by a private entity under a franchise or other similar governmental authority designed to promote the interests of the general public or operated by a recognized civic organization for the benefit of the general public.

17.08.119 Definitions "R"
"Readily visible" means an object that stands out as a prominent feature of the landscape when viewed with the naked eye.

"Recreational vehicle" (RV) means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which:

1. Is built on a single chassis; and
2. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

"Research and Development" means a facility for scientific research, and the design, development and testing of electrical, electronic, magnetic, medical, biotechnical, optical and computer, telecommunications, food and drink, or comparable components or products in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities. Research and

development includes maker spaces where shared manufacturing tools, such as 3-D printers, laser cutters, and other art and craft supplies are used for the invention and fabrication of physical products, but not for mass production.

"Residential Uses, Permanent." Permanent residential uses include the occupancy of living accommodations on a 30-day or longer basis, and similar uses as determined by the Planning Commission.

"Residential Uses, Semi-Transient." Semi-transient residential uses include the occupancy of living accommodations partly on a weekly or longer basis and partly for a shorter time period, under the same ownership or management; and similar uses as determined by the Planning Commission.

"Residential Uses, Transient." Transient residential uses include the following residential uses occupied primarily on an overnight or less-than-weekly basis, and similar uses as may be determined by the Planning Commission. Also see 'Hotel,' 'Hostel' and 'Bed and Breakfast' definitions.

1. Motels.
2. Hotels.
3. Hostels.
4. Bed and Breakfast Inns.

"Restaurant" means a use providing preparation and retail sale and consumption of food and beverages, including dining establishments, cafes, coffee shops, sandwich shops, ice cream parlors, and similar uses, except for uses qualifying as incidental food service. Restaurant includes the following categories:

1. Table service. Establishments where customers are primarily served food at their tables for on premise consumption and which may also provide food for take-out.
2. Counter service. Eating establishments where customers are served from an ordering counter for either on- or off-premise consumption. This use includes retail bakeries, coffee shops, ice cream parlors, and cafes.
3. Walk-up. Exclusively pedestrian-oriented facilities that serve from a walk-up ordering counter. This use would typically include food services that do not provide on-site seating. This use does not include a mobile food vending unit.
4. Fast-food, take-out. An establishment where customers purchase food and either consume the food on the premises within a short period of time or take food off the premises, except for uses qualifying as incidental food service. Typical characteristics of a fast-food restaurant include, but are not limited to, the purchase of food at a walk-up window or counter, payment for food prior to consumption and the packaging of food in disposable containers. A restaurant shall not be considered a fast-food or take-out restaurant solely on the basis of incidental or occasional take-out sales. Drive-through and drive-in restaurants where customers may be served food in their vehicles are not permitted.

"Restaurant, walk-up" means an establishment that, by design of its physical facilities, service, or packaging, encourages or permits pedestrians to receive food service or obtain food products without entering the establishment.

"Retail Sales" means uses include the following uses, and similar uses as may be determined by the Planning Commission:

1. Clothing stores.
2. Hardware.
3. Variety stores.
4. Appliance stores.
5. Radio/TV stores.
6. Pet stores.
7. Plant nurseries.
8. Bicycle sales and service.
9. Computer sales and service.
10. Medical equipment sales.
11. Automotive parts sales.

"Retail use" means an establishment or other use that does not fit into the "Retail Sales, General" category where the sale of goods or merchandise to the general public takes place.

"Roof line" means the top edge of the roof (ridge) or top of the parapet, whichever forms the top line of the building silhouette.

17.08.120 Definitions "S"

"Satellite dish" means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

"Satellite earth station" means a telecommunications facility consisting of more than a single satellite dish smaller than 10 feet in diameter that transmits to and/or receives signals from an orbiting satellite.

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the Education Code. This definition includes an elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a junior college and any other college or university.

"Secondary use" means a use or activity which is incidental and subordinate to the principal use of the site or a primary building on the site, and does not alter the principal use of such parcel or building.

"Senior Housing**"** means age-restricted residential housing that is designed, intended and operated for occupancy by persons 55 years of age or older. At least 80 percent of the occupied units shall be occupied by at least one person who is 55 years of age or older, consistent with Federal and State law requirements.

"Shared Parking" means parking spaces that are generally available for users, and not reserved for one specific use, such as in mixed-use areas, where parking spaces for retail uses are available in the evening for residents.

"Shopping Center" means primarily retail commercial site with three or more separate businesses sharing common pedestrian and parking areas.

"Sign" means a visual communications device used to convey a message to its viewer.

"Sign, abandoned" means a sign which no longer directs, advertises or identifies a legal business establishment, product or activity on the premises where such sign is displayed or shows a correct direction.

"Sign, animated" means any sign which includes action or motion. Not applicable to flashing or changing signs.

"Sign, area identification" means a permanent sign used to identify a neighborhood, subdivision, shopping district, industrial district, agricultural district or any special community area.

"Sign, attached" means a wall, fascia, window or other sign affixed to a building.

"Sign, awning" means signage located anywhere on an awning or similar rigid or non-rigid canopy projecting from the wall of a building.

"Sign, banner" means a temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign by the wind.

"Sign, changeable copy" means a sign on which copy is changed manually or electrically but not limited to time, temperature and date.

"Sign, construction" means a temporary sign identifying the persons, firms or businesses directly connected with a construction project.

"Sign, development project" means a temporary sign identifying a proposed development project, or one which is under construction.

"Sign, directional" means a sign designed to guide or direct pedestrian or vehicular traffic.

"Sign, double-faced" means a freestanding or projecting sign with two sign faces back-to-back facing in opposite directions.

"Sign, face" means the entire face of a sign on which copy could be placed.

"Sign, flashing" means any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or externally mounted light source.

"Sign, freestanding." Also referred to as "ground sign, monument sign," "detached sign," "pole sign" A sign erected on a freestanding frame, or support, mast or pole and not attached to a building or other structure.

"Sign, freestanding, height" means the vertical distance by which the top of the sign extends above the average elevation of the natural grade.

"Sign, identification" means a sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupation of the person.

"Sign, incidental" means a small sign pertaining to hours of operation, goods, products, services or facilities which are available on the premises where the sign occurs and intended primarily for the convenience of the public.

"Sign, memorial" means a sign, table or plaque memorializing a person, event, structure or site.

"Sign, modular" means a freestanding or projecting sign, other than a double-faced sign, which has more than one sign face.

"Sign, multi-tenant" means a sign identifying the individual use or tenants in a multiple occupancy building or in a building group.

"Sign, non-conforming (legal)" means an advertising structure or sign which was lawfully erected and maintained prior to the formal adoption of a sign ordinance and any amendments thereto, and presently fails to conform to all applicable regulations and restrictions of the ordinance.

"Sign, off-premises" means a sign including but not limited to billboards that advertise goods, products, services or facilities or direct persons to a different location from where the sign is installed.

"Sign, on-premises" means any sign identifying or advertising a business, person, activity, goods, products or services located on the premises where the sign is installed and maintained.

"Sign, pole." See "Freestanding sign".

"Sign, political" means a temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

"Sign, portable" means any sign not attached to the ground or a building (such as a sandwich board or A-frame sign).

"Sign, projecting" means a sign which is attached to and projects from the structure or building face.

"Sign, public service information" means any sign intended primarily to promote items of general interest to the community such as time, temperature, date, atmospheric conditions, news or traffic control, etc.

"Sign, real estate or property" means any sign pertaining to the sale, lease or rental of land or buildings. Usually a temporary sign.

"Sign, roof" means any sign erected upon, against, or above a roof line.

"Sign, rotating or moving" means any sign or portion of a sign which moves in a revolving or other manner.

"Sign, special event" means a sign advertising or pertaining to any civic, patriotic or special event of general public interest taking place within the City.

"Sign, temporary" means a sign which is not permanently affixed and which is posted for no longer than 30 days. Any other device constructed of lightweight material used for the purpose of conveying a message.

"Sign, temporary automotive service station" means a temporary sign such as merchandise display signs, promotions, and signs located on the fuel pumps.

"Sign, temporary window" means a sign painted on the window or constructed of paper, cloth or other like material and attached to the interior or exterior side of window or glass area. Does not include display merchandise.

"Sign, unlawful" means a sign which contravenes this title or which a public official may declare unlawful if it becomes dangerous or a traffic hazard to public safety; a nonconforming sign for which a permit required under a previous ordinance was not obtained.

"Sign, wall" means a sign attached to or erected against a wall of a building. Any sign affixed in such a way that its exposed face is parallel to the plane of the building.

"Sign Area, Total Aggregate" means the combined total display area of copy for each sign located on the premises.

"Silhouette" means a representation of the outline of the towers and antenna associated with a telecommunications facility, as seen from an elevation perspective.

"Single room occupancy housing" means multifamily residential buildings containing housing units with a minimum floor area of 150 square feet and a maximum floor area of 375 square feet which may have kitchen and/or bathroom facilities, and where each housing unit is restricted to occupancy by no more than two persons and is offered on a monthly rental basis or longer. Such units shall count as one-half a unit for purposes of calculating densities.

"SMC" means the Sebastopol Municipal Code.

"Storage, personal or vehicle" means 1) structure or structures containing individual, compartmentalized stalls or lockers rented as individual storage spaces and characterized by low parking demand, and 2) a service facility (maybe covered) for the long-term rental of space for storage of operative cars, trucks, buses, recreational vehicles, and other motor vehicles.

"Story" means that portion of a building included between two consecutive floors of a building or the portion between a floor and the roof. A basement shall not be considered a story if the finished floor above it does not exceed six feet above natural grade for more than 50 percent of the total perimeter of the building, provided the finished floor above the basement is not more than 12 feet above grade at any point.

"Street" means a public or private thoroughfare which affords principal means of access to abutting property, except an alley as defined herein.

"Structural alteration" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders, which change requires the issuance of a building permit.

"Structure" means anything which is constructed or erected, and which is located on the ground or is attached to something having location on the ground.

"Studio unit" means a dwelling unit other than a single room occupancy unit that does not have a separate bedroom, and is equal to or less than 600 square feet in floor area. Such units shall count as one-half a dwelling unit for purposes of calculating densities.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (Government Code Section 65582(f)). Supportive housing is considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

17.08.121 Definitions "T"

"Tandem parking" means a group of two parking spaces arranged one behind the other where one space blocks access to the other space.

"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (Government Code Section 65582(g)).

"Telecommunications facility" means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings, parking areas, and other accessory development. It does not include facilities staffed with other than occasional maintenance and installation personnel, minor antennas meeting the requirements of SMC 17.130.010 through 17.130.050, vehicle or other outdoor storage yards, offices, or broadcast studios other than those designed for emergency use.

1. "Telecommunications facility - major" means telecommunications facilities 35 to 100 feet in height and that adhere to SMC 17.130.010 to 17.130.230.
2. "Telecommunications facility - minor" means telecommunications facilities no greater than 35 feet in height and that adhere to SMC 17.130.010 through 17.130.240. If a facility does not meet these criteria, then it is considered a "major" telecommunications facility.
3. "Telecommunications facility - co-located" means a telecommunications facility comprised of a single telecommunications tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.

4. "Telecommunications facility - commercial" means a telecommunications facility that is operated primarily for a business purpose or purposes.
5. "Telecommunications facility - multiple user" means a telecommunications facility comprised of multiple telecommunications towers or buildings supporting one or more antennas owned or used by more than one public or private entity.
6. "Telecommunications facility - noncommercial" means a telecommunications facility that is operated solely for a nonbusiness purpose.
7. "Telecommunications tower" means a mast, pole, monopole, guyed tower, lattice tower, freestanding tower, or other structure designed and primarily used to support antennas. A ground- or building-mounted mast less than 13 feet tall and six inches in diameter supporting a single antenna shall not be considered a telecommunications tower.

"Temporary care unit" means a manufactured home, recreational vehicle, or park trailer used as a temporary dwelling unit associated with providing care to one or more persons due to an age-related, health, or medical condition. The dwelling may be used by the person(s) providing care or by the person(s) needing care.

"Transient." Transient uses include the following residential uses, and similar uses as may be determined by the Planning Commission. Such uses may also include accessory uses such as beauty and barber shops, restaurants, florists, and small shops

1. Motels.
2. Hotels.
3. Hostels.
4. Bed and Breakfast establishments.

"Transitional commercial site" means a parcel of land located within the CN, CO, CG or CH District, which is adjacent to any residential district.

"Transitional housing" means buildings configured as rental housing developments but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance (Government Code Section 65582(h)). Transitional housing is considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type (e.g., single family dwelling, multifamily, etc.) in the same zone.

17.08.122 Definitions "U"

"Utility civic uses" includes the maintenance and operation of the following installations and similar uses as determined by the Planning Commission.

1. Communications equipment installations and exchanges.
2. Electrical substations.
3. Gas substations.
4. Water and sewer pumping and treatment facilities.
5. Neighborhood news carrier distribution centers.

6. Police stations and fire stations.
7. Public works yards.
8. Post offices but excluding major mail processing centers.
9. Publicly operated off-street parking lots and garages available to the general public either without charge or on a fee basis.
10. Libraries.
11. Governmental administrative offices.

17.08.123 Definitions "V"

"Vacation rental" means any transient occupancy use of 30 days or less of a dwelling unit or accessory dwelling unit for which the City has issued a vacation rental permit pursuant to this section. The term "vacation rental" shall be used to include all hosted vacation rentals and all nonhosted vacation rentals.

1. Hosted vacation rental means a vacation rental business for which the owner or authorized agent resides at the vacation rental unit and stays overnight at the vacation rental unit while it is being rented, and no more than two bedrooms are rented for transient occupancy pursuant to this section.
2. Nonhosted vacation rental means a vacation rental business for which the owner or authorized agent is not required to reside at the vacation rental unit which is rented for transient occupancy pursuant to this section.

"Very low-income housing" means housing affordable to a household whose combined income is less than 50 percent of the median income for Sonoma County as established by HUD or the State Department of Housing and Community Development.

17.08.124 Definitions "W"

"Warehouse, Storage and Transport." Storage and transport warehouse uses include the provision of warehousing and storage, freight handling, shipping, and trucking services, and similar uses, including includes storage, processing, packaging, and shipping facilities for mail order and e-commerce retail establishments, as may be determined by the Planning Commission. The sale of products from these establishments is not encouraged. Examples of these establishments include:

- Warehouse, storage or mini-storage facilities offered for rent or lease to the general public; or
- Terminal facilities for handling freight.

"Warehouse, Wholesaling and Distribution." Wholesaling and distribution warehouse facilities include:

1. Warehouses. Facilities for the storage of furniture, household goods, or other commercial goods of any nature. Includes cold storage. Does not include: warehouse, storage or mini-storage facilities offered for rent or lease to the general public; or terminal facilities for handling freight (see "Warehouse, Storage and Transport").
2. Wholesaling and Distribution. Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to

other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

- Agents, merchandise or commodity brokers, and commission merchants
- Assemblers, buyers and associations engaged in the cooperative marketing of farm products
- Merchant wholesalers
- Stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

"Wholesale Sales, General." General wholesale sale uses include sales of a nonretail nature, generally to the trades or other specific sector, and similar uses as may be determined by the Planning Commission.

"Wineries, distilleries, brewing facilities" means an establishment that produces wine, spirits, ales, beers, meads, hard ciders, and/or similar beverages to serve on-site. Sale of beverages for off-site consumption is also permitted in keeping with the regulations of the Alcohol Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF), and any applicable City regulations. May include the distribution of beverages for consumption at other sites.

"Wine tasting establishment" means a retail establishment that primarily sells wine on behalf of one or more wineries and enables consumers to taste wine, either with or without charge, as a regular part of the sales business, and may include incidental sales of other retail items.

17.08.125 Definitions "Y"

"Yard" means an open space, other than a court, on a lot with a structure, which open space is required to be unoccupied and unobstructed from the ground to the sky, except for such encroachments as are specifically permitted by this code.

"Yard, front" means a yard measured into a lot from its front lot line or lines. A required front yard shall extend the full width of the lot between its side lot lines.

"Yard, rear" means a yard measured into a lot from its rear lot line; provided, that in cases where there is no rear lot line, the rear yard shall be measured into the lot from the rearmost point of the lot depth, parallel to said lot depth. A required rear yard shall extend the full width of the lot between its side lot lines.

"Yard, side" means a yard measured into a lot from one or more of its side lot lines. A required side yard shall extend between the required front yard and rear yard, or the front or rear lot lines in cases where no front yard or rear yard is required.

Chapter 17.10: ZONING DISTRICTS

17.10.010 Zoning districts.
Each of the zoning districts into which the City of Sebastopol is divided are hereby established as follows:

Zoning District	SMC Chapter
R1 - Single Family Residential	17.20
R2 - Single Family Residential	17.20
R3 - Single-Family Residential	17.20
R4 - - Single-Family Residential	17.20
R5 - Single Family and Multifamily Residential	17.20
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17.10.020 Zoning Map.
A. The Zoning Map shall apply to all property within the City of Sebastopol, except streets, alleys and paths. Said property is hereby divided into and included within zone districts as hereinafter set forth.

B. The designations, locations and boundaries of the districts established are delineated upon the Zoning Map. The map and all notations and information thereon are hereby made a part of this code by reference.

17.10.030 Interpretation.

A. Whenever the location of a boundary or other feature appearing in the Zoning Map is indicated in a legal description or other written statement incorporated herein, said location shall be interpreted precisely as described in such statement.

B. Whenever no applicable written statement exists, and the location of a boundary or other feature included in the Zoning Map approximates an edge or centerline, as the case may be, of a street, alley, path, or body of water which was in existence when said boundary or other feature was established, the location of the boundary or other feature shall be interpreted to follow such edge or centerline.

C. Whenever the situations described in subsections A and B of this section are not applicable, the location of a boundary or other feature included in the Zoning Map shall be determined through use of the scale on the map. Should any further uncertainty exist, said location shall be interpreted by the Planning Commission.

D. If a lot is divided by a zone boundary, the Planning Commission shall determine the precise boundaries.

E. Whenever this title requires consideration of distances, parking spaces, unit density, or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, such numbers shall be rounded up to the nearest whole number when the fraction is one-half or more, and rounded down to the next lowest whole number when the fraction is less than one-half, except as otherwise provided by this title.

Chapter 17.20: RESIDENTIAL DISTRICTS

17.20.010 Purpose of the districts.

R1 - Single Family Residential. The purpose of the R1 District is to implement the "Very Low Density Residential" land use category of the General Plan, and the General Plan goal of preserving the rural-agricultural setting of Sebastopol. This district is applicable to single-family areas exhibiting environmental constraints to development and/or with prime agricultural soils. The R1 District allows densities up to 1 unit per acre.

R2 - Single Family Residential. The purpose of the R2 District is to implement the "Low Density Residential" land use category of the General Plan, and the General Plan goal of preserving the community's rural agricultural setting and residential character. The R2 District allows densities up to approximately 2.5 units per acre.

R3 - Single Family Residential. The purpose of the R3 District is to implement the "Medium Density Residential" land use category of the General Plan, and the General Plan goal of preserving Sebastopol's character and image. This district is applicable to single-family residential areas with densities up to approximately 5.4 units per acre.

R4 - Single Family Residential-4. The purpose of the R4 District is to implement the "Medium Density Residential" land use category of the General Plan. This district is applicable to single-family residential areas with densities up to approximately 8.7 units per acre.

R5 - Single Family and Multifamily Residential. The purpose of the R5 District is to implement the upper end of the "Medium Density Residential" land use category of the General Plan. This district is applicable to areas appropriate for high density single family, townhome, condominium, duplex, triplex, and fourplex residential uses and allows densities up to 12 units per acre.

R6 - Multifamily Residential. The purpose of the R6 District is to implement the lower end of the "High Density Residential" land use category of the General Plan. This district is applicable to areas appropriate for attached single family development, including townhome and condominium, and multifamily development and allows densities from approximately 12.1 to 17.4 units per acre.

R7 - Multifamily Residential. The purpose of the R7 District is to implement the "High Density Residential" land use category of the General Plan. This district is applicable to those lands within that category which are appropriate for densities from approximately 12.1 to 25 units per acre.

RMH - Mobile Home Park. The purpose of the RMH District is to allow for comprehensively designed mobile home park developments in those areas where such use is allowed. The intent of these regulations is to create an integrated community wherein all land uses are planned and designed in a comprehensive "master plan" approach, including such aspects as roadways, open space, infrastructure, architecture, and landscaping, as well as to encourage their preservation as an important form of housing. These provisions shall be applicable to all parcels within the RMH District, and shall establish all land use controls for property within the RMH District.

17.20.020 Allowed uses.

Table 17.10-1 identifies permitted and conditionally permitted uses in the residential districts.

17.20.030 Development standards.

Table 17.20-2 identifies development standards in the residential districts. Additional standards, criteria, and regulations for parking, various uses and activities, signage, and recycling and trash collection areas are established in SMC 17.100 through 17.280.

Table 17.20-1: Permitted and Conditionally Permitted Uses in the Residential Districts

Use	R1	R2	R3	R4	R5	R6	R7	RMH
Accessory dwelling	P	P	P	P	P	P	P	-
Bed and breakfast inns	C	C	C	C	C	C	C	-
Dwelling groups	-	-	-	-	P	P	P	-
Employee housing (agricultural)	P	P	-	-	-	-	-	-
Homeless shelter	-	-	-	-	C	C	C	-
Junior accessory dwelling	P	P	P	P	P	P	-	-
Large community care, residential	C	C	C	C	C	C	C	-
Mobile home parks	C	C	C	C	-	C	C	P
Mobile home replacement, existing pad	-	-	-	-	-	-	-	P
Multifamily dwellings	-	-	-	-	P	P	P	-
Semi-transient	-	-	-	-	-	-	C	-
Single family dwelling, attached	-	-	-	-	P	P	P	-
Single family dwelling, detached; one per parcel	P	P	P	P	P	P	P	-
Single room occupancy dwelling	-	-	-	-	-	-	P	-
Small community care, residential	P	P	P	P	P	P	P	-
Small family day care, residential	P	P	P	P	P	P	P	-
Temporary dwelling	T	T	T	T	T	T	T	T
Transient	-	-	-	-	-	-	C	-
Two detached single family dwellings	-	-	-	-	P	P	-	-
Two-family dwelling	-	-	-	-	P	P	P	-
Civic Uses								
Community assembly	C	C	C	C	C	C	C	-
Community care facility	-	-	-	-	-	-	C	-
Community education, small or large	C	C	C	C	C	C	C	-
Community garden	P	P	P	P	P	P	P	P
Community park	P	P	P	P	P	P	P	P
Extensive impact civic	C	-	-	-	-	-	-	-
Health care	-	-	-	-	-	-	C	-
Large family day care center	C	C	C	C	C	C	C	-

Use	R1	R2	R3	R4	R5	R6	R7	RMH
Parking lots, when adjacent to any C or M District	-	-	-	-	-	-	C	-
Utility civic	C	C	C	C	C	C	-	C
Other Uses								
Accessory uses, structures, and buildings	P	P	P	P	P	P	P	C
Agriculture, indoor growing and harvesting (structure <800 square feet)	P	P	-	-	-	-	-	-
Agriculture, outdoor growing and harvesting	P	P	C	C	C	-	-	-
Beekeeping, amateur	P	P	P	P	P	P	P	P
Commercial minor antennas (>35 and ≤100 ft in height) , and major telecommunications facilities	-	-	C	C	C	-	-	-
Home occupation	P	P	P	P	P	P	P	P
Minor antennas, Classes A and B	P	P	P	P	P	P	P	P
Minor antennas, Classes C and D, minor telecommunication facilities, commercial minor antennas (≤35 ft. in height)	C	C	C	C	C	C	C	C
P = Permitted Use C = Conditional Use Permit, Planning Commission review T = Temporary Use Permit - = Use Not Allowed								

Table 17.20-2: Development Standards in the Residential Zones

Development Standard	R1	R2	R3	R4	R5	R6	R7	RMH
Minimum lot area								
Interior lots, single-family or one duplex	1 ac (43,560 sf)	17,500 sf	8,000 sf	5,000 sf	4,000 sf	4,000 sf	6,000 sf	-
Corner lots, single-family or one duplex	1 ac (43,560 sf)	17,500 sf	10,000 sf	6,000 sf	4,000 sf	4,000 sf	7,000 sf	-
Interior or corner lots, multifamily or mobile home park	-	-	-	-	-	-	8,000 sf	1.5 ac
Minimum lot width								
Interior lots, single-family or one two-family dwelling	150 ft.	80 ft.	70 ft.	50 ft.[(1)]	40 ft.	45 ft.	60 ft.	-
Corner lots, single-family or one two-family dwelling	150 ft.	80 ft.	80 ft.	60 ft.[(1)]	45 ft.	50 ft. [(1)]	70 ft.	-
Interior or corner lots, multifamily	-	-	-	-	60 ft.[(1)]	60 ft[(1)]	80 ft.[(1)]	-
Maximum building height								
Main buildings	30 ft., 2 stories	30 ft., 2 stories	30 ft., 2 stories	30 ft., 2 stories	30 ft., 2 stories	30 ft., 2 stories	30 ft., 2 stories	30 ft., 2 stories
Accessory buildings	17 ft.	17 ft.	17 ft.	17 ft.	17 ft.	17 ft.	17 ft.	17 ft.
Deed-restricted affordable housing, three stories	-	-	-	-	-	-	40 ft., 3 stories	-
Minimum yards/setbacks								
Front yard	30 ft. [(2)]	30 ft. [(2)]	30 ft.[(2)]	20 ft.[(2)]	15 ft.[(2)]	15 ft.[(2)]	10 ft.[(2)]	20 ft.
Interior side yard (main building)	10% of lot width, or 15 feet, whichever is greater, not	10% of lot width, not to exceed 15 ft.,	10% of lot width, or 10 ft., whichever is greater, not	10% of lot width, or 5 ft., whichever is greater, not	10% of lot width, or 5 ft., whichever is greater, not	10% of lot width, or 5 ft., whichever is greater, not	10% of lot width, or 5 ft., whichever is greater, not	15/20 ft.

Development Standard	R1	R2	R3	R4	R5	R6	R7	RMH
	to exceed 25 ft.		to exceed 15 ft.	to exceed 9 ft.	to exceed 9 ft.	to exceed 9 ft.	to exceed 9 ft. [3]	
Interior side yard (accessory building)	20 ft. or 10% of lot width, whichever is greater, but not to exceed 25 ft.	10% of lot width, not to exceed 10 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	15/20 ft.
Street side yard	15 ft., but not less than the front yard required on adjacent lot	15 ft., but not less than the front yard required on adjacent lot	20 ft., but not less than the front yard required on adjacent lot	10 ft., but not less than the front yard required on adjacent lot	10 ft., but not less than the front yard required on adjacent lot	10 ft., but not less than the front yard required on adjacent lot	10 ft.	15/20 ft.
Rear yard (main building)	20% of the lot depth, no less than 20 ft. nor greater than 50 ft.	20% of the lot depth, no less than 20 ft. nor greater than 35 ft.	20% of the lot depth, no less than 20 ft. nor greater than 30 ft.	20% of the lot depth, no less than 20 ft. nor greater than 30 ft.	20% of the lot depth, no less than 20 ft. nor greater than 30 ft.	20% of the lot depth, no less than 20 ft. nor greater than 30 ft.	20% of the lot depth, no less than 20 ft. nor greater than 25 ft.	15/20 ft.
Rear yard (accessory building)	20 ft. or 20% of the lot depth, whichever is greater, but not to exceed 30 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.
Special setbacks – farm animal improvements	60 ft. front, 20 ft. side or rear, 30 ft. from any dwelling	60 ft. front, 20 ft. side or rear, 30 ft. from any dwelling	-	-	-	-	-	-
Special setbacks – garage/carport opening facing the street	30 ft. from exterior property line at the street	-	-	-	20 ft. from any exterior property line at the street	20 ft. from any exterior property line at the street	20 ft. from any exterior property line at the street	-

Development Standard	R1	R2	R3	R4	R5	R6	R7	RMH
Special setbacks – mechanical equipment	50% of the otherwise applicable setback, but not less than 5 ft from rear and side property lines [(4)]	50% of the otherwise applicable setback, but not less than 5 ft from rear and side property lines[(4)]	50% of the otherwise applicable setback, but not less than 5 ft from rear and side property lines [(4)]	50% of the otherwise applicable setback, but not less than 5 ft from rear and side property lines[(4)]	50% of the otherwise applicable setback, but not less than 5 ft from rear and side property lines[(4)]	50% of the otherwise applicable setback, but not less than 5 ft from rear and side property lines[(4)]	50% of the otherwise applicable setback, but not less than 5 ft from rear and side property lines [(4)]	50% of the otherwise applicable setback, but not less than 5 ft from rear and side property lines[(4)]
Maximum lot coverage								
On parcels ≥ 30,000 sf	20%	20%	20%	20%	20%	20%	40%[(5)]	-
On parcels > 15,000 sf and < 30,000 sf	30%	30%	30%	30%	30%	30%	40%[(5)]	-
On parcels > 5,000 sf and < 15,000 sf	40%	40%	40%	40%	40%	40%	40%[(5)]	-
On parcels ≤ 5,000 sf	50%	50%	50%	50%	50%	50%	40%[(5)]	-
Minimum residential density	-	-	-	-	-	1 DU/3,600 sf lot area-	1 DU/ 3,600 sf lot area	-
Maximum residential density	-	-	-	-	1 DU/ 3,630 sf lot area-	1 DU/2,500 sf lot area	1 DU/ 1,743 sf lot area	1 DU/2,500 sf lot area
Open Space	-	-	-	-	-	-	50 sq. ft./DU	-

ac = acre
ft. = feet
sf = square feet
\- = not applicable

[(1)] In the case of single-family or two-family lots fronting on a cul-de-sac bulb, the lot frontage may be reduced to 45 feet so long as the minimum lot width is achieved at the front yard setback line. For multifamily or groups of buildings with lots fronting on a cul-de-sac bulb, the lot frontage may be reduced to 70 feet so long as the lot width is at least 80 feet measured at the front yard setback line.

[(2)] Where 75 percent or more of the lots on any one block or portion thereof in the same zoning district have been improved with buildings, the required front yard may be reduced to a depth equal to the average of the front yards of the improved lots.

[(3)] With 1ft of additional setback for each foot above 30 ft. for 3-story buildings.

[(4)] Ground-mounted mechanical equipment may be placed as indicated, provided that the equipment is six feet or less in height and is constructed and/or insulated to that audibility beyond the property line is limited to the maximum extent feasible.

Development Standard	R1	R2	R3	R4	R5	R6	R7	RMH
[5] The Planning Commission may approve up to a 10 percent increase in the allowable lot coverage where it is found that sufficient open spaces and recreation areas can be provided through efficient and well-organized use of the land or where it is necessary to promote an affordable housing project.								

17.20.040 Open space standards.
Developments shall provide open space as required under SMC Table 17.20.2. Said open space shall conform to the following standards:

A. None of the following shall be counted as part of the open space required by this section:

1. Any access area, open area, or other space required by any other code or ordinance of the City such as a Building Code or Safety Code;
2. Required parking areas or driveways, which are designed and utilized primarily for vehicular circulation. Courtyards and similar facilities, which are designed and utilized primarily for pedestrian use, but through which vehicles may travel, may be considered by the Planning Commission as allowable usable open space;
3. Any area having a dimension of less than five feet; and
4. Any area having a grade of more than 15 percent.

B. The following may be counted as a part of the open space required by this section:

1. Patios or balconies which serve individual units (private open space partially or fully separated or screened from other users) and which have a minimum area of 30 square feet and a minimum dimension of five feet;
2. Uncovered swimming pools, tennis courts, and similar recreation facilities, tot lots, rear yards.

C. In projects of 25 units or greater in residential zoning districts, at least 50 percent of the total amount of open space required on any building site shall be common open space, available and readily accessible to all dwelling units on the site.

17.20.050 Mobile home park standards.
A. In determining the desirability of permitting the development or expansion of a mobile home park in any given area, the Planning Commission and City Council shall consider the following:

1. The relationship of proposed project to the existing and proposed street network.
2. The relationship of the proposed project to public facilities, including, but not limited to, existing or proposed shopping areas, schools, and public transportation.
3. The effect of the proposed project on adjoining uses and the effect of adjoining uses on the project.
4. The general impact of the proposed mobile home park on the immediate vicinity and terrain.
5. The compatibility of the proposed park to surrounding uses and land use densities.

B. Minimum Mobile Home Park Area. 1.5 acres.

C. Maximum Building Height. One story, not to exceed 17 feet.

D. Minimum Yards.

1. Yards at mobile home park boundaries:

a. Front Yard. Each mobile home park shall have a front yard measured from the front property line to the nearest mobile home lot line not less than 20 feet for the full width of the parcel.

b. Side and Rear Yards. Each mobile home park shall have a rear yard and side yards measured from the property line to the nearest mobile home lot line, not less than 15 feet on all sides of the parcel, except where a side or rear yard abuts a street, in which case the yard shall not be less than 20 feet.

2. Yards for individual mobile homes:

   a. Mobile home trailers shall be located a minimum of five feet from the front, side and rear line of the trailer lot or trailer site.

   b. Mobile home trailers shall not be located closer than 10 feet to any other mobile home trailer or building in the mobile home park.

   c. Mobile home trailers or buildings in a mobile home park shall not be located within 15 feet of any front or side property line of a mobile home park site adjacent to a road or five feet from any other public easement.

E. Development Standards.

1. Walls, fences and landscaping at mobile home park boundaries:

   a. Required Fences and Walls. A six-foot wall or such other decorative fencing or screening of a similar nature as determined by the Planning Department shall be constructed along all boundaries adjoining other properties and 15 feet back of the property line adjacent to any public street unless otherwise approved.

   b. Landscaping. All yards and incidental open space areas shall be landscaped and maintained. Landscaping shall include trees not fewer than a number determined by dividing the number 25 into the number of lineal feet of frontage abutting public streets. Said trees shall be at least 15-gallon-size specimens. An irrigation system shall be included within all landscaped areas, and other assurances given prior to the development of the mobile home park that all landscaping shall be adequately maintained.

2. Vehicular Access. Vehicular access to mobile home parks shall be from abutting major or collector streets. Vehicular access to mobile home parks from minor streets shall be prohibited.

3. Pedestrian Access. Pedestrian access into the mobile home park shall be provided by connecting the interior pedestrian pathway network with sidewalks located in the rights-of-way of perimeter streets.

4. Mobile home parks in areas of excessive slope may require additional lot area to minimize cut and fill slopes; however, where mobile home sites are graded into stepped pads, there

shall be no more than a three-foot vertical elevation difference between adjoining pads whether separated by an internal access road or not.

5. Patio. A patio of suitable material, having a minimum area of 160 square feet, shall be installed as part of each mobile home lot prior to occupancy of the unit. The patio shall satisfy the requirement for usable open space so long as it has a minimum dimension of six feet.

6. Tenant Storage. A minimum of 75 cubic feet general storage locker shall be provided for each mobile home space. Storage lockers may be located on the mobile home lot or in locker compounds located within close proximity of the mobile home lot being served.

7. Internal Access Roads. Internal access roads shall be paved to a width of not less than 25 feet.

    a. Internal access roads of less than 25 feet may be permitted when mobile home or orientation is toward interior open space.

    b. Internal access roads shall be 33 feet in width if car parking is permitted on one side, and 41 feet in width if car parking is permitted on both sides.

    c. Widths shall be measured from the face of curbs on standard curb construction and from the back of the curb on rolled curb construction.

8. Parking. Each mobile home space shall accommodate a minimum of one parking space; the park shall provide an additional 0.5 spaces per pad.

9. Sanitary Sewer. Each mobile home space shall be provided with a connection to a City sewer line, either directly or indirectly.

10. Utility Service. All utility service within a mobile home park shall be underground.

11. Recreation Open Space. There shall be provided park and recreation areas:

    a. A minimum of 200 square feet of usable area per unit shall be provided in a combination of indoor and outdoor community recreation and service facilities.

    b. Indoor facilities shall be provided at a minimum of 50 square feet per unit for the first 150 units, and 10 square feet for each additional unit.

        i. A minimum of one parking space for every 500 square feet of indoor area, and one space for every 2,000 square feet of outdoor area shall be provided.

12. Management Office. Each mobile home park shall maintain an on-site manager. If provided as a management office, at least two parking spaces shall be provided for such office.

13. Suitable central facilities shall be provided for mail distribution.

14. No accessory building shall be constructed as a permanent part of the mobile home.

15. Refuse disposal shall be by central collection containers located behind decorative screens.

16. On-Site Landscaping. In the design of the mobile home park, the developer shall make every effort to retain existing trees. No less than 20 percent of each mobile home space shall be landscaped with plant materials, including at least one tree at least eight feet in height with a trunk diameter of at least one inch measured one foot above ground level. Tree selection shall be a part of the landscape plan review.

17. All accessory structures, including but not limited to carports, storage lockers, recreation and management buildings, and cabanas, shall be of a consistent design theme and shall be subject to the design review process.

18. Except in mobile homes existing as of July 1, 2004, no air conditioning or cooling apparatus shall be permitted above the roof line of any mobile home.

19. Storage Areas. Areas for the storage of camping trailers, boats, recreational vehicles, campers, and other such vehicles and recreational equipment shall be provided at the minimum ratio of 50 square feet of land for each mobile home space or lot. Such area shall be constructed of a dust-free, all-weather surface and shall be enclosed by a six-foot, sight-obscuring decorative fence and gate.

20. No mobile home shall be hauled to or stored within a mobile home park unless it is properly erected on a site approved for such use.

Chapter 17.25: COMMERCIAL, OFFICE, AND INDUSTRIAL DISTRICTS

17.25.010 Purpose of the districts.

Office Commercial. The CO District is intended to create, preserve, and enhance areas containing a mixture of professional, medical, administrative, and general offices, residential, and small-scale retail uses and to encourage mixed-use developments of commercial and residential uses. This district is typically appropriate along major thoroughfares and adjacent to residential neighborhoods.

General Commercial. The CG District provides areas for commercial uses with clusters of street-front stores. This district permits primarily local-serving retail establishments, specialty shops, banks, professional offices, motels, residential uses, and business and personal services that are typically appropriate along major thoroughfares as well as regional commercial uses. The following types of retail uses are discouraged: factory outlets, large regional-serving shopping centers, and other similar retail uses generating high traffic volumes.

Central Core. The CD District is intended to create, preserve, and enhance the downtown area as the historic retail core of Sebastopol. This district provides for a range of uses, including office, retail, restaurant, service, and other commercial uses, while allowing for residential growth, including mixed-use and affordable housing development, with the intent of increasing the vibrancy of the City's central downtown area. and It is noted that the CD is not applied to the entire downtown.

Industrial. The purpose of the M District is to implement the "Industrial" land use category of the General Plan and to provide areas for the manufacture, assembly, packaging, or storage of products which are not harmful, injurious, or detrimental to property or the general welfare of the City and its residents; and other general commercial and residential uses that are compatible with the industrial uses. This district is applicable to light and general industrial areas of the City.

Office/Light Industrial. The purpose of the OLM District is to implement the "Office/Light Industrial" land use category of the General Plan and to provide areas for well-planned, integrated business parks that may include office and related uses as well as research and development, laboratories, warehousing and distribution, exercise facilities, child care uses, and food service uses which are not harmful, injurious, or detrimental to property or the general welfare of the City and its residents; and other general commercial and residential uses that are compatible with the permitted uses. This district is applicable to office and light industrial areas of the City.

Commercial Industrial. The CM District is intended to encourage local production, innovation, and sales of local art, textile, food, beverage, and other tangible goods by allowing a range of complementary, community-oriented building types and spaces that accommodate small- and mid-size makers, fabricators, producers, and manufacturers, as well as specified commercial, residential, and other uses.

17.25.020 Allowed uses.

Table 17.25-1 identifies permitted and conditionally permitted uses in the commercial, office, and industrial districts.

17.25.030 Development standards.

A. Table 17.25-2 identifies development standards in the commercial, office, and industrial districts. Additional standards, criteria, and regulations for parking, various uses and activities, signage, and recycling and trash collection areas are established in SMC17.100 through 17.360.

B. General Project Layout and Design Criteria. The following criteria apply to commercial uses with three or more storefronts or 15,000 square feet or larger in the CO, CG, CD, M, CM, and OLM zones.

1. The development shall be human-scale and pedestrian-friendly, with the site plan focused on pedestrian access and architecture.

2. The development shall be oriented toward the street frontages and primary pedestrian access points, rather than the parking lot. Safe and convenient pedestrian access shall be provided throughout the development, with access and connections provided to existing and planned sidewalks and bicycle routes.

3. Development shall not resemble a typical strip commercial development. Strip commercial development is characterized by uses that are one store deep, buildings are arranged in a linear fashion rather than clustered, and site design that emphasizes automobile access and parking.

4. Off-street parking shall be distributed to the rear of buildings, except in unusual circumstances when parking to the side will be considered.

C. Residential development.

1. Residential uses in the commercial, office, and industrial districts shall be permitted as mixed-use projects, with ground–floor non-residential uses located along the primary street frontages.

2. Residential uses permitted as mixed-use projects shall be located on upper floors above non-residential uses or, if located on the ground floor, shall be located along side street frontages behind commercial or office uses. Access to the residential use may be located on the primary street frontage, provided that the access is 25% or less of the building width along that frontage. This paragraph does not apply to deed-restricted affordable housing projects.

3. In non-residential zoning districts, residential uses permitted in the R7 zone that are not part of a mixed use project are allowed as a conditionally permitted use subject to the findings that the project will not create substantial adverse effects on commercial uses or street-front vitality and that the project will be compatible with nearby uses and development.

17.25.040 Open space and landscaping standards.

Developments shall provide open space as required under 17.25-2. Said open space shall conform to the following standards:

A. None of the following shall be counted as part of the open space required by this section:

1. Any access area, open area, or other space required by any other code or ordinance of the City such as a Building Code or Safety Code;

2. Required parking areas or driveways, which are designed and utilized primarily for vehicular circulation. Courtyards and similar facilities, which are designed and utilized primarily for pedestrian use, but through which vehicles may travel, may be considered by the Planning Commission as allowable usable open space;

3. Any area having a dimension of less than five feet;

4. Any area having a grade of more than 15 percent.

B. The following may be counted as a part of the open space required by this section:

1. Patios or balconies that have a minimum area of 30 square feet and a minimum dimension of five feet;

2. Uncovered swimming pools, tennis courts, and similar recreation facilities, tot lots, rear yards.

C. In projects of 25 units or greater, at least 50 percent of the total amount of open space required on any building site shall be common open space, available and readily accessible to all dwelling units on the site.

Table 17.25-1: Permitted and Conditionally Permitted Uses in the Commercial, Office, and Industrial Zones

Use	CO	CG	CD	M	OLM	CM
Commercial Uses						
Agriculture, outdoor and indoor growing and harvesting	-	-	-	-	C	-
Alcoholic beverage tasting establishment	C	C	C	-	-	C
Animal hospital and kennels	-	C	-	C	C	-
Animal hospital, office only	CD	CD	C	CD	CD	C
Automotive gas or fueling station	-	C	-	C	C	-
Automotive repair and service	-	-	-	P	-	-
Automotive sales, service, and repair	-	C	C	-	-	-
Beekeeping, commercial	-	P	-	P	P	P
Commercial manufacturing	-	-	-	P	-	P
Convenience sales and service	P	P/C[(1)]	P	-	-	P
Drive-through	-	-	-	-	-	-
Exercise facilities	CD	CD	C	C	P	C
Extensive commercial	-	C[(1)]	C	-	-	-
Food sales	P	P/C[(1)]	P	P	P	P
General wholesale sales	-	C	-	P	-	P
Home occupations	P	P	P	P	P	P
Mobile food truck court	P	P	P	-	-	P
Office	P	P	P	P[(2)]	P	P[(2)]
Outdoor commercial barbecue	-	C	C	C	-	C
Plant nurseries	-	C	-	P	P	P
Restaurant, fast-food	-	C	C	-	-	-
Restaurant, table or counter service	P	P	P	P	P	P
Restaurant, walk-up	P	P	P	-	-	P
Retail sales	P	P/C[(1)]	P	C	-	P/C[(3)]
Storage, personal or vehicle	-	C	-	C	-	-
Tobacco or smoke shops, vape shops	-	C	-	-	-	-
Industrial Uses						
Artist work studios and arts-related fabrication	CD	CD	C	P	P	P

Use	CO	CG	CD	M	OLM	CM
General industrial	-	-	-	C	-	C
Heavy industrial	-	-	-	C	-	-
Laboratories	C	-	-	P(4)	P(4)	C
Light industrial	-	-	-	P	CD	P
Research and development	-	-	-	P	P	C
Warehouse, storage and transport	-	-	-	P	-	C(5)
Warehouse, wholesaling and distribution	-	-	-	C	P	C(5)
Wineries, distilleries, and brewing facilities	-	-	-	C	C	C
Civic Uses						
Community assembly	C	C	C	C	C	C
Community garden	P	P	C	P	P	P
Community non-assembly	C	C	C	C	C	C
Community park	P	P	P	P	P	P
Extensive impact civic	-	-	-	C	C	-
Health care uses	C	C	C	C	C	C
Large community care	C	-	-	-	-	-
Large community education	C	C	C	C	C	C
Large community education, adult	C	C	C	C	C	C
Outdoor farmers' market	-	C	C	C	C	C
Parking facilities	C	C	C	C	C	-
Small community care	P	-	-	-	-	-
Small community education	P	P	P	-	P	-
Sports park	-C	C	-	C	C	-
Utility civic	C	C	C	C	C	C
Affordable housing projects	P	P	P	C	C	C
Bed and breakfast inns	C	C	C	-	-	-
Homeless shelter	-	P	C	-	-	-
Permanent residential uses that are allowed in the R7 District when part of a mixed-use development	P(6)	P(6)	P(6)	C	C	C

Use	CO	CG	CD	M	OLM	CM
Permanent residential uses that are allowed in the R7 District when not part of a mixed-use development	C	C	C	C	C	C
Residential, Semi-transient	C[7]	C[7]	C	-	-	-
Residential, Transient	C[7]	C	P/C[8]	C	-	C
Other Use Types						
Commercial minor antennas (>35 and ≤100 ft in height), Minor antennas, Classes C and D, and major telecommunications facilities	C	C	C	C	C	C
Minor antennas, Classes A and B	P	P	P	P	P	P
Minor telecommunications facilities and commercial minor antennas (≤35 feet in height)(	P	P	P	P	P	P
New development comprising ≥ 20,000 square feet of floor area	-	-	-	C	-	C
New development comprising ≥ 25,000 square feet of floor area	-	-	C	C	-	C
New drive-through uses	-	-	-	-	-	-

P = Permitted Use
C = Conditional Use Permit, Planning Commission review
CD = Conditional Use Permit, Planning Director review
- = Use Not Allowed
[1] Commercial uses allowed that have individual buildings exceeding 30,000 square feet in size.
[2] Only when located on second floors
[3] Permitted where uses are 1,500 square feet or less and the use is located within a footprint or space existing as of August 7, 2018; all other retail uses require a conditional use permit.
[4] Except those which in the opinion of the Planning Director have the potential to be harmful, injurious, or detrimental to property or the general health, safety, and welfare of the City and its residents in which case a conditional use permit shall be required.
[5] Allowed when secondary to a primary permitted use.
[6] Live-work units are not permitted along the street frontage on Sebastopol Avenue, Healdsburg Avenue/Gravenstein Highway North, or Gravenstein Highway South, except by conditional use permit.
[7] Allowed when part of a mixed-use development.
[8]Permitted only when involving less than 50 rooms; conditional use permit required when involving 50 or more rooms.

Table 17.25-2: Development Standards in the Commercial, Office, and Industrial Zones

Development Standard	CO	CG	CD	M	OLM	CM
Maximum floor area, single establishment						
Convenience sales and service or general retail uses	5,000 sf	-	-	-	-	-
Nonresidential uses, except for office uses	-	35,000 sf	35,000 sf	-	-	-
Nonresidential and nonindustrial uses	-	-	-	35,000 sf	-	35,000 sf
Exercise and food sales and service	-	-	-	-	25,000 sf	-
Minimum lot area	6,000 sf	6,000 sf	6,000 sf	15,000 sf	130,680 sf	15,000 sf
Minimum lot width	60 ft.	-	-	60 ft.	150 ft.	60 ft.
Minimum new building height	-	-	2 stories	-	-	-
Maximum building height						
Buildings and other facilities	32 ft., 2 stories	32 ft., 2 stories	40 ft., 3 stories/ 50 ft. 4 stories(1)	35 ft., 2 stories(2)	40 ft., 3 stories	35 ft., 2 stories(1,2)
Accessory buildings	17 ft., 1 story	17 ft., 1 story	17 ft., 1 story	17 ft., 1 story	17 ft., 1 story	17 ft., 1 story
Deed-restricted affordable housing	40 ft., 3 stories(3)	40 ft., 3 stories(3)	-	-	-	50 ft. 4 stories (1,3)
Minimum building setbacks						
Front yard	West side of South Main St: 10 ft. Other: N/A(4)	0 ft.(4)	0 ft.	15 ft. from existing curb or property line if there is no curb,(5)	20 ft./25ft (6)	15 ft. from existing curb or property line if there is no curb (5)
Side Yard, Interior	0 ft.	0 ft)	0 ft.	0 ft.	0 ft.	0 ft
Side Yard, Corner	0 ft.	0 ft.	0 ft.	0 ft	0 ft.	0 ft.
Rear Yard, Main Building	5 ft.	5 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Rear Yard, Main Building when abutting residential district	20 ft	20 ft	20 ft	20 ft	20 ft	20 ft
Rear Yard, Accessory building	3 ft.	3 ft.	3 ft.	0 ft	0 ft	0 ft
Rear Yard, Parking	6 ft.	6 ft.	6 ft.	0 ft.	0 ft	0 ft.

Development Standard	CO	CG	CD	M	OLM	CM
Special Setbacks – commercial outdoor barbecues	-	10 ft from property line; see SMC 17.300	10 ft from property line; see SMC 17.300	10 ft from property line; see SMC 17.300	-	10 ft from property line; see SMC 17.300
Special Setbacks – commercial beekeeping	-	See SMC 17.300	-	See SMC 17.300	See SMC 17.300	See SMC 17.300
Maximum Floor area ratio, not including residential except for purposes of calculating minimum FAR	1.5	1.5	Minimum (new buildings): 1.0 Maximum: 2.5	0.75	1.5	0.75
Maximum residential density	1 DU/2,900 sf lot area[7]	1 DU/2,000 sf lot area[7]	1 DU/1,000 sf lot area[7]	1 DU/2,000 sf lot area[7]	1 DU/2,000 sf lot area[7]	1 DU/1,750 sf lot area[7]
Minimum usable open space	50 sf/ DU	50 sf/ DU	50 sf/ DU	50 sf/DU	50 sf/DU	50 sf/DU
Buffering/screening	If abutting a lot in any residential district, screening shall be provided along the entire abutting residential lot by dense landscaping, including screen-type trees, or by a solid fence of six feet in height.					
Transitional sites	See Chapter 17.320 for standards for commercial, industrial, and other-non-residential developments located next to residential districts.					

ac = acre
ft. = feet
sf = square feet
DU = dwelling unit
N/A = not applicable

[1] Four stories and 50 ft. allowed for projects with residential uses, including hotel rooms, on upper floors, provided a Conditional Use Permit obtained, and the Planning Commission finds that the project design provides appropriate massing, height transitions and variations, and suitable relationships to neighboring sites.

[2] Additional height may be permitted by a Conditional Use Permit, if each yard is increased by one foot for each foot in additional height up to a height of 40 feet and three stories.

[3] Provided, that front, side, and rear setbacks for the third story are equal to a minimum of 10 feet beyond required second story setbacks.

[4] Buildings should provide a zero first floor front setback, unless the Design Review Board determines a different setback is appropriate due to site conditions, existing improvements, provision of pedestrian amenities, or the neighborhood context.

[5] No front setback shall be required for buildings not fronting on a public street.

[6] 20 feet for buildings of up to 30 feet in height, and 25 feet for buildings of more than 30 feet in height.

[7] With mixed-use (residential and office) development, the entire lot area may be used to calculate the maximum residential density.

Chapter 17.30: COMMUNITY FACILITIES DISTRICT

17.30.010 Purpose of the district.
Community Facilities. The purpose of the CF District is to implement the “Community Facilities”, “Parks”, and “Open Space” land use categories of the General Plan. This district is applicable to lands accommodating governmental, public utility, and educational facilities, as well as parks and open space land in public ownership.

17.30.020 Allowed uses.
Table 17.30-1 identifies permitted and conditionally permitted uses in the CF District.

17.30.030 Development standards.
Table 17.30-2 identifies development standards in the CF District. Additional standards, criteria, and regulations for parking, various uses and activities, signage, and recycling and trash collection areas are established in SMC 17.100 through 17.360.

Table 17.30-1: Permitted and Conditionally Permitted Uses in the CF District

	CF
Civic Uses	
Cemeteries	C
Community assembly	C
Community education	P
Community non-assembly	C
Community park	P
Extensive impact	C
Municipal parking facilities	P
Open space	P
Utility civic	P
Other Uses	
Commercial minor antennas (>35 feet and ≤100 feet)	C
Major telecommunications facilities(3)	C
Minor antennas, Classes A and B	P
Minor antennas, Classes C and D	C
Minor telecommunications facilities and commercial minor antennas (≤35 feet)	P
P = Permitted Use C = Conditionally Permitted Use	

Table 17.30-2: Development Standards in the CF District

Development Standard	CF
Minimum lot area	-
Minimum lot width	-
Maximum building height	32 ft.[1]
Minimum building setbacks	
Front yard	15 ft.[1]
Side Yard	5 ft.[1]
Rear Yard	15 ft.[1]
Floor area ratio	
Community facilities	2.0
Municipal facilities	3.0
Parks and open space	0.10
Buffering/screening required	Whenever a lot in the CF District abuts a lot located in any residential district, it shall be screened from the residentially zoned lot, along the entire abutting lot line, by dense landscaping, including screen-type trees, and by a solid fence not less than six feet in height.

ft. = feet
sf = square feet
- = not applicable
[1] Unless otherwise approved by the highest reviewing authority, which shall ensure that the requirement is appropriate for the context.

Chapter 17.32: OS - OPEN SPACE DISTRICT

17.32.010 Purpose - Applicability.

The purpose of the OS Open Space District is to implement the "Open Space" land use category of the General Plan and the General Plan goal of preserving the rural-agricultural setting of Sebastopol. This district applies to areas of land which are essentially unimproved and devoted to the preservation of natural resources, agriculture, outdoor recreation, and for the maintenance of public health and safety.

17.32.020 Allowed uses.

A. Permitted uses are limited to passive recreational areas, community parks which focus on environmental education (i.e., wildlife viewing parks, rain garden parks, etc.), and habitat and/or wildlife conservation, including environmental restoration and walkways.

B. All other uses require a conditional use permit.

17.32.030 Development standards.

Table 17.32-1 identifies development standards in the OS District.

Table 17.32-1: Development Standards in the OS ***District***

Development Standard	OS
Minimum lot area	-
Minimum lot width	-
Maximum building height	One story, not to exceed 17 ft.(1)
Minimum building setbacks	
Front yard	20 ft.(1)
Side Yard	10 ft.(1)
Rear Yard	20 ft.(1)
Maximum floor area ratio	0.10

ft. = feet
- = not applicable
(1) Unless otherwise approved by the highest reviewing authority, which shall ensure that the requirement is appropriate for the context.

Chapter 17.40: PC - PLANNED COMMUNITY DISTRICT

17.40.010 Purpose - Applicability.
The purpose of the PC Planned Community District is to allow for comprehensively designed and well-planned residential developments which create an integrated community wherein all land uses are planned and designed in a comprehensive "master plan" approach, including such aspects as roadways, open space, infrastructure, architecture, and landscaping. The Planned Community District provisions are intended to encourage, through utilizing freedom of design which may deviate from the strict requirements of, but which will surpass the quality required by, the zoning regulations, a variety of residential, commercial, industrial, or a combination of such uses within the same development. These provisions shall be applicable to all parcels within the PC District and shall establish all land use controls for property within the PC District.

17.40.020 Permitted uses.
None. All uses require a conditional use permit.

17.40.030 Conditionally permitted uses.
The following requirements and procedures shall apply to all uses within the PC District:

A. For all proposed uses a policy statement and development plan as set forth in SMC 17.40.060 shall accompany a rezone to PC District. Uses proposed within the plan shall be consistent with the General Plan land use designation for the subject property.

B. Prior to review and consideration by the Planning Commission, the policy statement and development plan shall be reviewed in concept only, as a referral matter, by the Design Review Board. Review of the proposal by the Design Review Board shall take into consideration the relationship of the proposed development to the surrounding area and the proposed project amenities to ensure that they are adequate for the development. The Board shall forward to the Commission their comments and recommendations, if any, as to the design aspects only of the proposal.

C. Applications for a conditional use permit may be made either simultaneous with or any time after City Council approval of the policy statement and development plan and rezone. Should a use, approved by conditional use permit, be changed at some future time to a similar use, no further conditional use permit shall be required. However, a change to a dissimilar and/or more intense use, provided it is consistent with the approved policy statement and development plan, shall be permitted only upon the approval of a new conditional use permit. Design review approval shall be required for all development proposals.

D. All development of property within a PC District shall conform to the approved policy statement and development plan.

E. Requests to modify, change, or revise any approved development plan or policy statement shall be processed in the same manner as any other change of zone application and shall be considered against the original development plan and policy statement and the conditions operating at the time the modification is requested, except that minor modifications which do not increase the approved density or change the approved uses may be allowed by Design Review Board approval.

17.40.040 Development criteria.
The following development criteria and standards shall be adhered to in all PC Districts:

A. Buffering, which may include fencing, landscaping, or open space, between the proposed project and the surrounding area shall be provided by the proposed project so as to be compatible with adjacent uses.

B. Proposed projects shall provide amenities on site to include landscaping, parking, and, as appropriate, storage space for residential units.

C. A PC District is required to be a minimum of 12,000 square feet in size.

D. Proposed projects shall provide not less than 10 percent of the gross site area for private open space and/or community or site-user activity. Individual yards that comply with the guidelines set forth in SMC 17.20.040 may be counted toward this requirement. Such activity space may be planned and designed for active or passive recreational use by employees, site visitors, and/or the general public. The space shall be in addition to parking and storage areas.

17.40.050 Minimum lot area, width and frontage.
A. Development standards shall be established for each PC District by the policy statement and development plan approved by the City Council. Development standards shall encourage creatively-designed development that builds community and is sensitive to the environment.

B. Clustering, zero lot line, and other subdivision patterns are encouraged. However, setbacks and heights, at the periphery of the development, shall be compatible with the requirements established by the abutting zone district.

17.40.060 Policy statement and development plan required.
An application for a rezone to a PC District shall be accompanied by a policy statement and a development plan for the district. However, when a rezone to the PC District is initiated by the Planning Commission or City Council, the requirements for a development plan may, at the discretion of the Planning Commission, be deferred until such time as a specific development proposal is presented. Under such circumstances, a policy statement which specifies the procedure and mechanism for the submittal to, and approval by, the City of Sebastopol shall be required.

A. The policy statement shall include the following:

1. Description of the location, size and existing character of the property and the surrounding area.

2. Provide a table that specifies the allowable uses, minimum lot sizes, building setbacks, building height, density of development, lot coverage, parking, open space, circulation requirements, landscaping, and other design, construction or control features of the proposed development.

3. Provide a statement defining the relationship of the proposed development standards to the zoning regulations for the underlying zoning district.

4. A statement of the assurances that common open space, common building space and common driveways or other circulation features will be permanently preserved and

maintained. This statement shall include methods of maintenance of common areas, and financing provisions of same.

5. Timeline for project development.

B. The development plan shall include drawings showing:

1. The topography of the land.
2. The proposed buildings, creeks, drainage channels and other physical features on site or within 100 feet of the boundaries of the district.
3. A site plan showing the proposed buildings, parking areas, streets, open spaces, lot design, areas to be dedicated or preserved for public use.
4. Uses to be established in the various buildings and areas of the districts.
5. Preliminary sketch elevations of all proposed buildings and photographs of adjoining properties. In the case of single-family dwellings, submit representative elevations.

Chapter 17.44: WETLANDS DISTRICTS (W, WS COMBINING, WF COMBINING)

17.44.010 Purpose, intent and applicability.
The purpose of the Wetlands Districts is to preserve and protect environmentally sensitive waterways and/or wetland areas. It is the intent of these districts to establish land use limitations, consistent with natural resource preservation of wetland areas. Accordingly, there are hereby established three Wetlands Districts:

A. W (Primary Wetlands) District, applicable to those lands lying below the 100-year flood line which are in an open, natural state, and which contain, or which could feasibly contain, natural and native wetlands and related vegetation/habitat areas.

B. WS (Secondary Wetlands) Combining District, applicable to those lands lying below the 100-year flood line, which are in a biologically altered state, but which have a direct physical or functional relationship to a wetlands area and its ecosystem. These lands may or may not contain wetlands or related vegetation.

C. WF (Wetlands Fringe) Combining District, applicable to those lands lying above the 100-year flood line, but which abut a W or WS Combining District, or a primary wetlands area outside of the City limits, or which has a significant influence on a wetlands area and its ecosystem.

These regulations shall apply in all W Districts.

17.44.020 Districts with which the WS and WF Districts may be combined.
The WS and WF Districts may be combined with any base district. All standards and requirements of the base district shall apply, except as may be modified by the WS or WF Combining District.

17.44.030 Uses permitted.
A. W (Primary Wetlands) District.

1. Permitted Uses. Open, passive recreational areas, parks, wildlife preserves, including environmental restoration and accessory facilities (walkways, information kiosks, etc.), related to such open use; all other uses require a conditional use permit.
2. Uses Permitted with a Conditional Use Permit. The following uses, pursuant to the development criteria of SMC 17.44.040:
    a. Open agricultural uses, not including any buildings.
    b. Temporary dredging, filling, dewatering or other activities may be undertaken in order to place, install, service or maintain utilities or similar improvements within or across the area only during such periods and in such manner as to reduce as much as reasonably practicable the significant detrimental effects such activities may have on wildlife within, or on the hydrological integrity of the area.
3. Native vegetation occurring within the W District shall not be removed, degraded, or damaged except as a result of activities otherwise permitted by these provisions.

B. WS (Secondary Wetlands) Combining District.

1. Permitted Uses. Open, passive recreational areas, parks, wildlife preserves, including environmental restoration and accessory facilities (walkways, information kiosks, etc.), related to such open use. All other uses require a conditional use permit.

2. All uses, permitted or conditionally permitted by the underlying base district, pursuant the development criteria of SMC 17.44.040.

C. WF (Wetlands Fringe) Combining District.

1. Permitted Uses. All uses, as permitted or conditionally permitted by the underlying base district, subject to the development criteria of SMC 17.44.040 and the vernal pool/rare plant and native vegetation survey of SMC 17.44.050.

D. Noncommercial minor antennas, Class A.E. All other uses require a conditional use permit.

17.44.040 Development criteria.
A. All applications for use permits, zoning permits, design review, building permits, or other land use entitlement in the W or WS Combining District shall include written comments, recommendations and/or requirements from the following agencies, with said application(s) deemed incomplete for processing until those comments, recommendations, and/or requirements are filed by the applicant with the City of Sebastopol:

1. State Department of Fish and Wildlife.

2. U.S. Army Corps of Engineers.

3. U.S. Fish and Wildlife Service.

4. Regional Water Quality Control Board.

B. All applications for use permits, zoning permits, design review, building permits, or other land use entitlement within the W or WS Combining District shall be referred to the following agencies or organizations for comment:

1. California Native Plant Society.

2. Mosquito Abatement District.

3. Laguna de Santa Rosa Foundation.

4. Madrone Audubon Society.

5. Sonoma County Agricultural Preservation and Open Space District

The comments, if any, by these agencies shall be considered by the City in the processing of the application(s). If comments from an agency are not received within 30 days of referral, it will be presumed that such agency(s) has no comment.

C. Applications for development only as allowed by this district of lands below the 100-year flood line within any Wetlands District shall demonstrate compliance with the requirements of, or City Council approval pursuant to, SMC 15.16 (Flood Damage Prevention) prior to conditional use permit approval.

D. A vernal pool/rare plant and native vegetation survey, pursuant to SMC 17.44.050, shall be required prior to conditional use permit approval.

E. All excavation, filling or other earthmoving activities within the WS or WF District shall be conducted in such a manner that erosion and silting of surface water runoff into a wetland area will not occur. Where areas within a WS or WF District are exposed and subject to erosion due to such excavation, filling or other earthmoving activities, native grass cover or other soil stabilizing vegetation shall be established immediately upon completion of such activities. No filling of natural lands south of Highway 12.

1. "Natural lands" are those that are below the 100-year flood elevation and are classified as riparian woodland, seasonal wetlands, annual grassland, marsh, vernal pool, pasture and oak woodland.

F. Fill or other earthmoving activities within the WS or WF District shall be permitted with a conditional use permit only. When adjacent to a W District (or wetlands area within a WF or WS District as identified by the State Department of Fish and Wildlife or the U.S. Army Corps of Engineers), upon completion of fill or similar earthmoving activities, a setback area shall be established.

G. Placement of landfill and topsoil within the allowed setback area should be accomplished before October 15th, in order to provide adequate opportunity for revegetation to occur during the ensuing growing season. Pending permanent revegetation, filled areas within WS and WF Districts should be planted with native grass cover (broadcast at a rate of not less than 100 pounds per acre), or other soil stabilizing vegetation for fast and effective control of any erosion or siltation that would otherwise occur.

H. Provision for fencing, in order to protect the waterway channel from the effects of livestock grazing, shall be incorporated into any application for conditional use permit within the W District.

I. The safe handling, storage or disposal of any material that is known to be toxic to wetland vegetation or wildlife shall be made and guaranteed in any application for conditional use permit. No permanent repository, storage facility, or waste dump for such materials shall be permitted.

J. The type, duration and manner of use of any insecticides and/or herbicides within any Wetlands District shall have been approved by all appropriate environmental agencies.

K. Vegetation/ Revegetation.

1. In conjunction with the development of properties within a WS or WF Combining District, the perimeter of such properties that is adjacent to a W District or wetlands area shall be seeded or planted to establish or reestablish a vegetation cover.
2. Areas where vegetation adjacent to wetlands vegetation has been removed or altered incidental to development or usage of land areas within a WS or WF District which occurs by reason of filling, excavation or other activities, shall be seeded or planted so as to reestablish native vegetation compatible with the character, type and density that occurred in the areas affected prior to such removal or alteration.

3. Revegetation as required by the provisions of this section shall begin as soon as practicable, but in no event later than 60 days after cessation of development, unless otherwise approved by the City. Such revegetation shall be deemed to comply with the requirements of this chapter if approved or recommended as to type, species and placement by the State Department of Fish and Wildlife and the California Native Plant Society.

L. Noncommercial minor antennas exceeding the permitted height limits, commercial minor antennas, minor telecommunications facilities, and major telecommunications facilities are not permitted in this zone, unless a finding is made by the Planning Commission that no technically feasible alternative location outside this zoning district is possible, that the facility blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable, and that the requirements of SMC 17.100.010 through 17.100.240 are met as appropriate.

17.44.050 Vernal pool/rare plant and native vegetation survey.
A. When required by SMC 17.44.040, a survey of a site or portion thereof proposed for development shall be undertaken by an independent biologist approved by the City of Sebastopol in order to evaluate the existence of vernal pools, rare and/or endangered plants and/or native vegetation, and the effect, if any, the proposed development may have thereon. Such survey shall:

1. Include a site plan showing the location of the vernal pool, rare and/or endangered plant(s), and/or native vegetation.

2. Include textual documentation as to whether the plant(s) are officially recognized as “rare,” and whether the plant(s) and/or pool is a valuable biological resource.

3. Be prepared by a qualified botanist, whose credentials/capabilities are recognized by the State Department of Fish and Wildlife.

4. Recommend, if necessary, appropriate and feasible measures to be taken in the development of the property in order to protect a documented resource.

B. Upon receipt by City staff, the vernal pool/rare plant and native vegetation survey shall be forwarded to the City Council for review and approval. Upon City Council approval, any proposed development shall be in accordance with the recommendation(s) of the survey.

17.44.060 Variances/exceptions.
Applications for variances within any Wetlands District shall be approved only if satisfying the findings of SMC 17.270.020, and the following additional findings:

A. That adjacent properties would not be adversely affected by such variance; and

B. That the requested variance would not affect property unique to the waterways or wetlands environment.

17.44.070 Exempt projects.
The following types of projects shall be exempt from the requirements of this chapter:

A. Repair, maintenance, and replacement projects, interior improvement projects, installation of minor mechanical equipment.

B. Construction on already paved land and/or impermeable surfaces.

C. Additions or changes to existing structures where the new footprint and elevations do not extend into or adversely affect resources of concern.

D. Replacement of existing structures involving substantially the same use, location, square footage, and height.

E. Projects of the City of Sebastopol unless they involve construction of buildings for occupancy.

17.44.080 Administrative review of projects.
A. Review Requirements. Subject to filing of an administrative permit application, the Planning Director may approve minor alterations or additions to existing uses or other minor projects not otherwise exempt, including facade modifications; minor site improvements; and additions, accessory, or replacement structures that involve less than a 25 percent increase from existing square footage, or less than an additional 1,000 square feet, whichever is greater, and providing the height is substantially unchanged, provided the Planning Director makes a written determination that resources of concern do not occur on the area of development, or due to the existing character of the property or the size, scope, or nature of the proposed project, resources of concern will not be affected by the project. The Planning Director may require applicants to provide information addressing such considerations.

B. Action on Administrative Permit Application. If the findings set forth at SMC 17.44.080(A) cannot be made, the Planning Director shall deny administrative review of the application and the project shall require a conditional use permit. .

17.44.090 Modification of analysis requirements.
Upon application for a modification of analysis requirements, where the applicant demonstrates to the satisfaction of the City Council that due to the existing character of the property or the size, nature, or scope of the proposed project, the full scope of studies called for by SMC 17.44.050 is not necessary, the Council may modify study requirements of this chapter if it finds, on the basis of substantial evidence, that specific resources of potential concern do not occur on the property or will not be affected by the project.

Chapter 17.46: ESOS - ENVIRONMENTAL AND SCENIC OPEN SPACE COMBINING DISTRICT

17.46.010 Purpose - Applicability.
The purpose of the ESOS Environmental and Scenic Open Space Combining District is to control land use within areas of great scenic or environmental value to the citizens of the Sebastopol General Plan Area, to control any alteration of the natural environment and terrain in areas of special ecological and educational significance to the entire community as unique vegetative units or wildlife habitats or as unique geological or botanic specimens, and to enhance and maintain for the public welfare and well-being the public amenities accrued from the preservation of the scenic beauty and environmental quality of Sebastopol. The ESOS Combining District is applicable to areas of great natural beauty, high visibility or ecological significance such as areas bordering Atascadero Creek or the Laguna de Santa Rosa. The ESOS Combining District is established to implement the goals, policies and objectives of the Conservation, Open Space and Parks Element of the General Plan.

17.46.020 Districts with which the ESOS District may be combined.
The ESOS Combining District may be combined with any district. An Environmental and Scenic Open Space Combining District shall be designated by the letters “ESOS” following the full district designation. If the regulating conditions of the district to be combined differ from the corresponding regulations specified herein for the ESOS District, then the more stringent of the two shall apply.

17.46.030 Uses permitted.
A. Open, passive recreational areas, parks, wildlife preserves, including environmental restoration and walkways, information kiosks, and signage and associated improvements, including access and parking, related to such open uses.

B. Noncommercial minor antennas, Class A.

C. All other uses require a conditional use permit.

17.46.040 Conditionally permitted uses.
A. Uses which are permitted in the district with which the “ESOS” is combined only in accordance with the regulations of the underlying zoning district as well as the ESOS District.

B. Noncommercial minor antennas exceeding the permitted height limits, commercial minor antennas, minor telecommunications facilities, and major telecommunications facilities are not permitted in this zone, unless a finding is made by the Planning Commission that no technically feasible alternative location outside this zoning district is possible, that the facility blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable; and that the requirements of SMC 17.130.010 through 17.130.240 are met, as appropriate.

17.46.050 Objectives and criteria.
The following objectives and criteria shall be adhered to in all ESOS Combining Districts:

A. To protect the character and quality of the natural environment of critical parcels as identified within the General Plan:

1. The elements of scale, form and color derived from the topography and native vegetation of the land shall be preserved.

2. Development should be located in such a manner that the overall natural features and processes of the land can still be accommodated.

B. Setback Buffers. Unless a reduced setback of no less than 50 feet is determined to be appropriate by the Planning Commission upon review of the resource analysis required by subsection D of this section and in conjunction with the findings required by SMC 17.46.060, a 100-foot minimum setback buffer shall be provided from the edge of a wetland, identified riparian dripline, identified endangered species population, or State Department of Fish and Wildlife Preserve, except on the Laguna Youth Park site where no building shall extend beyond 200 feet from the centerline of Morris Avenue. Up to 20 feet of the required setback may be provided as a landscaped trail area.

C. Objectives. To preserve the quality and integrity of certain unique scenic, ecologic, or biotic environments as identified in the General Plan:

1. Only those land uses shall be allowed which can be executed in a manner sensitive to the existing natural resources and constraints of the land.

2. Only those land uses shall be allowed which do not significantly alter the existing terrain and natural vegetation of the land.

D. Procedures. An application for a conditional use permit in the ESOS Combining District shall not be determined complete until a resource analysis of the visual, vegetative, and biotic characteristics of the property is prepared and undergoes review by the Planning Commission. The resource analysis shall be prepared at the applicant's expense by an independent professional biologist who has met qualifications established by the City, and as appropriate, other professional consultants selected by, and under the direction of the City. The Planning Commission shall make findings relative to the development constraints of the site through review of the resource analysis.

The resource analysis shall be prepared pursuant to a methodological guidance document that has been approved by the City Council and shall include the following:

1. Characterization of the significant visual elements of the land in terms of scale, form, color, and relation to surrounding terrain.

2. Characterization of the relative significance of the land in terms of visibility from the primary scenic perspective and existing settlement areas, and considering the relationship to any scenic view corridors identified by the General Plan.

3. If proposed project information is available, characterization of the change in the above which the proposed project may effect, and identify any specific project modifications or conditions that may be appropriate to address identified issues. If proposed project information is not available, such analysis shall be prepared for any subsequent project, which analysis shall be subject to the review process established by this Chapter.

4. The resource and constraints analysis will identify and map the following using, where applicable, information collected during the season of potential visibility or availability of the resource:

    a. Identify the type and location of threatened or endangered plant and animal species and their habitats;

    b. Drainage patterns, creeks, streams, and riparian vegetation on and within 50 feet of subject property;

    c. The location and boundaries of wetlands and vernal pools on the site, if applicable, and if such resources are identified, a delineation of them in accordance with standards of and verified by the U.S. Army Corps of Engineers;

    d. Potential archaeological resources, if applicable, as identified through records review and a site inspection;

    e. Flood hazard areas on the site as identified in Federal Emergency Management Agency and City official maps;

    f. Identification of native trees of six inches in diameter or greater, including those protected under Chapter 8.12 SMC, Tree Protection.

5. The resource analysis will contain the following types of investigations and mitigations:

    a. Determine, if applicable, the area and location of existing undeveloped land required to preserve, protect, and enhance the continued viability of significant biotic resources, wetlands, and environmentally sensitive areas. (This involves identifying land that is functionally a part of the wetlands ecosystem and which should be preserved in a natural state.)

    b. Recommend measures for proposed development that will mitigate impacts on identified resources in the following in order of preference:

        i. Avoidance of impacts;

ii. Minimization of impacts;

iii. Removal with on-site mitigation;

iv. Removal with off-site mitigation. Any such measures should have the objective of restoring and enhancing resources to a level equal or better than existing conditions, and should include specific and measurable performance criteria and recommendations for any appropriate monitoring.

6. The above analysis, as well as any other analysis deemed appropriate by the Planning Director, shall be presented to the Planning Commission for review, and if required by the Planning Commission, thereupon to the Design Review Board for review and comment on visual, scenic, and protected tree issues. Review of this analysis shall occur prior to any action by the Planning Commission on a conditional use permit for the proposed project.

7. Notice Requirements. Notice of Planning Commission review of the resource analysis report required under this chapter shall be provided in accordance with Chapter 17.330 SMC.

8. Review of Resource Analysis. The Planning Commission shall review the resource analysis report in relation to the requirements of this chapter. Following a public hearing, the Commission may provide comments regarding the content of and issues identified in the report. In its review, the Commission shall make findings whether the report adequately reviews each of the required topics set forth in this subsection D, and may require revisions to the report if it is incomplete. Such determinations shall be subject to appeal to the City Council under SMC 17.320.020(B).

17.46.060 Review of conditional use permit.
The Planning Commission shall review the application for conditional use permit.

A. Action on Conditional Use Permit. Where a conditional use permit under this chapter is required, the conditional use permit shall be approved, provided the Planning Commission or City Council on appeal makes each of the following findings in an affirmative manner:

1. The required resource analysis is consistent with the requirements of this chapter;

2. The proposed project complies with all applicable standards required by this chapter;

3. No wetlands or vernal pools would be eliminated;

4. Mitigation measures have been imposed that will reduce any impacts to other identified resources to a less than significant level, where such mitigation measures will accomplish the following in order of preference:

   a. Avoidance of impacts;

   b. Minimization of impacts;

   c. Removal of the resource, with mitigation meeting the criteria of this chapter provided on the project site;

d. Removal of the resource, with mitigation meeting the criteria of this chapter provided off site;

5. That any mitigation shall be consistent with the Conservation and Open Space Element of the General Plan.

17.46.070 Exempt projects.
The following types of projects shall be exempt from the requirements of this chapter:

A. Repair, maintenance, and replacement projects, interior improvement projects, installation of minor mechanical equipment.

B. Construction on already paved land and/or impermeable surfaces, except that the project shall be subject to the visual and scenic resources analysis and shall be required to be reviewed under the resource analysis process set forth in this chapter.

C. Additions or changes to existing structures or improvements where the new footprint and elevations do not extend into or adversely affect resources of concern.

D. Replacement of existing structures involving substantially the same use, location, square footage, and height.

E. Projects of the City unless they involve construction of buildings for occupancy.

17.46.080 Administrative review of projects.
A. Review Requirements. Subject to filing of an administrative review application, the Planning Director may approve minor alterations or additions to existing uses or other minor projects not otherwise exempt, including facade modifications; minor site improvements; and additions, accessory, or replacement structures that involve less than a 25 percent increase from existing square footage, or less than an additional 1,000 square feet, whichever is greater, and providing the height is substantially unchanged, provided the Planning Director makes a written determination that resources of concern do not occur on the area of development, or due to the existing character of the property or the size, scope, or nature of the proposed project, resources of concern will not be affected by the project. The Planning Director may require applicants to provide information addressing such considerations.

B. Action on Administrative Permit Application. If the findings set forth at SMC 17.46.080(A) cannot be made, the Planning Director shall deny administrative review of the application and the project shall require a conditional use permit.

17.46.090 Modification of analysis requirements.
Upon application for a modification of analysis requirements, where the applicant demonstrates to the satisfaction of the Planning Commission that due to the existing character of the property or the size, nature, or scope of the proposed project or previous development of the property, the full scope of studies called for by SMC 17.46.050(D) is not necessary, the Commission may modify study requirements of this chapter if it finds, on the basis of substantial evidence provided by a qualified professional, that specific resources of potential concern do not occur on the property or will not be affected by the project. Any such decision shall be subject to appeal to the City Council under procedures set forth in SMC 17.455.

Chapter 17.48: RECOVERY (REC) COMBINING DISTRICT

17.48.010 Purpose.
The REC Combining District is intended to facilitate the reconstruction and resilience of areas impacted by disaster or emergency situations.

17.48.015 Implementation.
The REC Combining District may be applied by a City Council ordinance, following declaration of a local emergency.

17.48.020 Applicability.
The REC Combining District may be combined with any primary zoning district established by SMC 17.10.010.

17.48.030 Reconstruction and repair of damaged structures and allowed land uses.
A. Reconstruction and repair of damaged or destroyed structures within the REC Combining District shall be consistent with all applicable zoning regulations and General Plan land use designations in effect as of the date of declaration of local emergency, with the exception of nonconforming uses, addressed in SMC 17.160.

B All building permit applications within the REC Combining District shall be prioritized over building permits in other areas of the City.

C. Demolition of damaged structures. Permit applications for the demolition of damaged structures within the REC Combining District shall receive expedited review.

D. Reconstruction of conforming structures. Conforming residential or non-residential structures within the REC Combining District may be reconstructed as originally permitted including permitted additions, but shall comply with all State and local building and fire codes, including all provisions of the California Building Standards Code as adopted by the City. All permit review for such structures shall be as follows:

1. Building permit applications for structures replicating the original footprint and building height, including permitted additions, shall receive expedited review. No impact fees are applicable.

2. Building permit applications for replacement structures that vary from the originally permitted footprint or building height shall receive expedited review. No impact fees are applicable.

E. Reconstruction of Legal Nonconforming Facilities. Notwithstanding SMC 17.160, facilities within the REC Combining District that were legally established, but do not conform to current City standards, and have been damaged or destroyed may be reconstructed or repaired in-kind provided that:

1. The facility complies with all State and local building and fire codes, including all provisions of the California Building Standards Code as adopted by the City;

2. The facility is reconstructed in the same configuration, square-footage, height, and use as the original structure; and

3. Repair or reconstruction shall commence within three years of the date of declaration of local emergency and be diligently pursued to completion.

Building permit applications will be processed based on application submittal date. No impact fees are applicable.

F. Continuance of Legal Nonconforming Activities or Uses. Notwithstanding SMC 17.160, structures within the REC Combining District that are occupied by legal nonconforming activities or uses and have been damaged or destroyed may be reconstructed or repaired in- kind, and reoccupied with a similar or less intense activity or use provided that:

a. Enlargement or expansion of the activity or use is not allowed; and

b. Repair or reconstruction shall commence within three years of the date of declaration of local emergency and be diligently pursued to completion. If reoccupancy does not commence within six months of the issuance of a certificate of occupancy, the legal nonconforming status shall terminate and the property shall thereafter be subject to the current SMC.

G. Accessory dwelling units.

a. General Provisions. Notwithstanding other provisions of the SMC, an accessory dwelling unit within the REC Combining District may be constructed and occupied prior to the construction of a single-family dwelling on the same parcel.

b. Internal conversions. If a reconstructed residence is built to the previously permitted dimensions, without changing the footprint or square-footage of the original residence, an accessory dwelling unit may be incorporated into the interior or added to the previously permitted dimensions, consistent with SMC 17.220, and shall receive expedited review. The extent of the accessory dwelling unit shall be identified in the building permit submittal.

c. Detached Accessory Dwelling Unit. Construction of a new detached accessory dwelling unit shall be allowed with reconstruction of a single- family dwelling. Building permit applications for the new detached accessory dwelling unit will be processed based on application submittal date.

H. Temporary dwelling units. Temporary dwelling units within the REC Combining District are permitted on residential and non-residential parcels. Water, wastewater, and electrical service shall be available on the site proposed for the temporary dwelling unit unless an alternative source is approved by the Public Works Director or City Engineer.

a. Water – To protect the public water system, the appropriate approved backflow device shall be required. Initial testing certification of backflow devices is required and shall be performed by an entity as determined by the Public Works Director.

b. Wastewater – To protect public health, connection to the wastewater system is required. The Public Works Director will determine the appropriate connection requirement.

A building permit application shall be issued administratively for temporary housing. All temporary structures shall be removed from the site prior to issuance of a certificate of occupancy for a permanent residence on site, or within three years of building permit issuance, whichever is sooner.

17.48.040 Planned community districts.
Properties within the REC Combining District that have a base zoning district of Planned Community shall comply with the development standards established for that property. Any required discretionary planning permits for the reconstruction or repair of previously existing structures in a Planned Community District, including, but not limited to, conditional use permit or design review, shall be reviewed and approved by the Planning Director.

17.48.050 Land use and zoning code provisions not addressed.
The Planning Director shall have the authority to make determinations regarding the applicability of any land use, zoning or related City Code provision not addressed in this ordinance to the reconstruction or repair of previously existing structures or uses.

17.48.060 Duration of REC combining district.
Notwithstanding any other provision of the SMC, the provisions of the REC Combining District shall control and prevail for a period of three years of the application of the REC Combining District to a parcel or parcels, unless otherwise amended by subsequent action of the Council.

Chapter 17.100: GENERAL HEIGHT, YARD ENCROACHMENT, CREEK SETBACK, COMMUNITY GARDEN, RECYCLING AND WASTE COLLECTION, AND OTHER REGULATIONS APPLYING IN ALL OR SEVERAL DISTRICTS

17.100.010 Purpose - Applicability.
The purpose of this general provision is to set forth certain regulations which apply throughout Sebastopol or in more than one district. These regulations shall apply in the districts and situations specified hereunder.

17.100.020 General provisions relating to height.
A. Elements That May Exceed Height Limit in All Districts.

1. In all districts, chimneys, flagpoles, vents, solar energy equipment, similar structures, and screening for such features, may be permitted up to five feet in excess of applicable height limits.

2. Cornices and parapets may be permitted up to three and one-half feet in excess of applicable height limits.

3. Height limits for telecommunication facilities are set in Chapter 17.130.

B. Elements That May Exceed Height Limit in Nonresidential Districts.

1. In nonresidential districts, cupolas, steeples, gas storage holders, radio and other towers, water tanks, mechanical equipment, elevator towers, non-tower wind turbines, and screening for such features may be permitted up to five feet in excess of applicable height limits, provided the area of such elements does not exceed 15 percent of roof area. Mechanical equipment shall be screened from view. The Design Review Board may approve features up to 10 feet in excess of applicable height limits, if it finds the feature necessary for compelling practical reasons, or if it would significantly enhance building aesthetics.

C. Fence, Hedge or Other Screen Height Limitations.

1. No fence or any type of vertical screening material used to provide privacy, visual or otherwise, hedge, or other screen planting shall exceed six feet in height in any required side or rear yard area,

    a. Except that two feet of lattice may be attached to fences no more than six feet in height.

2. No fence or any type of vertical screening material used to provide privacy, visual or otherwise, hedge or other screen planting shall be in excess of three and one-half feet in height in the following areas:

    a. The required front yard; or

    b. The required street side yard of a corner lot, except if it is at or behind the required street side yard setback and at the rear of the main residence; or

c. That part of the rear yard of a corner lot which abuts the required front yard of a key lot; or

d. Within the triangular area 35 feet from the street corner on any corner lot; or

e. Within the required rear yard of a through lot.

3. The limitations of this section shall not apply where a greater height is required by any other ordinance or where specified as a condition of approval of a conditional use permit or site plan approval.

D. Front Yard Garden Features.

1. An open entry arbor not more than nine feet in height nor six feet in width may be permitted in a required front yard.
2. Ornamental garden features may be permitted in a required front yard, provided such features are located at least five feet from any property line, are not more than six feet in height, nor three feet in width.

17.100.030 Lot area and width exceptions for existing lots.
Notwithstanding the minimum lot area and lot width requirements prescribed in the applicable individual district regulations, any parcel of contiguous land which does not meet such requirements may be developed, if such parcel was, on the effective date of the ordinance codified in this title or of any subsequent rezoning or other amendment thereto which makes such parcel fail to meet such requirements, and continuously thereafter has been, of record in single or unified ownership separate from that of any abutting property, and if such parcel existed lawfully under the previous zoning controls.

17.100.040 Building additions extending into required side or rear yard.
In all residential districts, an addition to an existing building that has a nonconforming side or rear yard may also extend into the required side or rear yard, provided all of the following criteria are met:

A. The addition does not exceed one story and 14 feet in height.

B. The addition continues or has a greater setback than the facade setback line of the existing structure.

C. The addition does not extend closer than four feet to the side property line, or more than five feet into the required rear yard.

D. The addition does not exceed 20 feet in length parallel to the side or rear property line, as applicable.

E. The addition does not extend into both side yards.

F. The addition conforms to other applicable development standards.

G. There has been no prior addition under this section.

17.100.050 Recycling and waste collection areas.

A. The criteria in this section apply to recycling and waste collection areas appropriate to serve all new uses, or an increase of greater than 30 percent of an existing use, for all uses in all zoning districts, except single-family residences and multifamily dwelling groups with four or less units. Proof of waste service approval for required recycling and waste areas shall be provided to the City prior to issuance of a building permit.

B**.** The following criteria shall be used when determining the location and design of the collection area:

1. Screening of collection areas from public view.

2. Adequate space for source separation of recyclables and waste collection containers, as well as adequate provision for access to the collection areas by reclamation and disposal equipment, as shown on the diagram attached to the ordinance codified in this chapter as Exhibit A.

3. In new development, recycling collection areas shall be placed alongside waste collection areas so as to provide convenience for users and promote recycling.

4. Collection areas shall be sited to minimize nuisance impacts, particularly noise impacts on residential sleeping areas.

5. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of access to the recycling areas.

6. Driveways or travel aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized by the hauler in the area in which the development project exists.

7. Recycling areas shall not be located in any area required by the City ordinance to be constructed or maintained as unencumbered, according to fire and other applicable building and/or public safety laws.

C. In expanding existing developments that do not have collection areas, the facilities shall be sited to minimize noise impacts on residential sleeping areas. Notwithstanding this requirement, the following exceptions may be permitted by the decision-making authority:

1. Recycling collection areas shall be allowed to encroach into required interior side yard or rear yard setbacks. Collection areas so placed will not be required to be screened from public view.

2. If a suitable and serviceable location which does not encroach into any required yard or which encroaches only into the required rear or interior side yard cannot be found, the collection area may occupy no more than two required parking spaces at the discretion of the decision-making authority. A collection area so located will be required to be screened from public view at the discretion of the decision-making authority. The approved use of a required space pursuant to this chapter shall not render a development nonconforming with respect to Chapter 17.110 SMC.

3. If no other placement area exists on the site, a recycling collection area may be located in the required front yard or exterior side yard; provided, that it is screened from public view.

D. No person shall use any established collection area for another purpose unless the Planning Director waives the requirements of this subsection under circumstances wherein it is necessary to prevent practical difficulties or necessary hardships inconsistent with the objectives of this subsection.

17.100.060 Creek setback.
A minimum setback of 30 feet from top of bank shall be provided for any buildings, mobile homes, garages, swimming pools, storage tanks, parking spaces, driveways, decks more than 30 inches above natural grade, retaining walls, or other similar structures for property adjacent to Zimpher Creek, Calder Creek, or Atascadero Creek. Any grading within the creek setback area shall be subject to the review and approval of the City Engineering Director, who shall review the application in regards to its potential effects on the waterway and native plants. Where the top of bank is not defined, the Engineering Director shall determine the appropriate setback area. Bridges and utilities may cross through, over, or under a waterway setback area, provided permits are obtained from relevant State and Federal agencies, and the project has received all necessary City approvals. Storm drainage, erosion control, and creek bank stability improvements that have been approved as required by law by the governmental agencies having jurisdiction over them shall not be subject to this section.

17.100.070 General provisions relating to uses.
A. Permitted and Conditionally Permitted Uses. Except as otherwise permitted by the nonconforming use regulations of SMC 17.160, or as authorized pursuant to the variance procedure in SMC l7.420, no land shall be improved or used for any activity or facility which is not listed as permitted or conditionally permitted in the applicable individual district regulations.

B. Restriction on Earth Removal. No grading or excavation involving the removal of any soil, rock, sand, minerals, or other natural feature for the purpose of usage off the premises from which removed shall be permitted, unless a conditional use permit for such removal is granted.

C. Restriction on Certain Uses.

1. No theater, circus, carnival, amusement park, open air theater, racetrack, private recreation centers or other similar establishments involving large assemblages of people and/or automobiles shall be established in any district unless and until a conditional use permit or, for temporary uses, a temporary use permit is first secured for the establishment, maintenance, and operation of such use.

2. No dance hall, roadhouse, night club, commercial club, or any establishment where liquor is served, or commercial place of amusement or recreation, shall be established in any commercial district, unless a conditional use permit shall first have been secured for the establishment, maintenance and operation of such use, except as otherwise provided in this title.

3. Accessory uses and buildings in any district may be permitted where such uses or buildings are incidental to, and do not alter the character of, the premises in respect to their use for

purposes permitted in the district. Such accessory buildings shall be allowed only when constructed concurrent with, or subsequent to, the main building.

4. Recreational vehicles may be stored on properties if placement conforms to applicable setback requirements, but shall not be occupied or used for residential, commercial, industrial, or other purposes.

17.100.080 General provisions relating to encroachments into yards.

A. Whenever an official plan line has been established for any street, required yards shall be measured from such line; in no case shall the provision of this code be construed as permitting any encroachment upon any official plan line.

B. For projects that involve the conversion or remodel of an existing structure, ramps and lifts for disabled access may encroach into required setbacks.

C. In case an accessory building is attached to the main building, it shall be made structurally a part of, and have a common wall with, the main building, and shall comply in all respects with the requirements of this code applicable to the main building. Unless so attached, an accessory building in an R district shall be located behind the front yard setback and shall provide a setback consistent with fire and building code requirements from any dwelling building existing or under construction on the same lot or any adjacent lot.

1. Such accessory building shall not be located within five feet of any alley or within three feet of the side line of the lot or, in the case of a corner lot, to project beyond the front yard required on the adjacent lot.

D. Exterior stairs that extend from porches and landings may encroach into the required front yard setback, provided they do not exceed 72 inches at their finished height.

E. Every part of each required minimum yard shall be open and unobstructed from the ground to the sky, except for the encroachments allowed by the following Table 17.100-1:

Table 17.100-1: Allowed Projections Into Required Yards

FACILITIES	FRONT YARD	STREET SIDE YARD	INTERIOR SIDE YARD	REAR YARD
Architectural features such as cornices, eaves, awnings, sills, bay windows, and similar features	2 feet	2 feet	2 feet	2 feet
Uncovered porches, fire escapes, chimneys, uncovered landing places, balconies/decks, having a mean height above grade of more than two feet	6 feet	2 feet	2 feet	10 feet
Patio roofs and similar elements projecting from and serving a residential facility, if such element does not exceed 12 feet in height and has open, un-walled sides along more than 50 percent of its perimeter	2 feet	2 feet	2 feet	8 feet

FACILITIES	FRONT YARD	STREET SIDE YARD	INTERIOR SIDE YARD	REAR YARD
Open storage of boats, recreational vehicles, trailers, appliances, and similar materials; satellite dish antennas	Not allowed	Not allowed	2 feet	Anywhere in rear yard
A one-story covered front porch, open on three sides with a roof which does not exceed a height of 14 feet from the finished first floor	7 feet	7 ft	-	-

17.100.090 Provisions relating to community gardens.

A. Water Availability. The community garden shall be served by a water supply sufficient to support the cultivation practices used on the site.

B. Site Design. The site shall be designed and maintained so that water will not drain onto adjacent property.

C. Composting. Composting is allowed, provided that compost piles are set back five feet from any property line and are maintained to control nuisances, including odors and pests.

D. Operating Rules. Site users must have an established set of operating rules addressing the governance structure of the garden, hours of operation, water conservation measures, irrigation plan, maintenance and security requirements, a garden coordinator to manage the community garden, responsibilities of garden members, and assignment of garden plots. The name and telephone number of the garden coordinator and a copy of the operating rules shall be kept on-site.

Chapter 17.110: OFF-STREET PARKING REGULATIONS

17.110.010 General requirements of parking spaces.
The following general requirements shall apply to all off-street parking spaces:

A. Parking Space Size. The size of parking spaces shall conform with, and be as prescribed in, SMC 17.110.060, Table 2 - Off-Street Parking Chart, and shall be striped or marked accordingly with paint as established in City standards. Each space shall be provided with adequate ingress and egress as established by City standard. Parking spaces proposed to be located in a garage or carport shall be not less than 20 feet in length and 10 feet in width, interior dimensions.

B. Location and Type.

1. For residential development, parking spaces shall be located off the streets as specified herein; except that parking spaces on the directly adjoining property street frontage may count toward the parking requirement for a multifamily use. The parking space shall be of legal size and located on an improved street where parking is otherwise allowed. Residential parking may be covered or uncovered.

2. For dwellings and other residential uses, parking spaces shall not be located within the required front setback except in a conforming driveway, and in side or rear yard setback areas, the location of parking spaces shall conform to the setback requirements for accessory structures.

3. If driveway parking is proposed, minimum dimensions for purposes of calculating spaces shall be eight and one-half feet wide and 18 feet deep.

4. For nonresidential development, on-street spaces located directly adjoining site frontage may count towards satisfaction of parking requirements. The parking space shall be of legal size and located on an improved street where parking is otherwise allowed.

C. General

1. Parking is not permitted on lawns or landscaped yard areas.

2. If head-on spaces are not being proposed, the parking spaces will be subject to City Engineer or Planning Director approval, and shall meet the size and back-up dimensions set forth in SMC 17.110.060, Table 2 - Off-Street Parking Chart.

3. Parking spaces shall be located on the same lot or parcel as the building or use that they are to serve, or located on an adjacent or contiguous lot under an easement appurtenant to the property to be served.

4. All parking areas shall be surfaced with a permeable paving material, such as pavers or pervious concrete when feasible, as approved by the City Engineer. Adequate drainage improvements shall be provided as approved by the City Engineer.

D. Commercial Uses.

1.Parking spaces shall be located on the same lot or parcel as the building or use that they serve, or located on an adjacent or contiguous lot under an easement appurtenant to the property to be served, or on property within 300 feet from said development under ownership or easement.

2. Parking may also be provided through a business community owned or operated parking lot or garage, provided the building/development can provide adequate guarantee or proof of participation in said parking lot program.

E. Industrial Uses. Off-street parking may be provided off site, provided such off-street parking is located within 300 feet of the property to be served; and provided, that the amount of off-site parking satisfies not more than 50 percent of the parking requirements of the activity for which parking is provided.

F. Mixed Uses. In case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses; however, the parking requirement for the use with the smaller parking requirement may be reduced by 33 percent. In addition, the Planning Commission shall have the authority to approve a reduction in parking requirements for projects which contain a mix of nonresidential uses.

G. Double-Counting. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as noted in SMC 17.110.010.H, and shall not be used for the parking of transportable facilities used for commercial purposes, except during the construction period wherein mobile homes or transportable facilities may be used for construction office purposes.

H. Shared Parking. The Planning Commission may allow the sharing of parking stalls on property within 300 feet of the use, provided a clear separation of time/use is evident (i.e., movie theater/professional office). If uses change to uses requiring time overlap for uses, parking will be required to be provided on the original non-sharing basis .

I. Improvements.

1. Surface. All parking areas shall be surfaced with a permeable paving material, such as pavers or pervious concrete when feasible, as approved by the City Engineer. Adequate drainage improvements shall be provided as approved by the City Engineer.

2. Access. Each entrance and exit to a parking lot shall be constructed and maintained so that any vehicle entering or leaving the parking lot will be visible for a distance of 30 feet on a 45-degree angle to any passing vehicle. Appropriate bumper guards, entrance and exit signs, and directional signing shall be maintained where needed.

3. Commercial driveways.

   a. Commercial driveway access aprons for driveways for 20 or fewer parking spaces shall be not less than 12 feet in width. Driveways shall be not less than 20 feet in width when serving 21 or more parking spaces, and the width of every aisle or driveway shall be 10 feet when serving 20 or fewer parking spaces. Reductions or modifications may be permitted by the City Engineer where the City Engineer finds that the provision of

multiple driveways, access location, tree preservation, or other physical conditions merit modification of the requirements.

b. Should the City Engineer determine that the use of permeable paving material is infeasible, driveways shall be surfaced with a minimum four-inch PCC or four-inch Class A.B. and one-and-one-half-inch A.C. at option of the owner, and comparable alternate materials may be approved by the City Engineer.

4. Residential driveways.

a. No more than one driveway shall be permitted on single-family residential parcels of less than 100 feet in width unless the City Engineer finds that the number of dwelling units, access restrictions, tree preservation, or other physical conditions merit modification of this requirement.

b. Driveway width for single-family parcels shall be a maximum of 24 feet or half the length of the street frontage, whichever is less, unless the City Engineer or Planning Director finds that the number of dwelling units, access restrictions, tree preservation, or other physical conditions merit modification of this requirement.

c. Driveway length shall be a minimum of 19 feet, measured from the back of the sidewalk.

d. Driveway placement shall be subject to City Engineer review and approval.

5. Tandem Parking Spaces. Tandem parking is allowed for single family uses and, if spaces are assigned, for multifamily uses.

6. Landscaping.

a. All parking facilities are subject to Design Review Board approval. Parking facilities shall have landscaping in and around the paved area. The amount of landscaping in the parking area shall be the maximum amount reasonable, given the circulation constraints of the site. The Design Review Board shall determine what the maximum amount reasonable is for landscaping in the parking area.

b. The landscaping around parking areas adjacent to streets shall be not less than five feet in width, and if adjacent to a State highway, not less than 10 feet in width unless otherwise approved by the Design Review Board. If the parking area is elevated six feet or more above the street level, an additional five-foot setback from the top of bank shall be provided.

c. At least one tree of a minimum 15-gallon container size shall be provided for every five off-street parking spaces. The Design Review Board may increase or decrease the minimum requirements for landscaping around paved areas, and for tree planting, if warranted by special design considerations.

d. All landscaping shall be protected with concrete curbs or other efficient barriers.

e. All landscaping shall be irrigated and maintained free of weeds, debris, and litter.

f. The submission of any plan for off-street parking facilities shall be accompanied by a detailed landscape plan for approval.

7. Lighting. All lighting used to illuminate parking facilities shall be as approved by the Design Review Board. All lighting shall be arranged so as to reflect the light away from adjoining residential areas or public streets. Lighting shall be installed with the intent of providing only as much light as is necessary for public safety.

J. Change of Use.

1. For any new use of an existing building in a residential district, no additional parking spaces shall be required for any permitted use; provided, that the number of required parking spaces for the new use does not exceed the number required for the last legal use.

2. In nonresidential districts, no additional parking shall be required for any permitted new nonresidential use which requires a parking standard no more intense than one space per 300 square feet for commercial uses, one space per 500 square feet for industrial uses, or one space per 500 square feet in the CD and CM districts.

K. Additions to Residential Units. Additions to existing residential units which are currently nonconforming as to parking may be permitted without the provision of additional parking so long as there is less than a 50 percent increase in floor area. If there is an increase of more than 50 percent of the existing floor area, parking shall be provided consistent with SMC 17.110.030.

17.110.020 Off-street parking required.

A. Parking Required. All uses within the City of Sebastopol shall provide off-street parking as prescribed in these regulations, and any amendments thereto except that all uses within a parking assessment district can apply parking credits to meet the parking demand requirements set forth in this chapter. Standards of design shall conform to the requirements of these regulations. All uses allowed in their respective zoning districts are subject to approval of the design of building(s) and location of parking area(s). Off-street parking shall be required and provided in all districts as specified by these regulations. Required parking must be made available for use by building users.

B. Floor Area Tabulation. All applications for use permits, design review, or building permits shall be accompanied by a detailed tabulation of the proposed use, gross floor area, and a calculation of the number of off-street parking spaces required, as well as the number of spaces provided, as specified in SMC 17.110.030. For purposes of calculating the required number of parking spaces, net floor area shall be used. Net floor area shall be the exterior gross floor area of the building minus 15 percent of the total area.

C. Basic Requirement.

1. At the time of initial occupancy, alteration or enlargement of a site or structure, or completion of construction of a structure, there shall be provided off-street parking facilities for vehicles in accordance with the schedule of off-street parking space requirements as prescribed in SMC 17.110.030.

2. If, in the application of the requirements of these regulations, a fractional space requirement is obtained, one parking space shall be provided for a fraction of one-half or more, and no parking space shall be required for a fraction of less than one-half.

3. For a use not specified in SMC 17.110.030, the same number of off-street parking spaces will be provided as required of the most similar specified use as determined by City staff.

4. Standard Car Spaces. Standard parking spaces shall meet the dimensions in Table 17.110-1:

Table 17.110-1: Off-Street Parking Chart

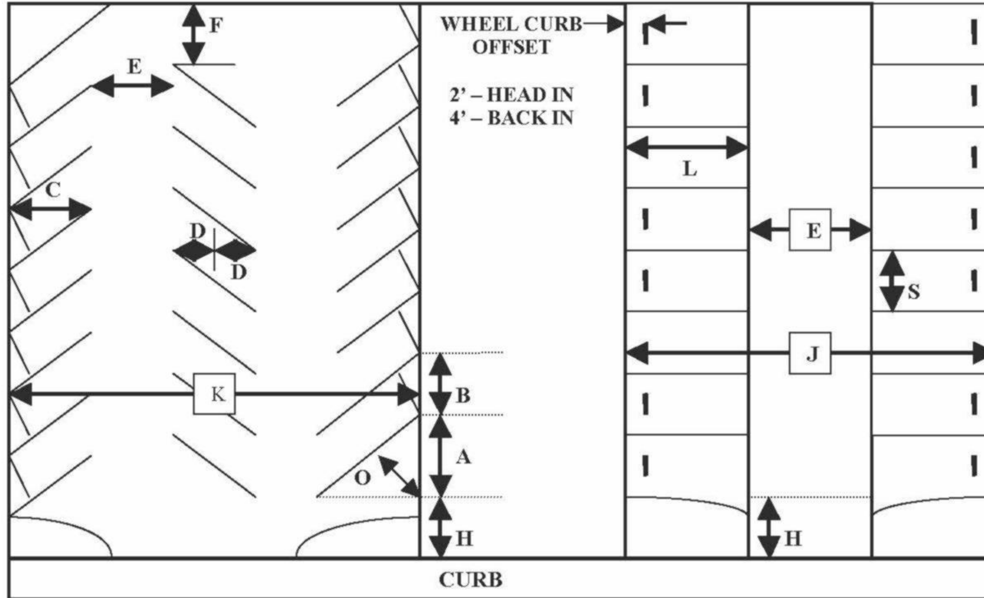

TABLE OF DIMENSIONS (IN FEET)

O	S	L	A	B	C	D	E	F	H	J	K
0°	8.0	22.0	0.0	22.0	8.0	8.0	12.0		MINIMUM 10'	28.0	
	8.0	24.0	0.0	24.0	8.0	8.0	11.0			27.0	
	8.0	26.0	0.0	26.0	8.0	8.0	10.0			26.0	
30°	8.5	19.0	29.2	17.0	16.9	13.2	10.0			43.8	
	9.0	19.0	30.0	18.0	17.3	13.4	9.0			43.6	
45°	8.5	19.0	19.4	12.0	19.4	16.4	10.9	15.5		49.6	93.2
	9.0	19.0	19.8	12.7	19.8	16.6	10.0	16.0		49.6	92.3
	9.5	19.0	20.1	13.4	20.2	16.7	9.5	16.5		49.7	92.6
	10.0	19.0	20.5	14.1	20.6	16.9	9.0	17.0		49.8	92.6
60°	8.5	19.0	12.0	9.8	20.9	18.7	19.0	15.0		59.6	115.0
	9.0	19.0	12.1	10.4	21.0	18.8	17.0	15.0		59.0	113.6
	9.5	19.0	12.3	11.0	21.3	18.9	15.5	15.0		58.1	111.4
	10.0	19.0	12.4	11.5	21.5	19.0	14.0	15.0		57.0	109.0
90°	8.5	19.0	0.0	8.5	19.0	19.0	27.0	20.0		65.0	130.0
	9.0	19.0	0.0	9.0	19.0	19.0	25.0	20.0		63.0	126.0
	9.5	19.0	0.0	9.5	19.0	19.0	24.0	20.0		62.0	124.0
	10.0	19.0	0.0	10.0	19.0	19.0	23.0	20.0		61.0	122.0

5. Compact Car Spaces. Off-street parking facilities may include parking spaces for compact vehicles provided not more than 40 percent of the total number of spaces provided shall be designated for compact parking purposes. Such spaces shall be clearly identified and dispersed throughout the entire parking lot. Each compact parking space shall be not less than eight feet wide and 16 feet long.

6. Accessible Spaces. Parking spaces specifically reserved for vehicles licensed by the State for use by the disabled shall be provided in each parking facility according to the California Building Standards Code.

7. Parking lots with 10 or more spaces for multifamily, commercial, industrial and mixed uses shall be designed so as not to necessitate backing onto a public street.

8. Parking Proposed to Be Accessed from an Alley. Parking spaces proposed to be constructed in conjunction with new development, and accessed by an alley only, shall be located a minimum of five feet from the edge of the alley and shall meet the dimensions set forth in Tables 17.110-1 and 17.110-2.

9. Mechanical Parking. Mechanical parking lifts may be used to satisfy parking requirements at the discretion of the decision-making authority. Application submittals shall include any information deemed necessary by the Planning Director to determine parking can adequately and feasibly be provided and that the findings can be made:

   a. The use of mechanical lift parking results in appropriate design and implementation of City goals and policies for infill development and efficient use of land.

   b. The mechanical lift parking system complies with the building code and provides emergency override systems in the event of a power outage.

   c. The mechanical lift parking will be adequately screened and compatible with the character of surrounding development; and compatible and appropriately considered with the overall building and site design.

   d. The mechanical lift parking system complies with all development standards including, but not limited to, height and setback requirement, and applicable parking and driveway standards with the exception of minimum parking stall sizes which are established by lift specifications.

   e. There exists adequate assurances and operational plans that mechanical parking systems will be safely operated and maintained in continual operation with the exception of limited periods of maintenance. A deed restriction may be required.

   f. There are no circumstances of the site or development or of the particular model or type of mechanical lift system which could result in substantial adverse impacts to those living or working on the site or in the vicinity.

D. Increase or Decrease in Parking Requirement, Conditional Use Permit. Where an applicant requests or where the Planning Director determines that, due to special circumstances:

1. Any particular use requires a parking capacity significantly greater or less than required, the Planning Director shall refer the matter to the Planning Commission for the imposition of an appropriate parking requirement. The Planning Commission may, by conditional use permit, require a number of parking spaces up to 20 percent more than required. The Planning Commission may, by conditional use permit, require fewer spaces than required if developer demonstrates a reduced parking need through a trip reduction or parking reduction program.

2. A project proposes use of valet parking, or other managed parking arrangement in conjunction with either a reduction in the number of parking spaces from Zoning Ordinance requirements, use of tandem parking, or modification of dimensional or other Zoning Ordinance physical development requirements. The Planning Commission may, by conditional use permit approve such modifications.

E. Prior to approving such conditional use permit, and as applicable, the Commission must determine that:

1. In the case of a reduction in the number of parking spaces required, due to special circumstances associated with the nature or operation of the use or combinations of uses at its location, the proposed project will generate a parking demand significantly different from the standards specified;

2. The number of parking spaces conveniently available to the use will be sufficient for its safe, convenient and efficient operation; and

3. A greater number of parking spaces than required by the Commission will not be necessary to mitigate adverse parking or traffic impacts of the use on surrounding properties;

4. For use of valet parking, the Commission determines that use of valet parking is appropriate due to the type of use, scale of use, or other factors;

5. For use of valet parking, tandem parking, a higher proportion of compact parking spaces, or other changes to dimensional parking space requirements, the configuration of parking spaces and operation of the parking facility will ensure that the use has adequate parking availability;

6. In addition, prior to approving a decrease in the parking capacity required, the Commission must determine that adequate provisions have been made to accommodate any possible subsequent change in the use or occupancy which may require a greater parking capacity or other modifications to the parking operations or dimensional standards than that allowed by the Commission. Such provisions include, but are not limited to, restriping of parking spaces, elimination of tandem parking, reduction in the proportion of compact parking spaces, provision of additional bicycle or transit facilities, provision of additional off-site parking, or similar measures;

7. The location of several types of uses or occupancies in the same building or on the same site may constitute a special circumstance warranting the modification of parking requirements;

8. Any substantial change in use or occupancy or any substantial change in the special circumstances described above shall constitute grounds for amendment, or potential revocation of the conditional use permit issued pursuant to this section.

9. The Commission finds that any modifications under these provisions will not create an impairment to public safety, impede safe and efficient pedestrian or vehicle traffic flow, or otherwise interfere with the operation of area uses or functions.

17.110.030 Schedule of off-street parking space requirements.
A. Parking shall be provided in accordable with Table 17.110-3.

1. Electric vehicle charging station spaces and rideshare spaces shall count toward the total vehicle parking requirement.

Table 17.110-3: Parking Requirements

	Vehicle Parking Spaces	Rideshare Spaces	Bicycle Parking Spaces
Residential Uses			
Single family dwellings	2 per unit	-	-
Duplex, Triplex, or Fourplex	3 per 2 units if one bedroom or less, otherwise 2 spaces per unit	-	0.5 per unit.
Multifamily and Attached Single Family	Studio: 1 per unit One bedroom unit: 1.5 per unit Two and three bedroom units: 2 per unit Four or more bedrooms: 3 per unit	-	0.5 per unit.
Senior citizen housing	0.75 per unit for the first 50 units plus 0.5 per unit for each additional unit	-	20% of the required vehicle spaces.
Single room occupancy	0.75 per unit for the first 50 units plus 0.5 per unit for each additional unit	-	25% of the required vehicle spaces.
Homeless shelter	1 per 10 beds	-	25% of the required vehicle spaces.
Deed-restricted affordable housing	90% of the applicable parking requirement	-	25% of the required vehicle spaces.
Commercial, Office, and Industrial Uses			
Retail uses	1 per 300 sf plus 1 per 1,000 sf of public outdoor display area	-	20% of the required vehicle spaces.
Service establishments and office uses:	1 per 300 sf	Office uses: 5% of the vehicle parking requirement, if	20% of the required vehicle spaces.

	Vehicle Parking Spaces	Rideshare Spaces	Bicycle Parking Spaces
		requirement is 20 spaces or more.	
Hotels and motels	2 spaces plus 1 per unit for the first 75 units plus 0.75 per room for each additional room	-	15% of the required vehicle spaces.
Hostels	2 spaces plus 0.5 per bed for the first 25 beds units plus 1 per each 3 additional beds	-	20% of the required vehicle spaces.
Bed and breakfast inns	1 per inn plus 1 space per guest room	-	15% of the required vehicle spaces.
Theaters	1 space per every 4 fixed seats, or 1 space per 40 sf of seating area if not fixed seats	5% of the vehicle parking requirement, if requirement is 20 spaces or more.	20% of vehicle parking requirement.
Health club, recreation/activity centers	1 space per 300 sf (excludes courts) plus 4 spaces per court	-	20% of vehicle parking requirement.
Yoga, dance, and similar exercise facilities	1 per 300 sf	-	20% of vehicle parking requirement.
Bowling alleys and pool halls	2 spaces per alley or pool table plus additional seating for on-site restaurants, services, etc.	-	20% of vehicle parking requirement.
Restaurants, cafes seated service	Interior seating: 1 per 125 sf for the first 2,500 sf plus 1 per each additional 150 sf	-	20% of vehicle parking requirement.
Restaurants, fast food or carryout	1 per 65 sf of floor area	-	20% of vehicle parking requirement.
Bars	1 per 65 sf of floor area	-	20% of vehicle parking requirement.
Hospitals, urgent care	1.25 spaces per bed	5% of the vehicle parking requirement, if requirement is 20 spaces or more.	15% of vehicle parking requirement.
Assisted living facilities	0.75 space per unit	5% of the vehicle parking requirement, if requirement is 20 spaces or more.	15% of vehicle parking requirement.
Nursing home and convalescent care facilities	0.33 spaces per bed	5% of the vehicle parking requirement, if requirement is 20 spaces or more.	15% of vehicle parking requirement.

	Vehicle Parking Spaces	Rideshare Spaces	Bicycle Parking Spaces
Car washes	Automatic: Queuing space equal to six times the capacity of the washing facility Self-service: 1 space per wash bay plus spaces equal to three times the capacity of the car wash facility For both automatic and self-service: the spaces shall be arranged to provide both waiting and dryoff/cleanup area	-	0.25 spaces per employee.
Heavy commercial and light industrial uses	1 space per 300 sf of office area 1 space per 1,000 sf of warehouse floor area 1 space per 500 sf of production area	5% of the vehicle parking requirement, if requirement is 20 spaces or more.	20% of vehicle parking requirement.
Schools (Daycare through 12th Grade)	1 space per employee plus 1 space per every three students of driving age plus one loading/unloading space per every six students under driving age	5% of the vehicle parking requirement, if requirement is 20 spaces or more.	25% of vehicle parking requirement.
Colleges, business, professional, trade, art schools, etc.	1 space per employee plus 1 space per every two students of driving age	5% of the vehicle parking requirement, if requirement is 20 spaces or more.	25% of vehicle parking requirement.
Other Uses			
Central Core District and Commercial-Industrial District:	Non-residential: 1 per 500 sf net floor area Residential: Applicable parking requirement, less 30 percent	Non-residential uses: the total of the applicable rideshare requirement, less 30 percent.	20% of vehicle parking requirement.
Small lots of 4,000 sf or less	Applicable parking requirement, less 20 percent		20% of vehicle parking requirement.

B. Parking in-lieu fee. If the City has established an applicable area and in-lieu fee, parking requirements for nonresidential uses located within the area or as otherwise established by procedures under the SMC, may be met by payment of a parking in-lieu fee as provided for in this paragraph B of SMC Section 17.110.030.

1. The parking in-lieu fee shall be a per-parking-space fee and is only applicable when a required vehicle parking space is not provided.
2. The amount per parking space of the in-lieu fee shall be as established in the City's master fee schedule, as amended from time to time.
3. The parking in-lieu fee shall be paid prior to the issuance of occupancy permits.
4. Funds collected by the City from parking in-lieu fees payments shall be deposited into a dedicated "parking and vehicle trip reduction" deposit account and shall be used for parking improvements that serve the Downtown area (Figure 17.08-1).
5. Payment of the parking in-lieu fee shall be subject to the following:
    a. In combination with the spaces provided on site, payment of the fee shall be considered full satisfaction of the off-street parking requirement, as determined by this section.
    b. The fee shall be nonrefundable and payment of the fee does not carry any other guarantees, rights, or privileges to the payer.
    c. Payment of the fee does not represent an obligation of the City to provide parking spaces within any particular proximity to the project for which the payment was made or to make available parking spaces within any particular amount of time.
    d. Payment of the fee does not entitle the applicant, his or her tenants, or his or her clients to exclusive or private use of any public parking spaces.

17.110.040 Electric vehicles.

A. Electric vehicle charging stations and infrastructure for electric vehicle charging stations shall be provided in all new parking lots with 10 or more spaces and shall meet the following requirements.

1. Electric vehicle charging infrastructure shall be sized to accommodate a minimum 40-Amp 220VAC charging to a minimum of 50% of parking spaces.
2. A minimum of 20% of vehicle parking spaces and at least one ADA space shall have a fully operational 30-Amp Electric Vehicle Service Equipment (EVSE) unit installed with a functioning payment system. All electric vehicle charging systems and infrastructure shall be sized for adequate capacity to meet all safety requirements.
3. A 20% reduction in the total electric vehicle charging spaces required shall be provided for each 50kW or above DC fast charger, up to a maximum reduction of 40%.

B. An electric vehicle charging station shall be:

1. Signed in a clear and conspicuous manner, such as special pavement marking or signage, indicating exclusive availability to electric vehicles and, if applicable, any time limits on maximum length of use (time limits shall not be less than one hour). Signage shall identify:
    a. Voltage and amperage levels.
    b. Hour of operations if time limits or tow-away provisions are to be enforced by the property owner.

c. Usage fees.

d. Safety information.

2. Outfitted with an electric vehicle charging station; and

3. Installed with adequate access in accordance with factory or qualified engineer recommendation.

C. Electric vehicle charging stations shall meet accessibility requirements of State law.

17.110.050 Rideshare spaces.
A. Rideshare spaces shall be used only by carpools, vanpools, or other ridesharing programs and shall be signed in a clear and conspicuous manner.

B. At least one rideshare space shall meet current van accessible dimensions.

17.110.060 Off-street loading spaces (commercial and industrial uses).
Off-street loading spaces for commercial and industrial uses shall be provided as shown in Table 17.110-4.

Table 17.110-4: Off-Street Loading (Commercial and Industrial Uses)

Building Size	Off-Street Loading Spaces
Less than 5,000 square feet floor area	0 Spaces
5,001 - 10,000 square feet floor area	1 Space
10,001 - 30,000 square feet floor area	2 Spaces
30,001 - 90,000 square feet floor area	3 Spaces
Over 90,000 square feet floor area	4 Spaces

The first required loading space may meet the dimensional requirements for other standard required parking spaces. Additional required loading spaces shall have a minimum dimension of 10 feet in width and 20 feet in depth.

17.110.070 Bicycle parking requirements.
Bicycle parking shall be provided for all multifamily projects and nonresidential uses in compliance with this section.

A. Bicycle parking spaces. The number of required spaces can be reduced by the number of secure private garages, bicycle storage lockers, or storage closet with a bicycle hanger provided for each residential unit or each business use. Bicycle parking shall be distributed throughout a project to be accessible by residents, clients, and employees.

B. Bicycle Parking Design and Devices.

1. Parking Equipment. Each bicycle parking space shall include a stationary parking device to adequately secure bicycles.

2. Parking Layout.

a. Aisles providing access to bicycle parking spaces shall be at least five feet in width and separate from auto driveway aisles.

b. Each bicycle space shall be a minimum of 30 inches in width and six feet in length, and have a minimum of seven feet of overhead clearance.

c. Bicycle spaces shall be located to be clearly visible, convenient to, and generally within proximity to the main entrance of a structure.

d. Bicycle spaces shall be separated from sidewalks, motor vehicle parking spaces or aisles by a fence, wall, curb, or by at least five feet of open area, marked to prohibit vehicle parking.

Chapter 17.120: SIGN REGULATIONS

17.120.010 Purpose, intent, and applicability.

A. Purpose. The purpose of this chapter is to establish signing standards appropriate to the City of Sebastopol, which will allow for adequate identification of businesses and provision of public information, and will reduce hazards to motorists and pedestrians, while avoiding excessive and confusing signing.

B. Intent. It is the intent of these standards to encourage well-designed and creative signs, which are integral to, and harmonious with, the adjacent neighborhood, as well as with buildings and sites. Signs should be aesthetically pleasing and consistent with the sign portion of the design guidelines, as the Design Review Board may adopt them.

C. Applicability. The provisions set forth in this chapter shall be applicable to all signs permitted by this chapter, except where specific regulations contrary to this section are established.

17.120.020 Permits, fees, and exceptions.

A. Sign Permit Required. Except as otherwise provided within this chapter, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the City limits, or cause the same to be done, without first obtaining a sign permit for each such sign from the Planning Director or Design Review Board, as required by this chapter.

1. Application for sign permit(s) shall be made upon forms prescribed by the Planning Department, and shall be submitted with supplemental application materials specified by the Planning Department. Fees will be charged for services provided by City staff in conjunction with the processing of a sign permit, as set forth and amended by resolution of the City Council.

2. Each sign permit application shall be reviewed to ensure compliance with the provisions of this chapter and the sign portion of the design guidelines, as they may be adopted by the Design Review Board.

3. In general, sign permit applications shall be reviewed for approval, conditional approval, or denial by the Design Review Board. However, signs which can be categorized as any one of the following, which comply with all development standards defined in this chapter, and are consistent with the sign portion of the design guidelines, as they may be adopted by the Design Review Board, shall be reviewed for approval, conditional approval, or denial by the Planning Director or his/her designee:

    a. Replacement sign(s) which are part of an approved sign program for a shopping center or multi-tenant building, and which conform to said program. Replacement signs which do not conform to the approved sign program are subject to review by the Design Review Board.

    b. Non-illuminated signs of 25 square feet or less, which do not require an exception to any provision of this chapter.

    c. Projecting (hanging) signs which do not exceed six square feet in area, are installed with a minimum clearance of seven and one-half feet above the ground surface,

project not more than three feet from the wall of a building, and which do not require an exception to any provision of this chapter.

d. Portable signs, subject to the following criteria:

i. No more than one (double-faced) sign per parcel of property.

ii. Each sign face shall not exceed six square feet in area.

iii. Height of sign shall not exceed three feet.

iv. Location of sign shall not reduce the width of any pedestrian sidewalk or way to less than four and one-half feet.

v. If located within the public right-of-way, an encroachment permit shall be secured from the State (for State Highways 116 and 12), or from the City.

e. Change of copy only on an existing, approved sign if the same sign structure will be used, the area of lettering is substantially the same as that previously approved, and no change in illumination is proposed. Change of copy requests for signs that previously received sign exception approval are not eligible for administrative review and shall be reviewed by the Design Review Board.

B. Exceptions.

1. Purpose. Sign exceptions are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. Creative design is encouraged by the provisions of this chapter, therefore an exception from these regulations may be approved consistent with the following findings. The findings below allow for modifications to address unusual site conditions, and/or allow signs that enhance the overall character of an area or building or are appropriate for a particular business.

2. Applications for exceptions from the provisions of this section may be filed in writing with the Planning Department for action by the Design Review Board. Such applications shall be made upon forms prescribed by the Planning Department, and shall be submitted with supplemental application material specified by the Planning Department. Fees will be charged for services provided by City staff in conjunction with the processing of a sign permit exception.

3. The supplemental application material, including statements, plans and other evidence, shall show that:

   a. The exception will allow a unique sign of exceptional design or style that will enhance the area or building, or that will be a visible landmark; or

   b. The exception will allow a sign that is more consistent with the architecture and development of the site; or site context; or is appropriate given the nature of the business; or

c. The granting of the exception will not constitute the granting of a special privilege inconsistent with the sign limitations upon other properties in the same vicinity and district.

17.120.030 Exempted signs.

A sign permit is not required for any of the following types of signs, as determined by the Planning Director. Such signs shall otherwise be erected and maintained in accordance with the provisions of this chapter. Unless otherwise specified, the signs described below are in reference to on-site signage:

A. Changing of the advertising copy or message on an existing approved changeable copy sign.

B. Painting, repainting, cleaning, exact replacement, or normal maintenance and repair of a sign.

C. Changes in the content of temporary window signs that have been approved as part of an overall sign program.

D. Directional signs, such as signs identifying restrooms, public telephones, walkways, parking lot entrances and exits and signs of a similar nature, which are located entirely on the property to which they pertain, do not in any way advertise a business, and do not exceed two square feet in area, and five feet in height.

E. Governmental signs for control of traffic or other regulatory purpose; street signs, danger signs, railroad crossing signs, and signs of public service companies.

F. Holiday decorations commonly associated with any national, local, or religious holiday; provided, that such decorations be displayed for a period of no more than 45 consecutive days or no more than 60 days in any one calendar year.

G. Signs located within the interior of any building and/or not visible from a public right-of-way. Such signs are not, however, exempt from structural, electrical or material specifications as set forth in the Uniform Building Code.

H. Memorial signs, subject to size limitations and a site visibility analysis.

I. Notice bulletins and bulletin boards for medical, public, charitable or religious institutions where the same are located on the premises of said institution(s) or public property, at the discretion of the Planning Director.

J. Off-site real estate signs and open house signs may be erected for up to 48 hours, except for off-site direction real estate signs (red arrows), as described in SMC 17.120.070(E)(3).

Off-site real estate signs which do not meet the criteria of SMC 17.120.070(E)(3), and which are erected for longer than a 48-hour period, may be permitted with a sign permit issued by the Design Review Board.

K. On-site real estate signs which promote the sale, rental, or lease of a building, and which meet the following criteria:

1. Material. Sign and sign post must be constructed of wood with painted or vinyl letters.

2. Size and Height. Sign shall be a hanging sign with a minimum clearance of three feet between the bottom of the sign and the existing grade. The height of the sign, including post, may not exceed six feet. All real estate signs are permitted to be six square feet maximum in size; however, commercial and industrial signs may be a maximum 40 square feet if located on a 20,000-square-foot lot or larger.

L. Plaques or nameplate signs which are less than two square feet in area and are permanently affixed to a building wall.

M. Public signs required or specifically authorized for a public purpose by law, statute, or ordinance. Such signs may be of any type, number, area, height above grade, location, illumination as required by law, statute or ordinance under which the signs are erected.

N. Off-premises directional signs for public or community facilities, as approved by the Planning Director.

O. Special events signs and temporary signs pertaining to promotions or events of civic, philanthropic, educational or religious organizations. Such signs may be posted no more than 30 days before the event, and must be removed no more than seven days after the event.

P. Garage sale signs; provided, that such signs do not exceed four square feet in area, are displayed not more than one day before the sale and removed not later than one day after the sale, and are not on a public property. (See also City Ordinance No. 693.)

Q. Political/political campaign signs.

R. Automotive service station price signs, as required by the Department of Weights and Measures. Any additional signs which are used to identify the service station, or to advertise a service or product offered by that business, are subject to the development standards of SMC 17.120.060(I).

S. Temporary interior window signs; provided, that the signs are not illuminated, are no more than two square feet in size, and remain in place for not more than 30 days.

T. Permanent window signs which are clearly incidental to the conduct of business, such as the days and hours of operation, and payment decals; provided, that the signs are not illuminated and are no more than one square foot in size.

U. Neon “open” signs which are no more than two square feet in size.

17.120.040 Prohibited signs.

A. The following signs are prohibited on any property within the City:

1. Flashing, rotating, animated, blinking and moving signs. However, upon referral from the Planning Director, the Design Review Board may determine that such a sign is necessary in order to portray an appropriate and distinct image in a unique situation.

2. Miscellaneous signs and posters and the affixing of signs of a miscellaneous character visible from a public right-of-way. Signs located on the wall(s) of buildings, barns, sheds, trees, poles, posts, fences or other structures are prohibited unless provided for under the provisions of this chapter. (See also City Ordinance No. 693.)

3. Any sign affixed to any vehicle or trailer either on a public right-of-way or on public or private property for the sole purpose of attracting people to a place of business.

4. Banners, pennants, search lights, balloons or other gas-filled figures except that banners may be permitted, for a period of time not to exceed 30 days in any calendar year, at the opening of a new business, or for special events, with prior written approval of the Planning Director, in accordance with SMC 17.120.030(O).

5. Portable or wheeled signs, unless used for real estate purposes, pursuant to SMC 17.120.030(K), or as permitted on commercially zoned properties, pursuant to SMC 17.120.060(C).

6. Signs which bear or contain statements, words, or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful or misleading.

7. Signs emitting audible sounds, odor or visible matter. However, upon referral from the Planning Director, the Design Review Board may determine that such a sign is necessary in order to portray an appropriate and distinct image in a unique situation.

8. Signs which purport to be, or are, an imitation of, or resemble an official traffic sign or signal, or which bear the words: “go slow,” “caution,” “danger,” “warning,” or similar words.

9. Signs which may by reason of their size, location, movement, content, coloring or manner of illumination, be confused with or construed as a traffic control sign, signal or device, or the light of a road or emergency equipment vehicle.

10. Signs which may by reason of size, location, movement, content, coloring, or manner of illumination, cause a dangerous situation or otherwise pose a threat to the public health, safety, or welfare. If a sign is prohibited based on this criteria, the Design Review Board shall make specific findings regarding the sign characteristic(s) which create a dangerous situation or otherwise pose a threat to the public health, safety, or welfare.

11. Off-premises signs, except off-premises real estate signs as permitted by SMC 17.120.030(J), and off-premises community directional signs as permitted by SMC 17.120.030(N).

B. Posting on public property is prohibited. No person, except a duly authorized public officer or employee, shall erect, construct or maintain, paste, paint, print, nail, tack or otherwise fasten or affix, any card, banner, handbill, campaign sign, poster, sign, advertisement, or notice of any kind, or cause or suffer the same to be done, on any curbstone, lamppost, pole, bench, hydrant, bridge, wall, tree, sidewalk or structure in or upon any public street, alley, or upon other public property, except as may be required or permitted by ordinance or law.

17.120.050 General sign standards and regulations.

A. Computation of Frontage and Sign Area Calculations.

1. “Sign area” is defined as the area of a rectangle drawn around the outermost area of sign copy, graphics, background materials, and borders or frame, and any similar display area which is capable of receiving copy at a future time. The structure supporting a sign is not included in determining the sign area, unless the structure contains advertising copy or business logo.

2. The area of all signs which are governed by this chapter shall be included when determining compliance with the maximum allowable sign area.

3. The width of a building frontage on a public street or right-of-way, excluding alleys or service ways, shall be used to calculate the allowable sign area. (See Table 1.) If a building houses more than one tenant space, the total sign area permitted for each tenant space shall be calculated as follows:

$$\text{Sign Area} = \frac{\text{Total Allowable Sign Area (based on total building frontage)}}{\text{Number of Tenant Spaces}}$$

   Example: If a building has 50 feet of frontage and four tenant spaces, including two on the ground floor area and two on the second story, the sign area for each tenant space would be calculated as follows: 15.625 square feet/tenant space. The proportional distribution of sign area that is allowed for each individual tenant space may be modified through a comprehensive approved sign program.

4. For buildings fronting on more than one public right-of-way, the length of two frontages may be used to calculate the total allowable sign area for all signs on the premises.

5. Both sides of a double-faced sign shall be used for the calculation of allowable sign area.

6. For monument signs proposed as part of a sign program, the maximum sign size thresholds shall comply with SMC 17.120.060(B), and shall not be counted toward the overall sign allowances outlined in Table 17.120-.

Table 17.120-1: Maximum Allowable Sign Area (Sq. Ft.)

Building Frontage	Max. Allowable Sign Area	Building Frontage	Max. Allowable Sign Area	Building Frontage	Max. Allowable Sign Area
Up to 25'	25.0	43'	52.0	61'	79.0
26'	26.5	44'	53.5	62'	80.5
27'	28.0	45'	55.0	63'	82.0
28'	29.5	46'	56.5	64'	83.5
29'	31.0	47'	58.0	65'	85.0
30'	32.5	48'	59.5	66'	86.5
31'	34.0	49'	61.0	67'	88.0
32'	35.5	50'	62.5	68'	89.5
33'	37.0	51'	64.0	69'	91.0
34'	38.5	52'	65.5	70'	92.5
35'	40.0	53'	67.0	71'	94.0
36'	41.5	54'	68.5	72'	95.5

Building Frontage	Max. Allowable Sign Area	Building Frontage	Max. Allowable Sign Area	Building Frontage	Max. Allowable Sign Area
37'	43.0	55'	70.0	73'	97.0
38'	44.5	56'	71.5	74'	98.5
39'	46.0	57'	73.0	75'	100.0
40'	47.5	58'	74.5	76' - 100'	125.0
41'	49.0	59'	76.0	101' - 125'	150.0
42'	50.5	60'	77.5	126' +	175.0

B. Projection Limits and Sign Clearances.

1. Freestanding signs must be located a minimum of five feet behind the back of the sidewalk (or right-of-way if there is no sidewalk). Freestanding signs may not project into any public right-of-way.
2. The height of a freestanding sign shall be measured from the natural grade at the base of the sign to the highest portion of the sign.
3. Projecting signs (hanging signs) may not exceed six square feet in area, and may not project more than three feet from the wall of a building. The bottom of projecting signs shall be at least seven and one-half feet above the ground.

C. Lighting of Signs.

1. No sign shall be illuminated with such intensity as to prevent normal perception of objects, buildings, streets and other signs in the immediate area.
2. External illumination is preferred over internal illumination in all zoning districts. Internally illuminated signs must be reviewed and approved by the Design Review Board, and are generally not allowed within the CD Central Core District, within any residential district, or in proximity to an existing residential use.
3. No backlighting of the panel(s) is allowed on internally illuminated signs unless the background has been rendered opaque, allowing light through the letters and logo only. This limitation does not apply to theater marquee signs or similar signs, as determined by the Planning Director.
4. Identification signs in a single family or multifamily residential district, or which are located within 25 feet of a residential use may not be illuminated. However, internally illuminated address signs which do not exceed one square foot in size, and which display only the address numbers of the residence upon which the sign is affixed are allowed.

17.120.060 Permitted signs.

A. Signs Permitted in Single-Family or Multifamily Residential Districts.

1. One home occupation identification sign, which is non-illuminated and does not exceed five square feet in area.

2. A maximum of two area identification signs per entry, with a maximum height of five feet, and maximum total area of 16 square feet. An "area identification sign" is a sign which identifies a development area, such as the name of a subdivision or office park.

3. One identification sign for churches, schools, public and quasi-public buildings. Such signs shall not exceed 32 square feet in area, and eight feet in height, unless the nature of the site and the surrounding environment warrants a larger sign. An applicant may request that the Design Review Board determine whether a larger sign is warranted.

4. One identification sign for bed and breakfast inns, not to exceed eight square feet in area, and five feet in height.

5. In multifamily residential districts (6 and R7) or residential developments in the PC districts only, one identification sign or building address number sign for purposes of identifying a multifamily building, not to exceed eight square feet in area, and six feet in height.

B. An integrated sign program, which provides for a consistency and continuity of materials, design, location, and manner of attachment for tenant signs, is required for all office or light industrial centers or parks, multi-tenant commercial or industrial buildings, or shopping centers. Individual tenant signs proposed as part of a multi-tenant sign shall include the business name and not more than three additional words to identify the purpose of the business, for example "SMITH'S Bar and Grill" or "LENS CRAFTERS one hour service" For sign programs that include a monument sign, the maximum square footage of the sign shall be limited to 50 square feet for signs representing five or fewer tenants, and 100 square feet for signs representing six or more tenants. The monument sign square footage shall be in addition to the maximum allowable sign square footage per Table 1. The sign program shall be consistent with the standards defined below for the zoning district in which the development is located, and shall be approved by the Design Review Board prior to the approval of any individual sign within said center, park, or building.

C. Signs Permitted in Commercial and Office Districts.

1. Each building is permitted to have one freestanding business identification sign. This sign may not exceed eight feet in height.

2. A maximum of two window, awning, wall, or fascia business identification signs are permitted for each ground floor use or tenant. One of those two signs may be a projecting sign, providing that the sign does not exceed six square feet in area or 18 inches in height, and has a minimum clearance of seven and one-half feet above the sidewalk.

3. Commercial or professional uses located above the main floor of the building may display permanent window, awning, or wall signs. The total sign area for each use shall be determined in accordance with SMC 17.120.050(A) (3).

4. Temporary window signs related to special events, sales promotions, and the sale of merchandise are permitted for a period of 30 days only.

5. Portable signs, consistent with SMC 17.120.020(A) (3) (d).

6. A maximum of two area identification signs per entry, with a maximum height of eight feet and maximum total area of 32 square feet.

D. Signs Permitted in the OLI Office/Light Industrial District.

1. Individual business frontage shall be considered as "building frontage" for the purposes of establishing maximum sign area pursuant to Table 1. The sign area for the "major" or "anchor" tenant(s) may be increased by the Design Review Board.

2. In addition to the individual tenant signage, there may be one freestanding sign identifying the center and its tenants. Such sign shall not exceed eight feet in height or 32 square feet in area.

3. In addition to the signage allowed above, one on-site directory is permitted. This sign may be freestanding or affixed to a building, but may not exceed five feet in height, if it is freestanding, or 16 square feet in area.

E. Signs Permitted in M Industrial District.

1. Each building is permitted to have one freestanding business identification sign. This sign may not exceed eight feet in height.

2. Each business is permitted to have a maximum of two window, awning, wall or fascia business identification signs.

3. A maximum of two area identification signs per entry, with a maximum height of eight feet, and maximum total area of 32 square feet may be permitted.

4. Portable signs, consistent with SMC 17.120.020(A) (3) (d).

F. Signs Permitted in CF Community Facility and Open Space OS Districts.

1. Each building is permitted to have one freestanding business identification sign. This sign may not exceed six feet in height.

2. Each business is permitted to have one wall or fascia sign which does not exceed 30 square feet in area.

3. Temporary signs are permitted in accordance with SMC 17.120.070(E).

4. A maximum of two area identification signs per entry, with a maximum height of eight feet, and maximum total area of 32 square feet are permitted.

H. Signs Permitted in PC Planned Community District. Regulations for permanent and temporary signs will be established by the Design Review Board after the Planning Commission has rendered its determination of land use. The project proponent must submit a comprehensive sign program package for review by the Design Review Board. The Design Review Board will evaluate the proposed sign program within the parameters of the sign regulations of the predominant land use approved for the specific development.

I. Shopping Center Signs.

1. Individual business frontage shall be considered as "building frontage" for the purposes of establishing maximum sign area pursuant to Table 1. The sign area for the "major" or "anchor" tenant(s) may be increased by the Design Review Board.

2. In addition to the individual tenant signage, there may be one freestanding sign identifying the center and its tenants. Such sign shall not exceed eight feet in height.

J. Service Station Signs.

1. Two business identification signs are allowed, including a maximum of one freestanding sign. A freestanding sign may not exceed eight feet in height or 32 square feet in area.

2. Incidental signs are permitted in addition to the two identification signs.

3. The aggregate sign area of identification and incidental signs shall not exceed 100 square feet.

4. Price signs shall be in accordance with State requirements as to wording, size and number, and shall not be included in the calculation of total sign area.

17.120.070 Miscellaneous sign categories.
A. Construction Signs. Construction, development, subdivision sales and real estate signs may be permitted to within five feet of the property line if freestanding. The aggregate area for all such signs may not exceed 50 square feet. Sign height for any freestanding sign may not exceed eight feet. Construction signs shall be allowed for the duration of construction. Other development signs may remain for a maximum period of one year.

B. Historic Signs. Unique signs and appurtenances which, due to their architecture or the message displayed on the sign, represent a historical period of the City of Sebastopol may be retained. Approval for retention shall be based on valid historical documentation, provided by a qualified historian or historical architect, which defines the historical attributes of the subject sign, the merits for retaining the sign, and the historical value to the community of preserving the sign. The Design Review Board may approve or deny such a sign, pursuant to SMC 17.120.020(B). Any exception shall not include a waiver from any other regulations of the City of Sebastopol. Whenever the Design Review Board grants an exception, the Board shall make specific findings as to the historic value of the sign or appurtenance.

C. Murals and Graphics.

1. Wherein all, or any part, of any mural or graphic may be considered signing, by reason of the depiction of specific words, symbols, merchandise or services, such mural or graphic, or part thereof shall be subject to the regulations described in this chapter.

2. When a mural or graphic is not considered signage, as described above, its size will not be included in determining compliance with the maximum allowable sign area for a property.

D. Neon Signs. Neon signs are allowed in all commercial zoning districts, including the CD Central Core District, subject to the approval of the Design Review Board.

E. Temporary Signs. The Planning Director may issue written approval of a temporary sign of the following type, upon receipt of a completed temporary sign permit application packet and the associated processing fee:

1. Banners. Banners for new businesses or for special events may be approved by the Planning Director for a period not to exceed 30 days. The approval may, at the request of the applicant, be extended for an additional 30 days for a new business if a complete sign permit application has been filed with the Planning Department for permanent business identification signage. Banner signs may be installed on the building only, and are not permitted to be installed in the landscaping, on fencing, or on vehicles.

2. Gas Station Signs. Temporary signs of less than one square foot may be displayed above fuel pumps for a period not to exceed 30 days. Any additional temporary signs, including banners or freestanding temporary signs, shall not be allowed, except as otherwise permitted by this chapter, or as may be required by the Department of Weights and Measures.

3. Off-Site Directional Real Estate Signs (Red Arrows). Directional red arrow signs may be approved by the Planning Director for off-site location for a period not to exceed 90 days, subject to the following criteria:

    a. Materials. Sign and sign post must be constructed of wood, with painted vinyl arrow and letters.

    b. Size and Type. Sign shall be a hanging sign, with a minimum clearance of three feet between the bottom of the sign and the existing grade. The height of the sign, including post, may not exceed five feet. The arrow portion of the sign may not exceed one square foot.

    c. Display. Display shall be limited to a red arrow and the numeric address of the subject property. A sign approved as an off-site directional real estate sign shall in no way identify any person, agency, or agency telephone number, nor shall it include any other advertisement.

F. Exterior display of merchandise is not allowed, except as may be displayed with a bona fide storefront display enclosure or picture window. Such display of merchandise, or a similar decoration depicting merchandise, goods, or services may be considered as signage if, in the sole opinion of the Planning Director, such display is made for the purposes of advertising.

17.120.080 Nonconforming signs.

Except for multiple-tenant signs, existing, legally erected signs which do not conform to the provisions of this chapter may remain in place until such time as a change in name, use, or sign face occurs, at which time all signing shall be made to conform to the provisions of this chapter.

17.120.090 Abandoned signs.

A. An abandoned sign is a sign which no longer directs, advertises, or identifies a legal business establishment, product or activity on the premises where such sign is displayed. Any sign which becomes an abandoned sign and remains as such for a period of 12 months or more shall be

prohibited, and shall be removed by the owner of the sign or owner of the property at his or her expense.

B. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned, unless the property remains vacant for a period of 12 months or more.

17.120.100 Construction specifications, safety, and maintenance.

A. Compliance with Building Code. All signs shall comply with the appropriate detailed provisions of the California Building Standards Code relating to design, structural members and connections. Signs shall also comply with the provisions of the applicable Electrical Code and the additional construction standards set forth in this section.

B. Construction of Signs.

1. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window or door opening, unless authorized by conditional use permit. No sign shall be attached in any form, shape or manner which will interfere with an opening required for ventilation, except in circumstances when not in violation of the Building or Fire Prevention Codes.
2. No building permit or electrical permit shall be issued for a sign until such time as the Building Official receives written notification from the Planning Director that approval has been granted for a subject sign.
3. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with the Electrical Code and the regulations of the Public Utilities Commission.
4. All permanent freestanding signs shall be self-supporting structures erected on and permanently attached to concrete foundations. Such structures shall be fabricated only from such materials as approved by the Building Code.

C. Maintenance. Every sign shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of said sign. The owner, or authorized representative, or sign user of the property upon which the sign or advertising structure is located shall be responsible for its proper maintenance and repair. If the sign is not made to comply with adequate safety standards, the Building Inspector shall require its removal in accordance with SMC 17.120.120.

17.120.110 Violations.

Any of the following shall be deemed a violation of this chapter, and shall be subject to the enforcement remedies and penalties provided by this chapter, by the Municipal Code, and by State law:

A. Installing, creating, erecting, or maintaining any sign in a way that is inconsistent with any approved plan or permit governing such a sign or the property on which it is located.

B. Installing, creating, erecting, or maintaining any sign without an approved sign permit when such a permit is required.

C. Failing to remove, upon the written request of a City representative, any sign that has been installed, created, erected, or maintained in violation of this chapter.

D. Continuing any such violation as set forth above. Each day that a violation is continued shall be considered a separate violation for the purposes of applying the penalty portion of this chapter.

17.120.120 Appeals and enforcement - Removal and disposition of signs.

A. Administration. The sign regulations shall be administered by the Planning Director, who is authorized and directed to enforce all provisions of the regulations. The Planning Director is authorized to promulgate procedures consistent with the purpose of these regulations, and is further empowered to delegate the duties and powers granted to, and imposed upon, him, under these regulations.

B. Construction. Construction of all signs, and their attachments, is governed by the regulations of the Uniform Building Code and these regulations, as adopted by the City of Sebastopol, and shall be inspected and approved by the Building Inspector.

C. Notice and Removal of Non-permitted Signs.

1. The Planning Director shall cause to be removed any sign which has been erected without benefit of a permit required by the provisions of this chapter, or any sign which is materially, electrically or structurally defective, or any sign which has been abandoned, or any other sign prohibited by SMC 17.120.040.

2. The Planning Director shall prepare a notice which shall describe the sign and specify the violation involved, and which shall state that if the sign is not removed or the violation is not corrected within 10 days, said sign shall be removed in accordance with the provisions of these regulations. The recipient of such a violation notice may request a hearing on the matter within 10 days of receipt of the violation notice. Such a request shall be made in writing to the Planning Director.

3. All violation notices sent by the Planning Director shall be sent by certified mail to the owner of the subject property, as recorded by the Sonoma County Assessor's Office, and to other such persons as deemed necessary by the Planning Director. Any time periods provided in this section shall commence on the date of the receipt of the certified mail.

4. Any person having an interest in the sign or the property may request an administrative hearing on the matter by filing a written request to the Planning Director within 10 days after the date of mailing the notice, or 10 days after receipt of the notice if the notice was not mailed. If such a request is made, the Planning Director shall cause a hearing to be held within 30 days of the receipt of the request.

5. The Planning Director may cause the removal of any sign which is located within the public right-of-way or which is affixed to public property, for which prior written approval has not been granted. The Planning Director shall not be required to give notice prior to such removal, and any notice, appeal, or other enforcement provisions of this chapter shall not apply. The Planning Director shall make a report of the cost of removal, and the origin of

said sign or other matter, and shall forward a copy of that report to the City Attorney to initiate recovery of such costs.

D. Removal of Dangerous Signs. When it is determined by the Planning Director or other City agent that a sign poses an imminent danger to the public safety, and contact cannot readily be made with the property owner or the sign owner, no written notice shall be served. In this emergency situation, the Planning Director or other City agent may cause the immediate removal of a dangerous sign without notice.

E. Disposal of Removed Signs. Any sign removed by the Planning Director or other City agent pursuant to the provisions of this chapter shall become the property of the City, and may be disposed of in any manner deemed appropriate by the City. The cost of removal of the sign by the City shall be considered a debt owed to the City by the owner of the sign and the owner of the property and may be recovered in an appropriate court action by the City or by assessment against the property as hereinafter provided. The cost of removal shall include any and all incidental expenses incurred by the City in connection with the sign's removal. When it is determined by the Building Inspector that said sign would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the Building Inspector may effect correction of the danger.

F. Penalties. Any person(s) violating any of the provisions of these regulations shall be deemed guilty of an infraction and any person violating the same section or portion of these regulations on a second or subsequent occasion shall thereafter be deemed guilty of a misdemeanor and, upon conviction of either an infraction or a misdemeanor, shall be punishable as provided by law.

Chapter 17.130: GENERAL PROVISIONS RELATING TO TELECOMMUNICATIONS FACILITIES AND MINOR ANTENNAS

17.130.010 Purpose - Applicability.
The purpose and intent of this chapter is to provide a uniform and comprehensive set of standards for the development of telecommunications facilities and installation of minor antennas. The regulations contained herein are designed to protect and promote public health, safety, and community welfare while at the same time not unduly restricting the development of needed telecommunications facilities and important amateur radio installations. They have been also developed to further the policies of the Sebastopol General Plan.

It is furthermore intended that these regulations specifically accomplish the following:

A. Protect the visual character of the City from the potential adverse effects of telecommunications facility development and minor antenna installation;

B. Protect the inhabitants of the City from the possible adverse health effects associated with exposure to high levels of NIER (nonionizing electromagnetic radiation);

C. Protect the environmental resources of the City;

D. Create telecommunications facilities that will serve as an important and effective part of the City's emergency response network;

E. Any antenna and its associated support structure installed for the sole use of Federally licensed amateur radio operators in the Amateur Radio Service shall not, by definition, be considered telecommunications facilities and shall be exempt from any other antenna or telecommunications facility ordinances enacted by the City, and shall be regulated solely by the following; and

F. Simplify and shorten the process for obtaining necessary permits for telecommunications facilities while at the same time protecting the legitimate interests of the City's citizens.

17.130.020 General provisions.
The following requirements shall be met for all telecommunications facilities and minor antennas in any zoning district:

A. Any applicable General Plan policies, specific plan, area plan, local area development guidelines, and the permit requirements of any agencies which have jurisdiction over the project;

B. The other chapters of this title that are not superseded by the requirements contained in this chapter;

C. Adopted International Building Code requirements pursuant to SMC 15.04, where applicable;

D. Any applicable Airport Land Use Commission regulations and Federal Aviation Administration regulations;

E. Any applicable easements or similar restrictions on the subject property, including neighborhood, community, or homeowners' association standards;

F. Telecommunications facilities and minor antennas cannot be located in any required yard setback area of the zoning district in which it is located;

G. All setbacks shall be measured from the base of the tower or structure closest to the applicable line or structure;

H. Comply at all times with all FCC rules, regulations, and standards, including any requirement that minor antennas and telecommunications facilities do not cause interference with other communication facilities and devices, such as telephones, television sets, radios, etc.;

I. Maintain in place a security program when determined necessary by the Police Chief that will prevent unauthorized access and vandalism; and

J. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.

17.130.030 Minor antennas - Basic requirements.
Minor antennas as defined in SMC 17.08.030 may be installed, erected, maintained and/or operated in any zoning district where such antennas are permitted under this title as long as all the following conditions are met:

A. The minor antenna use involved is accessory to the primary use of the property which is not a telecommunications facility;

B. No more than a total of six antennas, satellite dishes no greater than 10 feet in diameter, panel antennas with up to three panels, or combination thereof, are allowed on the parcel;

C. The combined NIER levels produced by all the antennas present on the parcel does not exceed the NIER standard established in SMC 17.130.230;

D. The antenna is not situated between the primary building on the parcel and any public or private street adjoining the parcel;

E. The antenna is located outside all yard and street setbacks specified in the zoning district in which the antenna is to be located and no closer than 20 feet to any property line, except if mounted on a primary structure;

F. None of the guy wires employed are anchored within the area in front of the primary structure on the parcel;

G. No portion of the antenna array extends beyond the property lines or into the area in front of the primary building on the parcel;

H. At least 10 feet of horizontal clearance exists between the antenna and any power lines, unless more clearance is required to meet PUC standards. The more stringent standard shall apply;

I. All towers, masts and booms are made of a noncombustible material and all hardware such as brackets, turnbuckles, clips, and similar type equipment subject to rust or corrosion has been protected either by galvanizing or sheradizing after forming;

J. The materials employed are not unnecessarily bright, shiny or reflective and are of a color and type that blends with the surroundings to the greatest extent possible;

K. The installation is in compliance with the manufacturer's structural specifications and the requirements of SMC 15.04;

L. The height of the facility shall include the height of any structure upon which it is placed, except if a specific exception is provided for under this chapter;

M. All towers in excess of 10 feet shall be within a fenced yard or be anti-climbing equipped under OSHA regulations;

N. The general criteria set forth in SMC 17.130.010 are met;

O. The following minor antennas are exempt from SMC 17.130.040 through 17.130.060 and are permitted uses in the zoning districts indicated below:

1. A ground- or building-mounted receive-only satellite dish that is 3.28 feet or less in diameter in any area regardless of land use or zoning category;

2. A ground- or building-mounted receive or transmission satellite dish that is 6.56 feet or less in diameter in areas with commercial or industrial zoning;

3. An antenna that is designed to receive television broadcast signals when not located within public view in any area regardless of land use or zoning category.

17.130.040 Minor antennas - Satellite dishes.
A. Ground- and building-mounted satellite dishes may be installed, erected, maintained, and/or operated in any zoning district where minor antennas, as defined in SMC 17.08, are permitted so long as all the following conditions are met:

1. The minimum standards specified in SMC 17.130.020 are complied with;

2. No more than two satellite dishes are allowed on the parcel, one of which may be over 3.28 feet in diameter, but no larger than 10 feet in diameter;

3. Any roof-mounted satellite dish larger than two feet in diameter is located in back of, and does not extend above, the peak of the roof;

4. Any ground-mounted satellite dish with a diameter greater than four feet that is situated less than five times its actual diameter from adjoining property lines has screening treatments located along the antenna's non-reception window axes and low-level landscape treatments along its reception window axes; and

5. For any roof or mast-mounted satellite dish larger than 3.28 feet in diameter, a building permit has been obtained and compliance with the applicable standards of SMC 15.04has been demonstrated to the satisfaction of the Building Official.

B. No person shall place a satellite dish larger than 6.56 feet in diameter on private property without first submitting sufficient information to the Planning Director, including but not limited to a site plan and elevations, to determine compliance with this section and SMC 17.130.010 and

17.130.020. The Planning Director may approve, disapprove or modify the proposed placement. In addition, he/she may require that the satellite dish be of a specific diameter, color, or type of construction.

17.130.050 Minor antennas - Panel antennas.
Ground- and building-mounted panel antennas, as defined in SMC 17.08.030, may be installed, erected, maintained, and/or operated in any zoning district where minor antennas are permitted so long as all the following conditions are met:

A. The minimum standards specified in SMC 17.130.020 are complied with;

B. No more than one panel antenna with up to three panels is present on the parcel;

C. Any roof-mounted panel antenna with a face area greater than 3.5 square feet for each panel is located behind, and does not extend above, the peak of the roof nearest the closest inhabited area off site, or public road, if there is one.

17.130.060 Other minor antennas.
Ground- and building-mounted radio and receive-only television antennas may be installed, erected, maintained, and/or operated in any zoning district where minor antennas are permitted under this title so long as all the following conditions are met:

A. The minimum standards specified in SMC 17.130.020 are complied with;

B. No boom or any active element of the antenna is longer than 15 feet;

C. Any wire antenna that is not self-supporting is supported by objects within the property lines but not within the area in front of the primary structure on the property.

17.130.070 Telecommunications facilities - Minimum application requirements.
The following are the minimum criteria applicable to all telecommunications facilities. In the event that a project is subject to discretionary and/or environmental review, mitigation measures, more restrictive criteria than presented in this chapter, or other conditions of approval may also be necessary. All telecommunications facilities shall comply with:

A. The Planning Director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunications facility. Said information may include, but shall not be limited to, completed supplemental project information forms, a specific maximum requested gross cross-sectional area, or silhouette, of the facility; service area maps, network maps, alternative site analysis, visual impact demonstrations including mock-ups and/or photo-montages, facility design alternatives to the proposal, visual impact analysis, NIER (nonionizing electromagnetic radiation) exposure studies, title reports identifying legal access, security programs, lists of other nearby telecommunications facilities, and deposits for peer review. The Planning Director may release an applicant from having to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted; and

B. The Planning Director is explicitly authorized at his/her discretion to employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of

unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the City. Any proprietary information disclosed to the City or the expert hired shall remain confidential and shall not be disclosed to any third party.

17.130.080 Telecommunications facilities - Standard agreements required.

A. A maintenance/facility removal agreement signed by the applicant shall be submitted to the Planning Director prior to approval of the conditional use permit or other entitlement for use authorizing the establishment or modification of any telecommunications facility which includes a telecommunications tower, one or more new buildings/equipment enclosures larger in aggregate than 300 square feet, more than three satellite dishes of any size, or an applicant's successors-in-interest to properly maintain the exterior appearance and ultimately remove the facility, all in compliance with the provisions of this chapter and any conditions of approval. It shall further bind them to pay all costs for monitoring compliance with and enforcement of the agreement and to reimburse the City for all costs incurred to perform any work required of the applicant by this agreement that the applicant fails to perform. It shall also specifically authorize the City and/or its agents to enter onto the property and undertake said work so long as:

1. The Planning Director has first provided the applicant the following written notices:
    a. An initial compliance request identifying the work needed to comply with the agreement and providing the applicant at least 45 calendar days to complete it; and
    b. A follow-up notice of default specifying the applicant's failure to comply with the work within the time period specified and indicating the City's intent to commence the required work within 10 working days;
2. The applicant has not filed an appeal pursuant to SMC 17.455 within 10 working days of the notice required under subsection (A)(1)(b) of this section. If an appeal is filed, the City shall be authorized to enter the property and perform the necessary work if the appeal is dismissed or final action on it taken in favor of the Planning Director.

B. All costs incurred by the City to undertake any work required to be performed by the applicant pursuant to the agreement referred to in subsection A of this section including, but not limited to, administrative and job supervision costs, shall be borne solely by the applicant. The applicant shall deposit within 10 working days of written request therefor such costs as the City reasonably estimates or has actually incurred to complete such work. When estimates are employed, additional monies shall be deposited as needed within 10 working days of demand to cover actual costs. The agreement shall specifically require the applicant to immediately cease operation of the telecommunications facility involved if the applicant fails to pay the monies demanded within 10 working days. It shall further require that operation remain suspended until such costs are paid in full.

17.130.090 Telecommunications facilities - Life of permits.

A. A conditional use permit issued or a site plan approval issued pursuant to the SMC authorizing establishment of a telecommunications facility must be renewed every 10 years via the applicable process specified in SMC 17.400, 17.405, and 17.415. The grounds for nonrenewal shall be limited to a finding that:

(1) The use involved is no longer allowed in the zoning district involved,

(2) The facility fails to comply with the relevant requirements of this chapter as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the Planning Director that the facility will be brought into compliance within 120 days,

(3) The permittee has failed to comply with the conditions of approval imposed,

(4) The facility has not been properly maintained, or

(5) The facility has not been upgraded to minimize its impact to the greatest extent permitted by the technology that exists at the time of renewal and is consistent with the provisions of universal service at affordable rates.

The grounds for appeal of issuance of a renewal shall be limited to a showing that one or more of the situations listed above do in fact exist or that the notice required under SMC 17.130.260 was not provided.

B. If a conditional use permit or other entitlement for use is not renewed, it shall automatically become null and void without notice or hearing 10 years after it is issued or upon cessation of use for more than a year and a day, whichever comes first. Unless a new conditional use permit or entitlement of use is issued within 120 days thereafter, all improvements installed including their foundations down to three feet shall be removed from the property and the site restored to its natural pre-construction state within 180 days of nonrenewal or abandonment. Any access road installed shall also be removed and the ground returned to its natural condition unless the property owner establishes to the satisfaction of the Planning Director that these sections of road are necessary to serve some other allowed use of the property that is currently present or to provide access to adjoining parcels.

17.130.100 Telecommunications facilities - Structural requirements.
No telecommunications facility shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any telecommunications tower shall be designed and maintained to withstand without failure the maximum forces expected from wind, earthquakes, and ice when the tower is fully loaded with antennas, transmitters and other equipment, and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the Building Official prepared by a structural engineer licensed by the State describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. Proof of ongoing compliance shall be provided via submission to the Planning Director at least every five (self-supporting and guyed towers)/10 (monopoles) years of an inspection report prepared by a State-licensed structural engineer indicating the number and types of antennas and related equipment actually present and indicating the structural integrity of the tower. Based on this report, the Building Official may require repair of or, if a serious safety problem exists, removal of the tower.

17.130.110 Telecommunications facilities - Basic tower and building design.
All telecommunications facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all the following measures shall be implemented:

A. Telecommunications towers shall be constructed out of metal or other nonflammable material;

B. Telecommunications towers taller than 35 feet shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the Planning Director or Planning Commission, as appropriate, that a self-supporting tower is required to provide the height and/or capacity necessary for the proposed telecommunications use to minimize the need for screening from adjacent properties, or to reduce the potential for bird strikes;

C. Telecommunications towers shall not exceed 100 feet in height unless the following findings are made by the Planning Commission: that it is not technically feasible to have a tower below this height at the requested location, that alternative locations which would not require a tower height in excess of the standard given above are not available or feasible, that the facility blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable; and that the requirements of SMC 17.130.010 through 17.130.230 are met;

D. Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence is acceptable to the Planning Director or Planning Commission, as appropriate, is submitted showing that this is infeasible;

E. Telecommunications support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only);

F. Telecommunications support facilities shall be no taller than one story (15 feet) in height and shall be treated to look like a building or facility typically found in the area;

G. Telecommunications support facilities in areas of high visibility shall where possible be sited below the ridgeline or designed (i.e., placed underground, depressed, or located behind earth berms) or other mitigation measures to minimize their profile;

H. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunications site shall be initially painted and thereafter repainted as necessary with a “flat” paint, if it is determined by the decision-making body that the native coloring of the facility does not provide adequate blending with the surrounding environment. The color selected shall be one that, in the opinion of the Planning Director or Planning Commission, after receiving a Design Review Board recommendation, as appropriate, will minimize their visibility to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees or grasslands and adjacent structures, when present, shall be painted colors matching these landscapes and structures, while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location; and

I. The project description and permit shall include a specific maximum allowable gross cross-sectional area, or silhouette, of the facility. The silhouette shall be measured from the “worst case” elevation perspective.

17.130.120 Telecommunications facilities - Critical disaster response facilities.

A. All radio, television and voice communication facilities providing service to government or the general public shall be designed to survive a natural disaster without interruption in operation. To this end all the following measures shall be implemented:

1. Nonflammable exterior wall and roof covering shall be used in the construction of all buildings;

2. Openings in all buildings shall be protected against penetration by fire and windblown embers;

3. The telecommunications tower when fully loaded with antennas, transmitters, and other equipment and camouflaging shall be designed to withstand the forces expected during the "maximum credible earthquake" All equipment mounting racks and equipment used shall be anchored in such a manner that such a quake will not tip them over, throw the equipment off its shelves, or otherwise act to damage it;

4. All connections between various components of the facility and with necessary power and telephone lines shall be protected against damage by wildfire, flooding, and earthquake; and

5. Measures shall be taken to ensure that the facility is operational in the event of a disaster or power loss.

B. Demonstration of compliance with the requirements of subsections (A) (1), (2), (4) and (5) (fire only) of this section shall be evidenced by a certification signed by the Fire Chief on the building plans submitted.

C. Demonstration of compliance with the requirements of subsections (A)(3) through (5) (earthquake only) of this section shall be provided via a second certification on said plans signed by a structural engineer or other appropriate professional licensed by the State.

17.130.130 Telecommunications facilities - Location.
All telecommunications facilities shall be located so as to minimize their visibility and the number of distinct facilities present. To this end all of the following measures shall be implemented:

A. No telecommunications facility shall be installed within the safety zone of any airport or helipad unless the operator indicates that it will not adversely affect the operation of the airport;

B. No telecommunications facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless technical evidence acceptable to the Planning Director or Planning Commission, as appropriate, is submitted showing that this is the only technically feasible location for this facility;

C. No telecommunications facility shall be installed on an exposed ridgeline, in or at a location readily visible from a public trail, public park or other outdoor recreation area, or on property designated with a W (Wetland) or ESOS (Environmental and Scenic Open Space Combining District), unless the Planning Commission makes a finding upon issuance of the conditional use permit that it blends with the surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable and that no other location is technically feasible;

D. No telecommunications facility that is readily visible from off-site shall be installed closer than one-quarter mile from another readily visible uncamouflaged or unscreened telecommunications facility unless it is a co-located facility, situated on a multiple-user site, or blends with the

surrounding existing natural and manmade environment in such a manner as to be effectively unnoticeable;

E. No telecommunications facility that is readily visible from off-site shall be installed on a site that is not already developed with telecommunications facilities or other public or quasi-public uses unless it blends with the surrounding existing natural and manmade environment acceptable to the Planning Director or Planning Commission, as appropriate, and information is submitted showing a clear need for this facility and the infeasibility of co-locating it on one of these former sites; and

F. Telecommunications towers shall be set back at least 20 percent of the tower height from all property lines and at least 100 feet from any public trail, park, Laguna buffer setback, or property line.

G. No commercial minor antenna greater than 35 feet in height and no major telecommunication facility may be installed within 75 feet of any property line of a parcel with a residential dwelling unit which is within 75 feet of said property line.

17.130.140 Telecommunications facilities - Height determination.
Telecommunications tower shall be measured from the natural undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building-mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted. In the case of “crank-up” or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

17.130.150 Telecommunications facilities - Co-located and multiple-user facilities.
A. An analysis shall be prepared by or on behalf of the applicant, subject to the approval of the decision-making body, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunications service. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the subject area. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the decision-making body making a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The City may require independent verification of this analysis at the applicant’s expense. Facilities which are not proposed to be co-located with another telecommunications facility shall provide a written explanation why the subject facility is not a candidate for co-location.

B. All co-located and multiple-user telecommunications facilities shall be designed to promote facility and site sharing. To this end telecommunications towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities and equipment buildings shall be shared by site users when in the determination of the Planning Director or Planning Commission, as appropriate, this will minimize overall visual impact to the community.

C. The facility shall make available unutilized space for co-location of other telecommunications facilities, including space for these entities providing similar, competing services. A good faith effort in achieving co-location shall be required of the host entity. Requests for utilization of facility space

and responses to such requests shall be made in a timely manner and in writing and copies shall be provided to the City's permit files. Unresolved disputes may be mediated by the Planning Commission. Co-location is not required in cases where the addition of the new service or facilities would cause interference of the host's signal or if it became necessary for the host to go off-line for a significant period of time.

17.130.160 Telecommunications facilities - Lighting.
A. All telecommunications facilities shall be unlit except for the following:

1. A manually operated or motion-detector-controlled light above the equipment shed door which shall be kept off except when personnel are actually present at night; and

2. The minimum tower lighting required under FAA regulation; and

B. Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby residences.

17.130.170 Telecommunications facilities - Roads and parking.
All telecommunications facilities shall be served by the minimum roads and parking areas necessary. To this end all the following measures shall be implemented:

A. Existing roads shall be used for access, whenever possible, and be upgraded the minimum amount necessary to meet standards specified by the Fire Chief and City Engineer. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent telecommunications facilities and/or other permitted uses. In addition, they shall meet the width and structural requirements of the Fire Chief and City Engineer;

B. Existing parking areas shall, whenever possible, be used; and

C. Any new parking areas constructed shall be no larger than 350 square feet.

17.130.180 Telecommunications facilities - Vegetation protection and facility screening.
All telecommunications facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility, where necessary. To this end all of the following measures shall be implemented:

A. A landscape plan shall be submitted with project application submittal indicating all existing vegetation that is to be retained on the site and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas. The landscape plan shall be in compliance with SMC 15.36, Water Efficient Landscape Program, and shall be subject to review and approval of the Design Review Board. All trees protected under SMC 8.12, Tree Protection, shall be identified in the landscape plan with indication of species type, diameter at four and one-half feet high, and whether it is to be retained or removed with project development;

B. Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power/telecommunications line routes involved shall be protected from damage, both during the construction period and thereafter. To this end, the following measures shall be implemented:

1. A tree protection plan shall be submitted with building permit or improvement plan submittal in accordance with SMC 8.12, Tree Protection. This plan shall be prepared by a certified arborist and give specific measures to protect trees during project construction;

2. Grading, cutting/filling, and the storage/parking of equipment/vehicles shall be prohibited in landscaped areas to be protected and the dripline of any trees required to be preserved. Such areas shall be fenced to the satisfaction of the Planning Director or Design Review Board, as appropriate. Trash, debris, or spoils shall not be placed within these fences nor shall the fences henceforth be opened or moved until the project is complete and written approval to take the fences down has been received from the Planning Director; and

3. All underground lines shall be routed such that a minimum amount of damage is done to tree root systems;

C. All areas disturbed during project construction other than the access road and parking areas required under SMC 17.130.170 shall be replanted with vegetation compatible with the vegetation in the surrounding area (e.g., ornamental shrubs or natural brush, depending upon the circumstances) to the satisfaction of the Planning Director;

D. Any existing trees or significant vegetation that die subsequent to installation of a tower shall be replaced with native trees and vegetation of a size and species acceptable to the Planning Director and City Arborist; and

E. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunications lines serving it.

F. All telecommunication facilities shall blend with the surrounding existing natural and manmade environment to the extent reasonably feasible.

17.130.190 Telecommunications facilities - Fire prevention.

A. All telecommunications facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end all of the following measures shall be implemented:

1. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;

2. Monitored automatic fire extinguishing systems approved by the Fire Chief shall be installed in all equipment buildings and enclosures;

3. Rapid entry (KNOX) systems shall be installed as required by the Fire Chief;

4. Type and location of vegetation and other materials within 10 feet of the facility and all new structures, including telecommunications towers, shall have review for fire safety purposes by the Fire Chief. Requirements established by the Fire Chief shall be followed; and

5. All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever comes first; and

B. Demonstration of compliance with requirements in subsections (A) (1) through (4) of this section shall be evidenced by a certificate signed by the Fire Chief on the building plans submitted.

17.130.200 Telecommunications facilities - Environmental resource protection.
All telecommunications facilities shall be sited so as to minimize the effect on environmental resources. To that end the following measures shall be implemented:

A. No telecommunications facility or related improvements including but not limited to access roads and power lines shall be sited so as to create a significant threat to the health or survival of rare, threatened or endangered plant or animal species;

B. No telecommunications facility or related improvements shall be sited such that their construction will damage an archaeological site or have an adverse effect on the historic character of a historic feature or site;

C. No telecommunications facility shall be sited such that its presence threatens the health or safety of migratory birds;

D. The facility installation shall comply with the policies contained with the Laguna de Santa Rosa Master Plan as contained within the Sebastopol General Plan pertaining to buffer setbacks from the Laguna, biotic resource protection and visual impact;

E. The facility shall comply with SMC15.16, Flood Damage Prevention;

F. Potential adverse visual impacts which might result from project related grading or road construction shall be minimized;

G. Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized; and

H. Drainage, erosion, and sediment controls shall be required as necessary to avoid soil erosion and sedimentation of waterways. Structures and roads on slopes of 10 percent or greater shall be avoided. Erosion control measures shall be incorporated for any proposed facility which involves grading or construction near a waterway or on lands with slopes over 10 percent. Natural vegetation and topography shall be retained to the extent feasible.

17.130.210 Telecommunications - Noise and traffic.
All telecommunications facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused the residents of nearby homes and the users of nearby recreational areas such as public parks and trails. To that end all the following measures shall be implemented:

A. Outdoor noise producing construction activities shall only take place on weekdays (Monday through Friday) between the hours of 7:30 a.m. and 5:30 p.m. unless allowed at other times by the Planning Commission;

B. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Noise attenuation measures shall be included to reduce noise levels to an exterior noise level of at least an Ldn of 60 dB at the property line and an interior noise level of an Ldn of 45 dB;

Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.; and

C. Traffic at all times shall be kept to an absolute minimum, but in no case more than two round trips per day on an average annualized basis once construction is complete.

17.130.220 Telecommunications facilities - Visual compatibility.
A. Facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunications service and to be compatible with neighboring residences and the character of the community.

B. The facility is designed to blend with any existing supporting structure and does not substantially alter the character of the structure or local area.

C. Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner; and

D. A visual analysis, which may include photo montage, field mock-up, or other techniques, shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility to the satisfaction of the Planning Director. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunications facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunications service.

17.130.230 Telecommunications facilities - NIER exposure.
A. Telecommunications facility shall not be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no telecommunications facility or combination of facilities shall produce at any time power densities in any inhabited area as this term is defined in SMC 17.08 that exceed the FCC adopted NIER standard for human exposure, as amended from time to time.

B. Initial compliance with this requirement shall be demonstrated for any facility within 400 feet of residential uses or sensitive receptors such as schools, churches, hospitals, etc., and all broadcast radio and television facilities, regardless of adjacent land uses, through submission, at the time of application for the necessary permit or entitlement, of NIER calculations specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed 80 percent of the NIER standard established by this section, the applicant shall hire a qualified electrical engineer licensed by the State to measure NIER levels at said location after the facility is in operation. A report of these measurements and his/her findings with respect to compliance with the established NIER standard shall be submitted to the Planning Director. Said facility shall not commence normal operations until it complies with, or has been modified to comply with, this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the City may require, at the applicant’s expense, independent verification of the results of the analysis.

C. Every telecommunications facility within 400 feet of an inhabited area and all broadcast radio and television facilities shall demonstrate continued compliance with the NIER standard established

by this section. Every five years a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the Planning Director. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels in either of these cases exceed 80 percent of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the State to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the Planning Director within five years of facility approval and every five years thereafter. In the case of a change in the standard, the required report shall be submitted within 90 days of the date said change becomes effective.

D. Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the conditional use permit or other entitlement use.

17.130.240 Telecommunications facilities - Minor facilities.

Minor telecommunications facilities as defined in SMC 17.08 may be installed, erected, maintained and/or operated in any zoning district where such facilities are permitted under this title so long as all the following conditions are met:

A. The facility complies with all of the minimum requirements specified in SMC 17.130.010 through 17.130.230 except as changed below:

B. The facility use involved is accessory to the primary use of the property which is not a telecommunications facility;

C. The facility does not exceed 35 feet in height;

D. No more than six minor antennas, satellite dishes no greater than 10 feet or less in diameter, panel antennas, or combination thereof, are allowed on the parcel;

E. No more than a single telecommunications tower and one related equipment building/structure is allowed on the parcel;

F. The combined NIER levels produced by all the telecommunications facilities and minor antennas present on the parcel are less than 10 percent of the NIER standard established in SMC 17.130.230;

G. The facility is located at least 75 feet away from any residential dwelling unit, except for one single-family residence on the property in which the facility is located;

H. The facility is located outside all yard and street setbacks specified in the zoning district regulations in which the facility is located and no closer than 20 feet to any property line;

I. Traffic at all times shall be kept to an absolute minimum, but in no case more than one round trip per day on an average annualized basis once construction is complete;

J. No native trees 20 inches or larger in diameter measured at four and one-half feet high on the tree would have to be removed;

K. Any new building(s) shall be effectively screened from view from off site;

L. The site has an average cross slope of 10 percent or less;

M. The total silhouette of a tower shall not exceed 80 square feet in area; and

N. All utility lines to the facility from public or private streets shall be undergrounded.

The Planning Director may deny a site plan permit for a minor telecommunications facility that meets all of the above standards if he/she determines, in his/her sole discretion, that the public interest would be furthered by having the Planning Commission review this matter. In that case and the case of any proposed facility that fails to meet one or more of the standards listed above, a conditional use permit approved by the Planning Commission shall be required to construct the facility in question.

17.130.250 Telecommunications facilities - Exceptions.

A. Exceptions to the requirements specified in SMC 17.130.010 through 17.130.210 may be granted through issuance of a conditional use permit by the Planning Commission. Such a permit may only be approved if the Planning Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard under consideration in the specific instance will not increase the visibility of the facility or decrease public safety.

B. An exception to the requirements of SMC 17.130.160 and 17.130.180 may only be granted upon written concurrence by the Fire Chief.

C. Tower setback requirements may be waived under any of the following circumstances:

1. The facility is proposed to be co-located onto an existing, legally established telecommunications tower; and
2. Overall, the reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.

17.130.260 Telecommunications facilities - Public notice.

In addition to the public notice required under SMC 17.400, the following special noticing shall be provided:

A. Notice of a public hearing on a conditional use permit authorizing the establishment or modification of a telecommunications facility shall be provided to the operators of all telecommunications facilities within one mile of the subject parcel via mailing of the standard legal notice prepared in response to SMC 17.400; and

B. Notice of the approval of a site plan by the Planning Director authorizing the establishment or modification of, or the renewal of a permit for, a telecommunications facility or minor antenna needing site plan review shall be mailed to all adjacent property owners within 300 feet. Mailing of said notice shall start an appeal period pursuant to SMC 17.455.

Chapter 17.140: WIND TURBINE TOWERS

17.140.010 Purpose – Applicability.
The purpose of these special permit criteria is to set forth guidelines and criteria by which specific applications for wind turbine towers are to be evaluated, in addition to the general conditional use permit criteria of the SMC.

17.140.020 Wind turbine tower criteria.
The following criteria shall be applied to wind energy conversion systems consisting of a wind turbine, a tower, and associated control or conversion electronics which will be used primarily to reduce or offset on-site consumption of utility power:

A. Tower height shall be calculated from height above grade of the fixed portion of the tower, excluding the wind turbine.

B. A conditional use permit shall be required for all wind turbine towers.

C. Applications shall include a site plan and elevations including certification thereof by a State-licensed professional mechanical, structural, or civil engineer.

D. All structural, electrical and mechanical components of the system shall conform to relevant and applicable local, State and national codes.

E. Applications shall include information demonstrating that the system will be used primarily to reduce or offset on-site consumption of electricity.

F. Applications shall include information demonstrating that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states in the application, that the system will not be connected to the electricity grid.

G. Applications shall include information analyzing potential shadow flicker effects on neighboring properties.

H. Applications shall include information certifying that the facility will not cause any disruption or loss of radio, television, telephone or similar signals to neighboring properties.

I. A small wind turbine tower system shall only be located on a parcel that is a minimum of one acre in size.

J. A tower shall not be located closer to a property line than one and one-half times the height of the tower.

K. Tower height shall not exceed a maximum height of 55 feet in residential districts, and 65 feet in nonresidential districts, and shall comply with any applicable Federal Aviation Administration (FAA) requirements.

L. Towers and associated equipment shall be of a nonobtrusive color, and towers shall not be lighted unless required by the FAA or other agency.

M. Except during short-term events including utility outages and severe wind storms, the system shall be designed, installed, and operated so that noise generated by the system does not exceed 55 dBA, as measured at the closest neighboring inhabited dwelling.

N. If electricity generated is terminated for 12 months or longer, the tower and all equipment associated with the system shall be removed.

O. In considering a conditional use permit, the Planning Commission shall have the authority to modify these standards based on specific characteristics of the property or the proposed installation, provided the Commission finds that such modifications are consistent with the intent of these regulations and of this title to promote harmonious land uses and minimization of adverse effects.

Chapter 17.150: CULTURAL HERITAGE

17.150.010 Purpose.
It is hereby declared as a matter of public policy that the purpose of this chapter is to promote the public health, safety and general welfare by establishing such procedures and providing such regulations as is deemed necessary to:

A. Recognize improvements which represent elements of the City's cultural, social, economic, political, and architectural history.

B. Foster civic pride in the beauty and accomplishments of the past.

C. Encourage the protection, restoration, and enhancement of the City's aesthetic and historic attractions to residents, visitors, and others, thereby serving as a stimulus and support to local commerce.

D. Promote the use of landmarks for the education, appreciation and welfare of the people of Sebastopol.

E. Preserve diverse and harmonious architectural styles and designs reflecting phases of the City's history and to encourage complementary, contemporary design and construction.

F. Protect and enhance property values and to strengthen the economy of the City and the financial stability of its inhabitants.

G. Conserve valuable material and energy resources by the ongoing use and maintenance of the existing built environment.

H. Foster and encourage the preservation, restoration and rehabilitation of structures, areas and neighborhoods and thereby prevent future urban blight

17.150.020 Additional Definitions.
Alteration, substantial means any exterior change or modification through public or private action to a landmark or site of historic interest, substantially affecting the exterior visual qualities of the property excluding ordinary maintenance.

Landmark means any improvement, site or natural feature which has been designated by the Planning Commission as appropriate for recognition pursuant to this chapter. Only such exterior elements which are visible from the public right-of-way may be subject to the controls of this chapter.

Site of historic interest means any improvement which has been designated as contributing to the historical heritage of Sebastopol and determined to be appropriate for official recognition by the Planning Commission pursuant to this chapter. Only such exterior elements which are visible from the public right-of-way may be subject to the controls of this chapter.

Substantial adverse change means any demolition, destruction, relocation, or alteration activities that would impair the significance of a designated resource.

17.150.030 Powers.
The Planning Commission, or City Council on appeal, shall have the following powers regarding landmarks and sites of historic interest:

A. Designate structures, sites, or other features as official City landmarks or sites of historic interest by resolution of the Planning Commission. However, no landmark or site of historic interest designation may be initiated, nor shall any application for designation be approved by the Planning Commission without the consent of the property owner, and in the case of property owned by the City of Sebastopol, the Planning Commission's actions relative to this chapter shall constitute recommendations to the City Council, with final authority resting with the City Council for such properties.

B. Conduct studies and evaluations of landmark and site of historic interest applications as necessary.

C. Maintain a listing and description of designated landmarks and sites of historic interest.

D. Review applications for significant alterations to or demolition of designated landmarks and sites of historic interest.

E. Remove a landmark or site of historic interest designation.

F. Work for the continuing education of the citizens of Sebastopol about the heritage of the City and its cultural resources.

G. Consult with and advise the City Council in connection with the exercise of the duties set forth in this chapter and in the General Plan.

H. Encourage public participation in the identification and preservation of historic resources.

I. Recommend zoning and General Plan amendments for the purpose of preserving historic resources.

1. The Director of Planning shall have the following powers regarding landmarks and sites of historic interest:
    a. Determine application requirements.
    b. Advise the Planning Commission and City Council regarding applications and other matters pertaining to this chapter.
    c. Determine whether a proposed alteration to a designated landmark or site of historic interest is substantial or not.
2. The City Council shall have the following powers regarding landmarks and sites of historic interest:
    a. Set application fees by resolution.
    b. Hear appeals of decisions of the Planning Commission.

c. Consider recommendations from the Planning Commission concerning other matters pertaining to historic resources.

17.150.040 Landmark designation criteria.
For purposes of this chapter, the Planning Commission may approve the landmark designation of a structure, improvement, or natural feature if it finds that it meets one or more of the following criteria:

A. It exemplifies, symbolizes, or manifests elements of the cultural, social, economic, political, or architectural history of the City.

B. It has aesthetic or artistic interest or value, or other noteworthy interest or value.

C. It is identified with historic personages or with important events in local, State or national history.

D. It embodies distinguishing architectural characteristics valuable to a study of a period, style, method of construction, or the use of indigenous materials or craftsmanship, or is a unique or rare example of an architectural design, detail or historical type valuable to such a study.

E. It is a significant or a representative example of the work or product of a notable builder, designer or architect.

F. It has a unique location, a singular physical characteristic, or is an established and familiar visual feature of a neighborhood or the City.

17.150.050 Site of historic interest designation criteria.
For purposes of this chapter, the Planning Commission may approve a site of historic interest designation of a structure, improvement, or natural feature if it finds that it meets one or more of the following criteria:

A. The site or structure contributes to an understanding of the cultural, social, economic, political, or architectural history of the City.

B. The site or structure is representative of a historical period in the development of Sebastopol.

C. The structure contributes to the historic architectural character of a neighborhood.

17.150.060 Review of demolition applications and significant alterations of historic resources.
A. The Planning Commission, or City Council on appeal, shall have the authority to conduct a review prior to the demolition or significant alteration of designated landmarks and sites of historic interest. Said review shall be initiated by an application filed by the property owner setting forth the proposed alterations or demolition, and the rationale for same.

B. The Planning Commission, or City Council on appeal, shall approve any proposed alteration or demolition, in whole or part, if it makes a determination in accordance with one or more of the following criteria:

1. In the case of any proposed alteration, restoration, removal or relocation, in whole or part, of or to a landmark or site of historic interest, the proposed work would not detrimentally

change, destroy or substantially adversely affect any exterior feature of the landmark or site of historic interest upon which such work is to be done.

2. In the case of a proposed demolition, the applicant has demonstrated that the affected structure is not considered unique or irreplaceable and its removal will not impair the visual, architectural, or historical value of the local setting, and/or the demolition is made necessary by unsafe conditions.

3. A determination is made, based on substantial evidence that denial of the application would result in a significant economic hardship. An application which requests a determination of economic hardship shall provide such information as the Planning Department and Planning Commission determines sufficient, such as:

    a. An estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of the cost that would be incurred to comply with the provisions of this chapter;

    b. A report from a licensed structural engineer or architect with experience in rehabilitation as to the structural soundness of any existing structures on the property and their suitability for rehabilitation;

    c. The estimated value of the property in its current condition; and after completion of the proposed construction, alteration, demolition or removal;

    d. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation of the existing structure(s) on the property;

    e. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and the buyer;

    f. If the property is income-producing, the annual gross income from the property for the previous two years, itemized operating and maintenance expenses for the previous two years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

    g. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;

    h. All appraisals obtained within the previous two years by the owner or applicant in connection with any actual or contemplated purchase, financing or sale of the property;

    i. Any listing of the property for sale or rent, including the rent or price asked and offers received, if any, within the previous two years;

    j. Assessed value of the property according to the most recent assessment;

k. The form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, listed partnership, joint venture or other;

l. Any other information considered necessary to make a determination as to whether the property does yield or may yield a reasonable return to the owners.

17.150.070 Removal of landmark or site of historic interest designation.
Criteria for removal of landmark or site of historic interest designation shall include one or more of the following:

A. New information is provided which nullifies the documentation upon which the designation was based.

B. Permitted modifications and alterations to, or destruction by, a catastrophic event or an approved demolition of the designated landmark or site of historic interest have eliminated or compromised the distinctive features which warranted the designation.

17.150.080 Procedure.
A. The Planning Department shall establish application requirements for landmark and site of historic interest designations, removal of same, and for proposed alterations or demolitions. The Planning Department shall conduct an evaluation of applications, and shall make recommendations to the Planning Commission regarding applications.

B. The property owner may request a landmark or site of historic interest designation or removal of a designation, or review of proposed alterations or demolition by filing an application with the Planning Department. No building permit or other required City permit shall be issued related to a designated landmark or site of historic interest unless required approvals under this chapter have been obtained and work is in conformity with such approvals.

C. Notice of a public hearing on landmark and site of historic interest designations, removal of same, and for proposed alterations or demolitions shall be published at least once no later than 10 days prior to the date of the hearing in a newspaper of general circulation. In addition, mailed notice shall be provided to the property owner, not less than 10 days in advance of the meeting at which the item will be considered. The last known name and address of such owner as shown on the records of the County Assessor may be used for this notice. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record or the non-receipt of any notice mailed pursuant to this chapter shall not invalidate any proceeding in connection with this chapter.

D. The Planning Commission shall conduct a public hearing at the time and place so fixed and noticed.

E. Action of the Planning Commission shall be by resolution, which provides facts and findings based on the criteria set forth in this chapter.

F. Notice of the designation of a landmark or site of historic interest, the removal of said designation, or the approval of alterations or demolition shall be transmitted to all City departments.

17.150.090 Appeals.
An appeal of a decision by the Planning Commission shall be processed in accordance with the following procedure:

A. Any person may appeal a determination or decision of the Planning Commission by properly filing with the Director of Planning an application to appeal on a form furnished by the Planning Department together with the established fee. Such application shall be filed within seven days from the date of decision.

B. The City Council shall conduct a hearing on the matter within 45 days after a complete appeal application is properly filed. Said time limit may be extended by mutual consent of the applicant and the City.

C. Written notice of the hearing shall be provided to the appellant and to the property owner (if not the appellant), at least 10 days in advance of the hearing.

17.150.100 Unsafe or dangerous conditions.
Nothing contained in this chapter shall prohibit the making of any necessary alteration, restoration, construction, removal, relocation or demolition, in whole or part, of or to a landmark or site of historic interest pursuant to a valid order of any governmental agency or pursuant to a valid court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. A copy of such valid order of any governmental agency or such valid court judgment shall be filed with the Director of Planning and in such cases, no review of proposed alterations or demolition is required by the Planning Commission.

17.150.110 Ordinary maintenance.
Nothing contained in this chapter shall be construed to prevent ordinary maintenance or repair or any exterior features of a landmark or site of historic interest which does not involve any detrimental change or modification of such exterior features. Examples of such work shall include, but is not limited to, the following:

A. Construction, demolition or alteration of side and rear yard fences.

B. Construction, demolition or alteration of front yard fences, if no change in appearance occurs.

C. Repairing or repaving of flat concrete or other flat surfacing in the side and rear yards.

D. Repairing or repaving of existing front yard paving, concrete work, and walkways, if the same or comparable material in appearance as existing is used.

E. Roofing work, if no or insignificant change in appearance results.

F. Foundation work, if no or insignificant change in appearance results.

G. Chimney work, if no or insignificant change in appearance results.

H. Landscaping, unless an existing landmark or site of historic interest designation specifically identifies the landscape layout, features, or elements as having particular historical, architectural, or cultural merit.

I. Painting of exterior features consistent with the character of the structure.

J. Replacement of siding, doors, windows and porch elements if no or insignificant change in appearance results.

K. Construction of access ramps pursuant to the requirements of the Americans with Disabilities Act.

17.150.120 Waiver.
The Building Official of the City shall have the power to vary or waive any provision of the Building, Electrical, Housing, Mechanical or Plumbing Codes, pursuant to such codes, in any case in which he determines that such variance or waiver does not endanger the public health or safety, and such action is necessary for the continued historical preservation of a landmark or site of historic interest

17.150.130 Preservation incentives.
All structures designated as landmarks and sites of historic interest shall be eligible for the following incentives:

A. Designated landmarks and sites of historic interest that are privately owned shall be considered qualified historic properties eligible for historical property contracts submitted or entered into, pursuant to State law, and upon resolution of the City Council.

B. The California State Historical Building Code shall be applied to alterations to designated landmarks and sites of historic interest as determined appropriate by the Building Official.

C. Any planning application fees other than fees related to this chapter shall be charged at 50 percent of the normal amount for designated landmarks and sites of historic interest.

D. A landmark or site of historic interest designation shall be considered a unique circumstance for purposes of considering a variance or other exception from the physical development standards of this title.

17.150.140 Violation.
Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this chapter, shall be guilty of a misdemeanor, and shall be deemed to be guilty of a separate offense during each and every day during any portion of which any violation of this chapter is commenced, continued, or permitted by such person, firm or corporation.

Chapter 17.160: NONCONFORMING USES

17.160.010 Purpose - Applicability.
The purpose of these regulations is to control, ameliorate, terminate, or lead to the eventual elimination of, uses which do not conform to this title. These regulations shall apply to all nonconforming uses.

17.160.020 Right to continue nonconforming use.
A nonconforming use which is in existence on the effective date of the ordinance codified in this title, or of any subsequent rezoning or other amendment thereto which makes such use nonconforming and which existed lawfully under the previous zoning controls, may thereafter be continued and maintained indefinitely, and the rights to such use shall run with the land, except as otherwise specified in the nonconforming use regulations. However, no substitution, extension, alteration, or other change in any nonconforming use is permitted, except as specifically provided hereinafter. If any nonconforming use ceases, the subsequent use of the land or building shall be in conformity with the regulations specified by this title for the district in which such land/building is located.

17.160.030 Nonconforming activities.
Nonconforming activity is a use or activity which is not itself permitted in the district in which it is located. Nonconforming activities shall be subject to the following:

A. The nonconforming use of a portion of a building may be extended throughout the building, and to new square footage added to the building; provided, that in each case a conditional use permit shall first be obtained.

B. The nonconforming use of a building may be changed to a use of the same or more restricted nature; provided, that in each case a conditional use permit shall first be obtained. If a nonconforming use is replaced by a use of lesser intensity, the occupancy thereafter may not revert to a nonconforming use of greater intensity.

C. If the nonconforming use of a building ceases for a continuous period of 12 months, it shall be considered abandoned and shall thereafter be used only in accordance with the regulations for the district in which it is located. Replacement uses continuing the nonconforming use within the 12-month period shall be substantially similar to the previous nonconforming use. The cessation or abandonment of use shall mean any giving up, closing, surrender, interruption, termination or discontinuance of a nonconforming use, regardless of intent to surrender the nonconforming use.

17.160.040 Nonconforming facility.
A nonconforming facility is a building or facility which is not itself permitted in the district in which it is located, or does not conform to the density, height, yard, buffering, landscaping or screening, or other requirements applying to facilities. Nonconforming facilities shall be subject to the following:

A. A nonconforming building damaged or destroyed by fire, explosion, earthquake, or other act of an extent of more than 50 percent of the replacement cost, as determined by the Building Official, may be restored only if made to conform to all the regulations of the district in which it is located; provided, that such building may be restored to a total floor area not exceeding that of the former building if a conditional use permit is first secured in each case.

1. Notwithstanding, single-family residences may be rebuilt and expanded in residential, commercial, industrial, downtown core and office districts without obtaining a conditional use permit; provided, that there is no increase in the number of dwelling units. Any expansion shall be allowed only if it complies with all current development standards for the district in which the subject property is located.

B. Ordinary maintenance and repairs may be made to any nonconforming building, providing no structural alterations are made and providing that such work does not exceed 15 percent of the appraised value in any one-year period, except for single-family residences, which may make improvements and expansions, provided no increase in the number of dwelling units result and that any expansion complies with applicable development standards. Other repairs or alterations may be permitted; provided, that a conditional use permit shall first be secured in each case.

C. Drive-through uses existing as of December 18, 2012 may be modified for aesthetic, safety, or other reasons as determined appropriate by the City, but no modifications that would intensify or expand the use shall be permitted.

D. Nothing contained in this chapter shall be deemed to require any change in the plans, construction or designated use of any building of which a building permit has properly been issued in accordance with the provisions of ordinances then effective, and upon which actual construction has been started prior to the effective date of the ordinance codified in this chapter; provided, that in all such actual cases construction shall be diligently carried on until completion of the building.

E. Minor antennas and their associated support structure, including those facilities used by licensed amateur radio operators in the Amateur Radio Service, approved prior to January 1, 1997, shall be deemed legal, prior existing facilities and shall not be subject to any of the requirements established in Chapter 17.130 SMC or the zoning district in which they are located. However, if the facility use is abandoned for a continuous period of twelve months, the facility is destroyed in excess of 50 percent of its appraised value or the facility is expanded, enlarged or rebuilt in excess of 15 percent of the appraised value in any one-year period, then the appropriate requirements of SMC 17.130 SMC shall apply.

Chapter 17.200: RESIDENTIAL DENSITY ALLOWANCES

17.200.010 Purpose - Applicability.
The purpose of this general provision is to establish regulations regarding residential densities which apply in all districts that allow residential uses.

17.200.020 Studio apartment density.
Studio apartments shall count as one-half of a dwelling unit for purposes of calculating allowable densities.

17.200.030 Maximum density during construction.
Whenever a new residential facility is constructed on any lot upon which there presently exists a residential facility, and such existing facility is to be retained and occupied temporarily pending completion of the new residential structure, the maximum density prescribed for such lot shall be computed upon the basis of the new facility only. However, such existing facility shall be vacated and physically removed within one year after commencement of construction of the new facility unless the existing and new facility together shall conform to said maximum density requirements.

Chapter 17.210: MANUFACTURED HOMES

17.210.010 Purpose and intent.
The purpose of this chapter is to establish criteria for manufactured homes consistent with Government Code Section 65852.3.

17.210.020 Standards.
A. A manufactured home and the lot on which it is placed shall be subject to the same development standards to which a conventional single-family residential dwelling on the same lot would be subject, including, but not limited to, building setback standards, side and rear yard requirements, standards for enclosures, access, and vehicle parking, aesthetic requirements, and minimum square footage requirements.

B. Architectural requirements imposed on a manufactured home structure, exclusive of any requirement for any and all additional enclosures, shall be limited to its roof overhang, roofing material, and siding material. Architectural requirements for roofing and siding material shall not exceed those which would be required of conventional single-family dwellings constructed on the same lot.

Chapter 17.220: ACCESSORY DWELLING UNITS

17.220.010 Purpose.
This chapter provides for accessory dwelling units and junior accessory dwelling units consistent with Government Code Section 65852.2.

17.220.020 Accessory dwelling unit criteria.
A. Location. Accessory dwelling units may be allowed only on parcels zoned for single-family, duplex or multifamily use, or on non-residentially zoned properties which are currently used only for a single-family residential use, either simultaneous to or subsequent to construction of the principal single-family detached dwelling. In addition, an existing dwelling unit that complies with the development standards for accessory dwelling units in subsection D. of this section may be considered an accessory dwelling unit, and a new principal unit may be constructed, which would then be considered the principal dwelling unit.

B. Limitation. In no case shall more than one accessory dwelling unit be placed on the same lot or parcel.

C. All requirements and regulations of the district in which the lot is situated shall apply, except as set forth in subsection D. of this section.

D. Conditions. The accessory dwelling unit may be established by the conversion of an attic, basement, garage or other portion of an existing residential unit or by new construction; a detached accessory dwelling unit may be established by the conversion of an accessory structure or may be established by new construction provided the following criteria are met:

1. Floor Area. The floor area of the accessory dwelling unit shall not exceed:
   a. Parcels of 10,000 sq. ft. or greater: 1,000 square feet.
   b. All other parcels: 840 square feet.
2. The increased floor area of an attached accessory dwelling unit shall not exceed 50% of the existing living area.
3. Height. The height of a one-story detached accessory dwelling unit shall not exceed 17 feet, and a detached two-story accessory dwelling unit shall not exceed 25 feet.
4. Architecture. Accessory dwelling units shall be substantially compatible with the principal unit and the neighborhood.
5. Setbacks. Two-story accessory dwelling units and accessory dwelling units attached to the primary residence shall be subject to the same minimum side, front, and rear setback requirements as the primary residence. Detached one-story accessory dwelling units shall be subject to one-half of the primary residence side and rear setbacks, but not less than five feet. However:
   a. No setback shall be required for a garage existing as of July 1, 2017 that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and

rear lots line shall be required for an accessory dwelling unit that is constructed above a garage.

7. Manufactured and Mobile Homes. Manufactured and mobile home accessory dwelling units, as that meet the requirements of State law, shall be allowed, provided that they are constructed on a permanent foundation, are deemed substantially compatible architecturally with the principal unit by the Planning Director, and adhere to the development standards set forth in this chapter.

8. Utility Connections. At the discretion of the City Engineer, utility connections (sewer, water, gas, electricity, telephone) may or may not be connected to the principal dwelling unit. If utility connections are separate from the principal unit, power and telephone lines shall be underground from the point of source as approved by the respective utility purveyor to the accessory dwelling unit. However:

    a. For the creation of an accessory dwelling unit contained within the existing space of a single-family residence or accessory structure the City shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

9. Selling Accessory Dwelling Units. The accessory dwelling unit shall be not offered for sale apart from the principal unit.

10. Renting Accessory Dwelling Units. The rental of an accessory dwelling unit is allowed, but not required.

    a. Accessory dwelling units authorized after July 1, 2017 may not be rented on a transient occupancy basis (less than thirty (30) days), unless a conditional use permit for transient occupancy has been granted.

11. Separate Entrance Required. The entry to an attached accessory dwelling unit shall be accessed separately and securely from the principal unit.

    a. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. For the purpose of this chapter, a passageway is pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

12. Applicable Codes. Accessory dwelling units must comply with applicable building, fire and other health and safety codes.

13. Lot Coverage. Accessory dwelling units shall not be considered when calculating the maximum lot coverage allowed.

14. Parking.

    a. No parking requirement shall apply.

    b. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement space may be located

in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

E. Application Procedure. Planning Director approval shall be required for all accessory dwelling units. The property owner shall file a completed administrative review application with the Planning Department and pay all applicable fees. The completed application form shall include, but not be limited to, data on the floor space and height of the proposed unit and the existing residential unit(s), a photograph of the existing residential unit(s), the height of adjacent residences, and an accurately drawn site plan showing the location and size of all existing and proposed structures, the proposed accessory dwelling unit, setbacks, utility connections and vehicle parking.

F. Conversion of Existing Structures into Accessory Dwelling Units. Subject to the approval of the Planning Director, in the case of the conversion of a non-garage one-story building legally constructed prior to October 19, 2004, the rear setback shall conform to the setback requirement for an accessory building; however, the structure is not required to meet the side yard setback if nonconforming. In acting on such an application, the Planning Director may impose conditions requiring physical changes in the unit to ensure conformance to physical development standards.

G. Existing Non-permitted Accessory Dwelling Units. The Planning Director may approve an accessory dwelling unit constructed without benefit of required permits; provided, that the unit conforms to the current building code, is subject to applicable current permit and impact fees, and conforms to setback, height, area, and other physical development standards otherwise applicable.

H. Accessory dwelling units shall not be counted as “development units” under the General Plan density requirements.

I. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including sewer and water.

J. If the accessory dwelling unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety, said accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary residence (unless otherwise required by the Fire Chief based on State law). This only applies to development inside of existing residences or accessory structure conversions.

17.220.030 Junior accessory dwelling unit criteria.

A. Location. Junior accessory dwelling units may be allowed only on parcels zoned for single-family residential use with an existing single-family dwelling unit on the parcel.

B. Limitation. In no case shall more than one junior accessory dwelling unit be placed on the same lot or parcel.

C. Occupancy. Owner-occupancy is required in the single-family dwelling unit in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the single family dwelling unit or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.

D. Existing Structure/Bedroom. A junior accessory dwelling unit shall be located within the existing walls of the structure and requires the inclusion of an existing bedroom.

E. Entrance. A junior accessory dwelling shall include its own discrete entrance, separate from the main entrance to the structure, with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.

F. Kitchen. The junior accessory dwelling unit shall include an efficiency kitchen, which shall include all of the following:

1. A sink with a maximum waste line diameter of 1.5 inches.

2. A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.

3. A food preparation counter, refrigerator, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

G. Parking. No parking requirement shall apply.

H. Deed Restriction. The junior accessory dwelling unit shall not be offered for sale apart from the principal unit. A deed restriction, which shall run with the land, shall be filed with the City and shall include both of the following:

1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and

2. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

I. Timing. A permit shall be issued within 120 days of submission of an application for a junior accessory dwelling unit that meets the criteria in this section.

J. For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

K. For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

Chapter 17.225: TEMPORARY CARE UNIT

17.225.010 Standards.
A. A temporary care unit may be allowed in any residential district, subject to the standards of the SMC, including applicable height, yard, and setback standards.

B. No additional parking is required for a temporary care unit.

17.225.020 Permit requirements.
A. A temporary care unit requires a temporary use permit.

B. One temporary care unit per parcel may be considered for approval by the Planning Director; more than one temporary dwelling unit per parcel shall be considered for approval by the Planning Commission.

C. The term of the temporary use permit may exceed the term provisions identified in SMC 17.400 and 17.430. The term for a temporary use permit for a temporary care unit shall be up to one year and shall be allowed six month extensions as long as there is a continued demonstrated need.

17.225.030 Findings for approval of temporary care units.
Temporary care units conforming to these provisions shall only be approved if the following findings can be made in an affirmative manner:

A. The subject property is physically suitable for the type of development proposed;

B. The applicant has demonstrated a need for the temporary care unit.

C. Appropriate utility connections will be provided.

D. Appropriate setbacks will be provided.

E. The proposed development would be compatible with existing and permissible land uses within the district and the general area in which the proposed use is to be located;

F. Approval of the proposed development will not be detrimental to the public health, safety, convenience or general welfare; and

G. Approval of the proposed development is consistent with the General Plan.

Chapter 17.230: SMALL LOT SUBDIVISIONS

17.230.010 Purpose and intent.
Notwithstanding the requirements of the standards otherwise applicable in the residential districts (R3 through R7), in order to promote provision of affordable housing units and to help meet inclusionary housing requirements of SMC17.250, the following standards are allowed for new single-family residential subdivisions subject to the discretionary review and approval of the Planning Commission and City Council and the requirement that any project must comply with the land densities of the General Plan.

17.230.020 Lot configurations and sizes required.
Small lot subdivisions are permitted on parcels 15,000 square feet or larger in the R3 and R4 districts and on parcels 8,000 square feet or larger in the R5, R6, and R7 districts. The minimum lot size is 1,500 square feet; a reduced lot size may be allowed for attached single family development..

17.230.030 Minimum yard setback requirement.
Small lot subdivisions shall meet the setback requirements established below unless the underlying district has reduced requirements, in which case the underlying district standards for rear, front, street side, and interior side yard setbacks may be used rather than those listed in paragraphs A through E below.

A. Rear Yard Setback. The minimum rear yard setback shall be 10 feet.

B. Front Yard Setback. The front yard setback shall be not less than 15 feet, except that a covered porch may extend seven feet into the required front yard setback.

C. Interior Side Yard Setbacks. The minimum side yard setback for a single parcel shall be four feet except for structures sharing common walls.

D. Street Side Yard Setback. The minimum street side yard setback shall be 15 feet, except that a covered porch may extend seven feet into the required street side yard setback.

E. The garage or carport front, when the entrance faces the street, shall be 20 feet to the rear of the public sidewalk, or 20 feet from the property or adopted street plan line, whichever is greater.

17.230.040 Private open space requirement.
All single-family lots shall provide a minimum of 150 square feet of usable private open space as described in SMC 17.20.040.

17.230.050 Maximum building height.
The maximum building height shall be 30 feet in height.

17.230.060 Maximum lot coverage.
Sixty-five percent.

17.230.070 Parking requirement.
Parking shall be provided as required by SMC17.110.

17.230.080 Relationship to other development standards.

Except as specifically set forth herein, or in a development standards statement approved in conjunction with subdivision, projects approved under these small lot subdivision standards shall conform to all other requirements of the underlying district as described in this title; SMC Title 16, Subdivisions; and other City requirements.

17.230.090 Findings for approval of small lot subdivisions.

Small lot subdivisions conforming to these provisions shall only be approved if the following findings can be made in an affirmative manner:

A. The subject property is physically suitable for the type of development proposed;

B. The proposed development would be compatible with existing and permissible land uses within the district and the general area in which the proposed use is to be located;

C. The proposed development, including the density, site design, and design of units, is compatible with the existing neighborhood and nearby uses.

D. Approval of the proposed development will not be detrimental to the public health, safety, convenience, or general welfare; and

E. Approval of the proposed development is consistent with the General Plan.

Chapter 17.240: CONDOMINIUM CONVERSION

17.240.010 Title.
This chapter shall be known as the “Condominium Conversion Ordinance”

17.240.020 Applicability.
This chapter shall apply to the conversion of any existing or approved multifamily residential development (occupied or unoccupied) to a condominium, community apartment project, stock cooperative, or any other subdivision which is a conversion of rental housing.

The conversion of an approved development project which has not yet been constructed shall require an amendment of any discretionary permits previously issued by the City of Sebastopol, as well as the issuance of a final subdivision map, in accordance with SMC Title 16.

This chapter shall not apply to a limited-equity housing cooperative, as defined in Business and Professions Code Section 11003.4.

17.240.030 Purpose.
The purpose of this chapter is to establish criteria and procedures for the conversion of existing multifamily rental housing units to condominiums, community apartments, stock cooperatives, or any other subdivision which is a conversion of rental housing. These regulations are necessary to ensure a continued balance of ownership and rental units in Sebastopol, as well as maintaining a variety of choices of tenure, type, price, and location of such housing units.

This chapter also defines standards which will ensure that the converted units meet physical standards required by applicable laws and ordinances, that purchasers of converted units are properly informed of the physical condition of the structure which is offered for purchase, and which will ensure the performance of long-term maintenance responsibilities in a condominium development.

17.240.040 Additional Definitions.
“Condominium,” “condominium project,” “community apartment,” and “stock cooperative” shall be defined in accord with the law of the State as the same may from time to time be amended (Business and Professions Code, Civil Code). For purposes of this chapter, the term “condominium” shall include all of the above terms.

“Conversion” means a proposed change in the type of ownership of a parcel or parcels of land, together with the existing attached structures, from residential rental realty to a condominium, as defined herein, regardless of whether substantial improvements have been made to such structures. Whenever any building permit has been issued by the City for a multifamily building, any attempt thereafter to make the project a condominium shall constitute a conversion.

“Disabled tenant” means an individual with a disability as defined in the California Fair Employment and Housing Act (Government Code Section 12926).

“Just Cause Eviction”. A landlord may lawfully evict a tenant for failing to pay rent, violating a lease agreement or refusing to renew a lease, causing damage to the premises or creating a nuisance, using the unit for an illegal purpose, or denying the landlord access to the property. A tenant may also be lawfully evicted if his/her occupancy is conditioned upon employment on the property and

that employment is terminated. An owner may also require a tenant to move out if the owner wishes to use the unit for their principal residence or use the unit for the principal residence of the owner's spouse, domestic partner, child, parent, or grandparent. Landlords may also require the vacation of a unit in order to complete repairs for code compliance which repairs may not reasonably be completed with the tenant in residence. In this case, tenants have the right to move back into the unit once the repairs are completed.

"Unjust eviction" means an eviction for any reason other than that defined as a just cause eviction.

17.240.050 Fees and deposits.
In addition to the fees charged for services provided by City staff in conjunction with the processing of a condominium conversion permit, as set forth and amended by resolution of the City Council, the applicant shall deposit with the City an amount equal to $250.00 for each unit proposed to be converted which is occupied by a tenant eligible for relocation assistance. These funds shall be used by the City of Sebastopol to cover the costs incurred in monitoring compliance with the obligations set forth under this chapter, and in providing technical assistance for affected tenants. Nothing contained in this chapter shall impose a duty upon the City to pay any relocation benefits to eligible tenants.

The schedule of fees charged for staff services provided in conjunction with the processing of a condominium conversion permit is available from the City Planning Department.

17.240.060 Applications.
Condominium conversion applications shall include the following information, and shall be submitted on a form prescribed by the City:

A. All documentation and information required for a tentative subdivision map, as described in SMC Title 16 (Subdivisions) and on forms available from the Planning Department.

B. Full architectural plans, including floor plans that specifically identify the square footage and number of rooms in each unit, building elevations, and a site plan specifically identifying the following:

1. All common areas;
2. The boundaries of each unit;
3. The location of the covered storage area (as defined in SMC 17.240.080(E) (3)) for each dwelling unit;
4. Location of all driveways and parking areas, including the number and location of spaces to be designated for each unit;
5. Location of all pedestrian ways;
6. Location of all open storage and refuse areas;
7. Location of all walls and fences.

C. Specific information regarding the demographic characteristics of the project, its current tenants, and expected future occupants, including, but not limited to, the following:

1. Rental rate history for each type of unit for the previous two years, and any utilities included in rent;
2. Monthly vacancy rate for each month during the preceding two years;
3. Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether receiving Federal or State rent subsidies;
4. Names and addresses of all tenants;
5. Expiration date of any current lease agreements;
6. Proposed sale price of units;
7. Proposed homeowners' association fee; and
8. Financing available.

D. Declaration of Inclusionary Unit(s). The applicant shall identify which unit(s) will be regulated for affordability in compliance with SMC 17.250. This declaration shall include a preliminary determination as to whether the current tenant(s) of the identified unit(s) meet the income limits for such a regulated unit.

1. If the current tenant does not qualify, the developer shall provide written notification to the tenant that he/she must vacate the unit within one year from the date of issuance of the subdivision public report pursuant to Business and Professions Code Section 11018.2. Upon vacation of the unit, the developer shall ensure that any future tenant meets the income limits for such a regulated unit.
    a. The developer must provide the Planning Department with written verification that each affected tenant has received the required notification at least 10 days before a public report will be submitted to the Department of Real Estate.
2. The developer shall offer the current tenant the right of first refusal for the purchase of any unregulated unit which becomes available during the one-year time frame. Such an offer shall include the same terms and conditions identified in SMC 17.240.090(B) (1) (e).

E. Physical Elements Report. This is a report prepared by a registered engineer or architect, a licensed qualified general contractor, or a licensed building inspection service describing the physical elements of all structures and facilities. The report shall include, but not be limited to, the following:

1. A report detailing the condition of all elements of the property including paving, walkways, and site drainage, foundations, electrical systems, plumbing, heating and air conditioning units, utilities, walls, roof structure and coverings, ceilings, windows, guardrails and steps, fire safety provisions (including fire walls), recreational facilities, exterior and interior insulation (sound and thermal), ventilation weather stripping, interior and exterior lighting, mechanical equipment, parking facilities, landscaping, and any appliances to be left in the units.

For each element, the report shall state, to the best knowledge or estimate of the applicant, when such element was built or installed, the condition of each element, when said element was replaced (if ever), the approximate date upon which said element may require replacement, the cost of replacing said element, and any variation of the physical condition of said element from the current zoning requirements, including but not limited to parking, setbacks, density, and lot coverage, and from the Building Code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any noncompliant, defective, or unsafe elements and shall set forth recommended corrective measures to be employed.

2. A report from a licensed structural pest control operator on each building and on each unit within a building.

3. A report from a qualified professional indicating that the condominium units comply with the State noise insulation standards (Administrative Code Section 1092), or outlining the steps that must be taken to ensure compliance.

4. A statement of repairs and improvements to be made by the subdivider which are necessary to refurbish and restore the project to achieve a high degree of appearance and safety.

F. Declaration of Covenants, Conditions, and Restrictions. All condominium projects shall provide an ownership association responsible for the care and maintenance of all common areas and common improvements and any other interest common to the condominium owners. The definition of said ownership association shall be included in a declaration of covenants, conditions, and restrictions which shall be submitted to the City for review, and which shall include, but not be limited to, information regarding the following:

1. Conveyance of units;

2. Assignment of parking;

3. Maintenance schedule and agreement for all common areas, including facilities and landscaped areas, together with an estimate of any initial assessment fees anticipated for such maintenance;

4. Description of a provision for maintenance of all vehicular access areas within the project;

5. An indication of appropriate responsibilities for maintenance of all utility lines and services for each unit;

6. A plan for equitable sharing of communal water metering;

7. A provision that the individual owner cannot avoid liability for his/her prorated share of the expenses for the common area by renouncing rights in the common area; and

8. A provision for the City to make any repairs or engage in any maintenance necessary to abate any nuisances, public health or safety hazards, and assess the owners of the condominium units for such repair or maintenance.

G. Written verification from each tenant of receipt of required notices defined in SMC 17.240.090(B).

H. Any other information which, in the opinion of the Planning Director, will assist in determining whether the proposed project will be consistent with the purposes of this chapter.

17.240.070 Findings.

The Planning Commission may issue a recommendation for approval, and the City Council may approve a condominium conversion permit if all of the following findings are made:

A. An environmental review has been completed and the proposed condominium project, as conditioned, is found to be in conformance with all statutes of the California Environmental Quality Act.

B. The proposed condominium project, as conditioned, is found to be in conformance with all applicable laws, ordinances, and regulations pertaining to the State Subdivision Map Act and SMC Title 16 (Subdivisions), and to the adopted building and fire codes.

C. The proposed condominium project, as conditioned, is found to be in conformance with the Sebastopol General Plan, especially with the objectives, policies, and programs of the Housing Element that are designed to provide affordable housing to all economic segments of the population, and any applicable specific plan.

D. The developer has submitted documentation substantiating that all required notices have been provided to tenants, and has agreed to provide all future notices, as required by SMC 17.240.090.

E. The condominium development, when evaluated as a single entity, is found to be in conformance with current zoning standards in this title for the underlying district. The building setbacks, as measured from the outside walls of the unit(s) closest to any property line, shall conform to existing setback requirements; the maximum height of any portion of any unit may not exceed current height limits; and there must be a sufficient number of parking spaces to satisfy current parking requirements. Lot coverage shall be calculated as follows: the footprint of the entire group of units/the underlying parcel size.

F. The proposed condominium project, as conditioned, is found to comply with the State noise insulation standards.

G. The proposed declaration of covenants, conditions, and restrictions is found to properly address issues defined in SMC 17.240.060(E).

H. The overall design of the project is visually appealing, and the physical condition of the project exhibits a high level of quality and safety.

I. The proposed project, combined with any other approved condominium conversions, will not result in the conversion of more than the net production of new multifamily rental units in Sebastopol since the 2000 census year, or the conversion of more than three percent of the multifamily rental units in Sebastopol during the current calendar year, whichever is less.

1. The net production of new multifamily rental units shall be determined by subtracting the total number of multifamily units that have been demolished from the total number of

multifamily units that have received certificates of occupancy. This number shall be determined by the Planning Director.

2. The total number of multifamily rental units shall be calculated as follows:

[Total number of renter-occupied housing units (not including "1, detached" and "1, attached") identified in Census Table QT-H10] plus [total number of multifamily housing units constructed since January 1st of the census year]. This number shall be determined by the Planning Director.

J. Vacancies in the project have not been intentionally increased in the 12 months prior to submission of a Condominium Conversion application, for the purpose of preparing the project for conversion through evictions without just cause.

K. The project will not result in the unjust eviction of a senior citizen (62 years or older), disabled, or very low-income tenant, nor will it result in the unjust eviction of a single head of household living with one or more minor children.

L. The project will not result in the loss of housing stock which is regulated for affordability to low- and very low-income households.

17.240.080 Conditions of approval.

In addition to any reasonable conditions of approval which the City Council may impose to assure compliance with applicable regulations and standards, the following conditions shall apply to all condominium conversion projects:

A. Any structural or mechanical elements identified in the structural engineer's report as having a useful life of less than two years shall be replaced by the applicant prior to approval of a final subdivision map. The Planning Commission may require that other elements be refurbished and restored in order to achieve high quality appearance and safety.

B. The subdivider shall provide each purchaser with a copy of the physical elements report and the declaration of covenants, conditions and restrictions prior to said purchaser executing any purchase agreement or other contract to purchase a unit in the project. Copies of the submittals shall be made available at all times at the sales office and shall be provided to the homeowners' association upon its formation.

C. Prior to the close of escrow, the subdivider shall submit the following information to the Planning Department:

1. Name, address and phone number of homeowners' association;

2. Actual sales price of units;

3. Actual homeowners' association fees;

4. Number of prior tenants who purchased units; and

5. Number of units purchased with intent to be used as rentals.

D. A physical inspection of each unit shall be completed by the Building Official prior to final map approval to ensure compliance with applicable codes, as adopted and amended by SMC 15.04.

E. The following physical standards shall be met. The project shall conform to the applicable codes, as adopted and amended by SMC 15.04, in effect on the date the last building permit was issued for the subject structure or structures, except as follows:

1. Each dwelling unit shall be separately metered for water, gas, and electricity. One separate water meter shall be installed for common areas.

2. Sound Attenuation. Floor-to-ceiling and wall-to-wall assemblies between each condominium unit must meet sound transmission and sound impact classes of 50 lab test, or 45 field test, as prescribed in the applicable codes, as adopted and amended by SMC 15.04, for new construction.

3. Each unit shall have at least 200 cubic feet of enclosed weather-proofed and lockable private storage space in addition to guest, linen, pantry and clothes closets customarily provided. Such space may be provided in any location approved by the Planning Department, but shall not be divided into two or more locations.

4. A laundry area shall be provided in each unit; or, if common laundry facilities are provided, such facilities shall consist of not less than one automatic washer and one dryer of equivalent capacity for every five units.

5. The developer shall provide a warranty to the buyer of each unit at the close of escrow that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks and air conditioners that are provided have a useful life of at least two years. At such time as the homeowners' association takes over management of the development, the developer shall provide a warranty to the association that any pool and pool equipment (filter, pumps, chlorinator) and any appliances and mechanical equipment to be owned in common by the association have a useful life of at least two years. Prior to final map approval, the developer shall provide the City with a copy of warranty insurance covering equipment and appliances pursuant to this section.

6. All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, and additional elements as required by the Community Development Department shall be refurbished and restored as necessary to achieve a high degree of appearance, quality and safety. The developer shall provide to the homeowners' association and/or purchaser a minimum two-year warranty on all physical improvements required under this section. If substantial exterior restoration is required, the design plans shall be subject to Design Review.

F. Prior to approval of the final map, the developer shall provide evidence to the City that a long-term reserve fund for replacement has been established in the name of the homeowners' association. Such fund shall equal two times the estimated monthly homeowner's assessment for each dwelling unit.

17.240.090 Noticing requirements.
A. Public Hearing Notice. The Planning Commission and City Council shall hold public hearings on the condominium conversion permit, which shall be noticed in accordance with SMC 17.400.

B. Tenant Notification. All tenant notification requirements described herein are in accordance with Government Code Section 66427.1, and shall be amended at such time as the Government Code may be amended.

1. Current Tenants.

   a. The applicant must provide the Planning Department with written verification that each of the tenants of the proposed condominium project has received written notification of intention to convert at least 60 days prior to the filing of a tentative map.

      The notice shall be as follows:

   To the occupant(s) of (address) ___________________________:

   The owner(s) of this building, at (address), plans to file a tentative map with the (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative project). You shall be given notice of each hearing for which notice is required pursuant to Government Code Sections 66451.3 and 66452.5, and you have the right to appear and the right to be heard at any such hearing.

   _________________________________ (Signature of owner or owner's agent)

   _________________________________ (Date)

   b. The applicant must provide the Planning Department with written verification that each tenant of the proposed condominium project has received 10 days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report will be available on request.

   c. The applicant must provide the Planning Department with written verification that each of the tenants of the proposed condominium project has been given written notification within 10 days of approval of a final map for the proposed conversion.

   d. The applicant must provide the Planning Department with written verification that each of the tenants of the proposed condominium project has been, or will be, given 180 days' written notice of intention to convert prior to termination of tenancy due to the conversion or proposed conversion.

   e. The applicant must provide the Planning Department with written verification that each of the tenants of the proposed condominium project has been, or will be, given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 120 days from the date of issuance of the subdivision public report

pursuant to Business and Professions Code Section 11018.2, unless the tenant gives prior written notice of his or her intention not to exercise the right.

f. These written notices shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

2. Prospective Tenants. Commencing at a date not less than 60 days prior to the filing of a tentative map for the purpose of completing a condominium conversion, the applicant shall give notice of such filing to each person applying after such date for rental of a unit in the subject property immediately prior to acceptance of any rent or deposit from the prospective tenant.

   The notice shall be as follows:

To the prospective occupant(s) of (address) ___________________________:

The owner(s) of this building, at (address), has filed or plans to file a tentative map with the City of Sebastopol to convert this building to a (condominium, community apartment, or stock cooperative project). No units may be sold in this building unless the conversion is approved by the city and until after a public report is issued by the Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

_________________________________ (Signature of owner or owner's agent)

_________________________________ (Date)

I have received this notice on (date) ____________.

_________________________________ (Prospective tenant's signature)

17.240.100 Tenants' rights.

A. Each tenant currently residing in a rental unit which is part of a proposed condominium conversion project shall have the following minimum rights. These rights shall be set forth in a notice of tenants' rights, which the subdivider shall be responsible for providing to the affected tenants.

1. After receipt of this notice, each tenant will be entitled to terminate his or her lease or rental agreement without any penalty upon notifying the subdivider in writing 30 days in advance of such termination; provided, however, that this requirement shall cease upon notice to the tenant of the abandonment of subdivider's efforts to convert the building.

2. No tenant's rent will be increased from the date of issuance of this notice until at least 12 months after the date the subdivider files the tentative map or tentative parcel map with the City; provided, however, that this requirement shall cease upon abandonment of subdivider's efforts to convert the building.

3. No significant remodeling of the interior of tenant-occupied units shall begin until at least 30 days after issuance of the final subdivision public report or, if one is not issued, after the start of subdivider's sales program. (For purposes of this chapter, the start of subdivider's sales program shall be defined as the start of tenants' 120-day first-right-of-refusal period set forth below). This does not preclude the property owner from completing normal maintenance and repair activities.

4. Each tenant shall have an exclusive right to contract for the purchase of his or her unit or, at the tenant's option, any other available unit in the building upon the same or more favorable terms and conditions that such units will be initially offered to the general public, such right to run for at least 120 days from the issuance of the final subdivision public report or, if one is not issued, from the start of subdivider's sales program.

5. Each tenant shall have a right of occupancy of at least 180 days from the issuance of the final subdivision public report or, if one is not issued, from the start of subdivider's sales program, prior to termination of tenancy due to conversion.

6. Tenants who are 62 years or older, disabled, or are very low-income tenants (as defined by HUD) shall be provided a lifetime lease on their unit or, at tenant's option, on any other available unit in the building. This provision shall also apply to tenants who are single heads of household with one or more minor children for as long as there are minor children living in the residence. Such leases, to commence no later than the date of issuance of the final subdivision public report, or, if one is not issued, no later than the start of subdivider's sales program, shall be subject to the following conditions:

    a. Tenants shall have the option of canceling the lease at any time upon 30 days' written notice to the owner.

    b. Tenants cannot be evicted except for just cause.

    c. Right of occupancy shall be nontransferable.

    d. Except as provided hereinabove, terms and conditions of the lifetime lease shall be the same as those contained in tenant's current lease or rental agreement.

7. No low- or moderate-income tenant, and no elderly tenant, shall at any time after the submission of the conversion application be evicted for the purpose of occupancy by the owner, or by occupancy by any relative of the owner. In the event the tenant does not exercise his or her right to purchase within the time period set forth in this section, the owner may transfer the unit without any price restriction to the tenant or any other person. However, in the event such transfer is to someone other than the tenant, the transfer shall be expressly made subject to the rights of the tenant to continue to occupy the unit as provided for in this section.

B. Relocation assistance shall be provided by the subdivider to all persons living in units on the date of approval of a condominium conversion project who choose not to purchase units in the condominium conversion project as follows:

1. Relocation assistance provided by a professional property management agency, at the expense of the developer, in finding a comparable replacement rental unit; such assistance

shall include, at a minimum, providing rental availability reports and updating same, assisting tenant(s) in inspecting available units, and providing other personal services related to the relocation of each tenant.

2. Moving expenses paid for by the developer in an amount equal to three times the monthly rent paid by the tenant. The City Council may adjust the maximum moving expense allowable year to year to reflect increases in costs.

3. Utility connection fees paid for by the developer in an amount equal to actual expenses up to a maximum of $100.00. The City Council may adjust the amount required in this subsection year to year to reflect increases in costs.

C. Special relocation assistance shall be provided to eligible tenants who are elderly, disabled, low-income, or single heads of households living with one or more minor children. This special assistance shall include the following additional measures:

1. The payment of last month's rent for the new housing unit, if required upon moving in;

2. The transfer of all key, utility, pet, cleaning, and security deposits, minus damages, to the new housing unit or the refund of all or a part of said deposits, minus damages, to the eligible tenant, at the option of the tenant;

3. The payment of the difference, if any, between the amount of all deposits and fees required upon moving in to the new housing unit and the amounts transferred for or refunded to the eligible tenant pursuant to this subsection;

4. The payment of a rent subsidy for a period of one year in the amount of the difference, if any, between the rent of the new housing unit and the rent for the unit currently occupied by the eligible tenant; provided, that this subsidy shall not exceed 25 percent of the monthly rental price of the occupied unit for each of the 12 months;

5. The right of each tenant not to be unjustly evicted and not to have the rent for the unit unreasonably increased until the tenant is actually relocated to a comparable housing unit.

17.240.110 Inclusionary housing requirements.
Any condominium conversion project which includes five or more units shall be subject to the inclusionary housing requirements defined in SMC17.250. SMC 17.250.100(G) specifies incentives that are available for developments which comply with the inclusionary housing requirements.

17.240.120 Authority.
The Planning Commission shall first consider a condominium conversion permit request and may recommend that the City Council approve, conditionally approve, or deny a condominium conversion permit application. The City Council shall take final action to approve, conditionally approve, or deny a condominium conversion permit application, unless otherwise restricted by State law. Developers must comply with all applicable requirements of the SMC, including but not limited to Title 16 (Subdivisions), this title, and with the State Subdivision Map Act.

17.240.130 Revocation.

A condominium conversion permit granted under this chapter shall be subject to revocation in the manner provided by SMC 17.400.070 if there are any violations of conditions imposed upon such permit.

Chapter 17.250: INCLUSIONARY HOUSING REQUIREMENTS

17.250.010 Purpose and intent.

For many Sebastopol residents, suitable housing at an affordable level is not available. The Housing Element of the General Plan documents the need for affordable housing in Sebastopol. The City finds that the housing shortage for persons of lower incomes is detrimental to the public health, safety and welfare, and further that it is a public purpose of the City, and public policy of the State, set forth in Government Code Sections 65580 through 65589.8 to make available an adequate supply of housing for all segments of the community, while at the same time maintaining an economically sound and healthy environment.

The City is experiencing an increasing shortage of housing affordable to lower-income households. New residential development does not provide housing opportunities for lower-income households due to the high cost of newly constructed housing in the City. As a result, lower-income households are de facto excluded from new housing, creating economic stratification in the City that is detrimental to the public health, safety, and welfare.

The amount of land in the City available for residential development is limited by City General Plan policies and the voter-approved Urban Growth Boundary, the planning principles embodied in State law pertaining to general plans and annexation, and by mandates in Federal law. These policies and laws discourage urban sprawl and limit the supply of land for residential development for many environmental reasons including the need to reduce vehicle-related air pollution, the preservation of agricultural land and wildlife habitat, and efficient use of natural resources.

The consumption of this remaining available land for residential development without providing housing affordable to all income levels would work counter to these housing, environmental and planning policies. Scarce remaining opportunities for affordable housing would be lost. Persons from lower-income families who work in the City would be unable to find affordable housing there and would be forced into longer commutes.

Further, the City finds that there is insufficient Federal and State support for programs to assist the City in meeting its affordable housing needs. The City finds that it is a public purpose of the City to seek assistance and cooperation from the private sector in making available an adequate supply of housing for persons of all economic segments of the community. The goal of the City is to achieve a balanced community with housing available for persons of all income levels and thereby comply with the City’s regional fair share housing obligations under State housing law.

The purpose of this chapter is to enhance the public welfare and assure that further housing development within the City contributes to the attainment of the housing goals of the City by increasing the production of units available to, and affordable by, households of lower incomes, in order to promote a balance of housing for all economic segments of the community, and to meet the need documented in the Sebastopol Housing Element and to comply with State housing law. Specifically, the purposes of this chapter are to:

A. Promote the construction of housing within Sebastopol that is affordable to all economic segments of the community, including households with lower incomes;

B. Encourage the construction of affordable housing throughout the community, rather than concentrated within specific areas or neighborhoods;

C. Implement the State-mandated Housing Element of the General Plan which mandates an inclusionary housing program;

D. Provide a mechanism to assure affordability of housing units constructed under the provisions of this chapter for a specific period of time;

E. Provide the basis for establishment of a fee that may be paid under specified circumstances in lieu of building an inclusionary unit.

17.250.020 Additional Definitions.
"Affordable" shall mean dwelling units that are affordable to households making 120 percent or less of the County median income, with monthly housing payments not exceeding 30 percent of the household's gross monthly income. The cost of utilities, property taxes, insurance, homeowner's dues and the like shall not be included in the calculation of housing costs.

"Inclusionary unit" means an ownership or rental housing unit, as required and defined by this chapter, that is affordable to very low- or low-income households.

"In-lieu fee" means a fee paid into the City's affordable housing fund to provide affordable housing opportunities to very low-, low-, median- and moderate-income households. In-lieu fees shall be allowed in lieu of actual provision of the inclusionary units.

"Lower-income" or "lower-income household" shall mean a person or household whose gross annual income is between 51 percent and 80 percent, inclusive, of the Sonoma County median income, adjusted for family size, as defined by the Federal Department of Housing and Urban Development (HUD) or its successor.

"Market units" or "market rate units" means either an ownership or rental dwelling unit which is not restricted to those prices or rents affordable to very low- or low-income households, as defined by this chapter.

"Nonprofit housing agency" shall mean a not-for-profit agency engaged in the provision and/or management of housing for households with very low to moderate incomes.

"Qualified household" shall mean a household meeting the income restrictions established in this inclusionary program.

17.250.030 Applicability.
A. Threshold. The provisions of this chapter shall apply to all new residential developments of five or more parcels or dwelling units intended and designed for permanent occupancy, including conversions from nonresidential uses, which receive subdivision, conditional use permit, or Design Review Board approval after the effective date of the ordinance codified in this chapter. In the case of a lot split that creates five or more parcels, but that will not involve the present or future development of five or more new dwelling units, the requirements of this chapter shall not apply.

B. Exemptions. The following shall not be subject to the provisions of this chapter:

1. Residential dwellings for which a building permit has been issued by the City prior to the effective date of the ordinance codified in this chapter;

2. A residential development project that the City Council has determined as a vested right to proceed without complying with the provisions herein;
3. Existing residences which are altered, improved, restored, expanded or extended; provided, that the number of units is not increased;
4. Accessory dwelling units constructed pursuant to SMC 17.220;
5. Dwelling units which are offered and restricted for sale solely to individuals or households of very low, low, or moderate incomes, as defined by this chapter, and for the minimum terms set forth by this chapter; and
6. Replacement of any dwelling unit or residential development which is damaged or destroyed by fire or other catastrophe, provided the number of units and use of the building remain the same.
7. Single family dwelling units of 840 square feet or less which are owner-occupied for a minimum of one-year, following which they may be rented to a long-term renter with a minimum of a six-month lease.

17.250.040 Satisfaction of inclusionary requirement.
If the City Council has established an affordable housing fee that is collected from residential development projects to off-set the the impact of residential development on the need for housing in the City that is affordable to very low, low, and moderate income households, satisfaction of the requirements of this chapter may be met by payment of the affordable housing fee.

Projects may opt to provide inclusionary housing units on-site or off-site, as provided by SMC 17.250.050 through 17.250.130 as an alternative to payment of the affordable housing fee, should such fee be adopted.

17.250.050 Inclusionary requirements.
A. Percentage Requirement. In projects of five or more units, inclusionary units shall be provided as follows:

- 15 percent of the units shall be inclusionary units affordable to households earning 120% or less of AMI, or
- 10% of the units shall be inclusionary units affordable to households earning 80% or less of AMI, or
- 5% of the units shall be inclusionary units affordable to households earning 50% or less of AMI.

If, in the application of the requirements of this chapter, a decimal fraction unit requirement is obtained, an in-lieu fee shall be provided equal to the applicable decimal fraction times the established in-lieu fee for one inclusionary unit, or, at the developer’s discretion, an inclusionary unit may be provided.

B. Target Income Levels. Required inclusionary units shall be sold or rented to qualified households at or below the income level identified in SMC 17.250.050.A.

C. Construction of Inclusionary Units. The inclusionary units shall be constructed at the same time as the other units. The completion of inclusionary units in a phased project shall be proportional to the completion of the market rate units.

D. Distribution of Inclusionary Units. Whenever reasonably possible, inclusionary units shall be distributed throughout the development. Distribution of units may take into account the number of required inclusionary units in the project, as well as consideration of environmental and aesthetic factors.

E. Appearance of Inclusionary Units. The inclusionary units shall be substantially the same as the market rate units or buildings in exterior materials and finish. The applicant may reduce either the size or provide less expensive interior amenities for the inclusionary units as long as there are not significant differences visible from the exterior of the units and the size, fixtures and design of the units are reasonably consistent with the market rate units in the project, provided all units conform to the requirements of the Building and Housing Codes.

F. Size of Inclusionary Units. Inclusionary units provided shall generally have a comparable number of bedrooms as market rate units in the project. If the floor area of the inclusionary units in the project is not substantially the same or larger than the market rate units in the project, the inclusionary units shall satisfy the following minimum total floor areas, depending on the number of bedrooms provided:

Number of Bedrooms	Minimum Size of Unit
0 – 1	600 sq. ft.
2	750 sq. ft.
3	900 sq. ft.
4	1,200 sq. ft.

G. Subdivision Map Requirements. Any final or parcel map for a subdivision requiring provision of an inclusionary unit or units shall bear a note indicating whether compliance with this section must be met prior to issuance of a building permit for each lot created by such map, and, as applicable, shall designate which lots are required to be developed with inclusionary units.

17.250.060 Pricing requirements for inclusionary units.

A. Allowable Sales Prices. The Planning Department shall set maximum allowable purchase prices for inclusionary units, adjusted by the number of bedrooms. In the case of for-sale units, applicants shall provide a written statement setting forth the maximum sales price, projected monthly mortgage payment, and down payment for each required unit. Such maximum allowable purchase prices shall be set such that qualified occupants pay no more than 30 percent of the gross monthly household income. The cost of utilities, property taxes, insurance, homeowner’s dues, and the like shall not be included in the calculation of housing costs.

B. Down Payment. Any required down payment shall be limited to no more than 10 percent of the purchase price.

C. Allowable Rental Prices. The maximum allowable rental rate for inclusionary units shall be determined by the Planning Director, adjusted by the number of bedrooms. Project applicants shall provide a written statement setting the maximum rental rates. The maximum allowable rental rates shall be set such that qualified occupants pay no more than 30 percent of the gross monthly household income toward rent. The cost of utilities, property taxes, insurance, homeowner's dues, and the like shall not be included in the calculation of housing costs.

17.250.070 Eligibility requirements.

A. Qualified Households. Only qualified households shall be eligible to occupy or own inclusionary units. Developers shall utilize a City-approved list of qualified households or a City-approved entity such as a nonprofit housing corporation or a public housing authority to qualify applicants. Such list, consistent with applicable law, shall rank qualified households according to criteria established by the City Council, with highest ranking provided to Sebastopol-area residents, next to Sebastopol-area workers, followed by Sonoma County residents and workers, followed by others. Developers shall select only qualified households to occupy or own and occupy inclusionary units.

B. Excluded Persons. The following individuals, by virtue of their position or relationship, are ineligible to occupy an inclusionary unit:

1. The immediate relatives of the applicant or owner.

17.250.080 In-lieu fees.

A. Eligibility for Fee Payment. When the calculation of inclusionary requirements yields a fractional number, a fee in lieu of providing a full unit may be paid to the City. Said fee shall equal the fractional number times the established fee.

B. Amount of Fee. For purposes of this section, the inclusionary fee shall be established and adjusted from time to time by resolution of the City Council based upon the parameters of this chapter.

C. Payment of Fee. Any fee required by this chapter shall be paid in full prior to the issuance of a building permit for the project. At the applicant's discretion, total inclusionary fees for the project may be divided and paid on a per-market-rate-unit basis upon issuance of a building permit for each market-rate unit.

D. Use of Funds. Any funds received from fee payments shall be placed in a reserve account used for the exclusive purpose of providing housing affordable to low- and moderate-income households in the City of Sebastopol.

17.250.090 Deed restrictions.

A. When inclusionary units are required, a deed restriction shall be recorded setting forth the applicable restrictions in this chapter.

B. Except as may be otherwise provided, inclusionary units shall be required to maintain affordability in perpetuity, unless a different period is required by State law. A program to assure affordability for these units for this period of time shall be administered by the City or by a nonprofit housing agency approved by the City. The applicant shall enter into an agreement with the City or its designee to provide monitoring and to assure affordability of the inclusionary units in perpetuity. The City Manager shall be authorized to enter into such agreement on behalf of the

City. The approved agreement shall be recorded with the Sonoma County Recorder prior to issuance of a building permit for the project.

1. All buyers of "for sale" inclusionary units shall enter into a resale agreement with the City or its designee prior to the close of escrow for such inclusionary unit. A standard form resale agreement instrument shall be reviewed and approved by the City Council. The resale agreement shall specify that the unit is required to remain affordability upon resale, shall provide for an option for the City or its designee to designate an eligible purchaser and shall provide the City or its designee with first right of refusal to purchase the unit, and shall provide for a calculation of future equity assignment upon sale of the unit. Such agreement shall be recorded against each lot or unit.

2. Conversion of an inclusionary rental unit to a "for sale" unit, if otherwise permitted, shall not void any provisions of applicable inclusionary housing agreements or requirements.

17.250.100 Monitoring of inclusionary units.
Each owner of any rental inclusionary units shall submit an annual report to the Planning Department, no later than March 1st, for the previous calendar year, identifying monthly rental rates, vacancy status of each inclusionary unit, income status for each resident and any other related data deemed necessary by the City while ensuring privacy for all residents. The deed restriction for ownership units shall require a conformance report upon sale of ownership inclusionary units.

17.250.110 Alternatives to On-Site Development for Rental Inclusionary Units.
Rental development projects may opt to pay the in-lieu fee or construct the inclusionary units off-site within the City.

17.250.120 Inclusionary housing submittal requirements.
As part of any submittal to the City of Sebastopol for the construction of five or more new dwelling units, or for the division or subdivision of land into five or more lots for residential use, each applicant shall include information as to the total number of housing units included within the application, the proposed sale prices of the inclusionary units, identification of the agency which will monitor occupancy and continued affordability of the inclusionary units, and any other information deemed necessary by the City. It shall be the responsibility of the developer to negotiate any needed agreement with the monitoring agency to comply with SMC 17.250.080.

17.250.130 Provision and management of inclusionary units.
A project developer may enter into an agreement with a qualified housing land trust or qualified affordable housing provider to provide and manage the inclusionary units, either on-site or off-site, in accordance with this chapter. Qualified affordable housing providers that provide inclusionary units in perpetuity shall meet the substantive requirements of this chapter, but are allowed flexibility in offering alternatives to the deed restriction and resale requirements if such alternatives would ensure that the inclusionary units remain affordable in perpetuity and are occupied by qualified households in perpetuity.

17.250.140 Modification of requirements, hardship.
A. After receiving a recommendation from the Planning Commission, the City Council may modify the requirements of the inclusionary provisions on a project basis upon submittal of a written request on a form established by the Planning Department for an exception and payment of the

applicable fee equal to that for a variance by the developer, if the Council finds that alternate requirements will achieve the intent of the inclusionary program and are consistent with the General Plan. A hardship request may be submitted by a developer prior to and independent of submittal of a development project application.

B. After receiving a recommendation from the Planning Commission, the City Council may modify the requirements of the inclusionary provisions on a project basis upon submittal of a written request on a form established by the Planning Department for a hardship exception and payment of the applicable fee equal to that for a variance by the developer, if the Council finds that due to the particular circumstances as documented by the applicant, an undue hardship or a legal taking under the State or Federal constitutions would be imposed on the project, and that an alternative requirement will appropriately address the intent of the inclusionary program. If the Council so determines, the inclusionary requirement for the project shall be modified to reduce the obligations otherwise applicable to the extent and only to the extent necessary to avoid a hardship or taking. The applicant shall bear the burden of presenting substantial evidence to support the hardship determination.

17.250.145 Modification of requirements, innovation.

A. After receiving a recommendation from the Planning Commission, the City Council may modify the requirements of the inclusionary provisions on a project basis upon submittal of a written request on a form established by the Planning Department for the approval of alternate inclusionary requirements and payment of the applicable fee equal to that for a major use permit by the developer, if the Council finds that alternate requirements will achieve the intent of the inclusionary program and are consistent with the General Plan.

B. If the Council so determines, the inclusionary requirements for the project shall be modified to change the inclusionary housing obligations to the alternative requirements proposed by the developer, and these requirements shall become a condition of the project. The applicant shall bear the burden of presenting substantial evidence to demonstrate that the alternative requirements meet the intent of this section.

C. A request to modify the inclusionary provisions of this Chapter based on this Section may be submitted by a developer prior to and independent of submittal of a development project application.

17.250.150 Appeals and enforcement.

A. Application of Requirements. The provisions of this chapter shall apply to all agents, successors and assignees of an applicant or developer. No planning permit shall be issued after the effective date of the ordinance codified in this chapter for any project which does not meet the requirements of this chapter.

B. Violations. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this chapter, shall be guilty of a misdemeanor, and shall be deemed to be guilty of a separate offense during each and every day during any portion of which any violation of this chapter is commenced, continued or permitted by such person, firm or corporation.

C. Appeal to Planning Commission. Any person aggrieved by any action involving denial, suspension or revocation of a building permit or denial, suspension or revocation of any development approval

may appeal such determination to the Planning Commission, with further appeal possible to the City Council, upon payment of the applicable appeal fee.

D. Appeal to City Council. Any applicant or other person who contends that his or her interests are adversely affected by a determination or requirement of the City or its designee in regard to this chapter and is not satisfied with the decision of the Planning Commission may appeal to the City Council upon payment of the applicable appeal fee. The appeal shall set forth specifically wherein the action of the City or its designee fails to conform to the provisions of this chapter thereby adversely affecting the applicant's or other person's interests. The City Council may reverse or modify any determination or requirement of the City or its designee if it finds that the action under appeal does not conform to the provisions of this chapter.

E. Severability. The City Council declares that every section, paragraph, clause and phrase of this chapter is severable. If, for any reason, any provision of the ordinance is held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

F. Effective Date. The ordinance codified in this chapter shall be in full force and effect 30 days after its passage.

Chapter 17.255: AFFORDABLE HOUSING DENSITY BONUS

17.255.010 Purpose

The purpose and intent of this section is to establish the standards and procedures in granting affordable housing density bonuses for housing developments, in an effort to incentivize the development of affordable units in the City and implement the requirements of the State Density Bonus Law (Government Code Chapter 4.3).

17.255.020 Density Bonus and Incentives

A. Density bonuses and incentives shall be offered by the City pursuant to the provisions of Government Code Chapter 4.3.

B. Parking ratios shall be allowed for affordable housing pursuant to the provisions of Government Code Chapter 4.3.

C. These density bonus and incentives provisions shall be understood to be amended by operation of law in the event and to the extent the State Density Bonus Law is amended.

Chapter 17.260: HOME-BASED BUSINESSES

17.260.010 Purpose - Applicability.
The purpose of these regulations is to prescribe the conditions under which limited nonresidential activities may be conducted when incidental to residential activities. These regulations shall apply to all home-based businesses.

17.260.020 Home occupations.
All home occupations shall satisfy the following criteria:

A. The occupation shall be operated only by a person or persons residing in the dwelling unit as clearly secondary and incidental use of such dwelling for residential purposes, which use must not change the residential character thereof. One person other than a resident of the dwelling may be employed in the conduct of a home occupation at the residence.

B. There shall be no use of any yard space or public right-of-way, or any activity outside the buildings not normally associated with residential use; there shall be no storage of equipment or supplies outside of the buildings.

C. The home occupation shall not generate vehicular traffic measurably in excess of that normally associated with single-family residential use.

D. There shall be no external alteration for home occupation purposes of the dwelling in which a home occupation is conducted. The existence of a home occupation shall not be apparent beyond the boundaries of the site, except that a nameplate, in accordance with subsection M of this section, may be installed, and otherwise, no on-site advertising shall be used which informs the public of the address of the home occupation.

E. That there shall be no noisy or otherwise objectionable machinery or equipment used in the conduct of the home occupation.

F. No noise, odor, dust, vibration, fumes, smoke, glare, electrical, or other interference with the residential use of adjacent properties shall be created.

G. The occupation may be conducted within an accessory building, but may not reduce the amount of any off-street parking space(s).

H. No more than two single clients or one client group shall be allowed on the premises at the same time whether being served or waiting for service. For purposes of this section, ‘client group’ shall include a family, couple, or comparable group, as determined by the Planning Director.

I. No more than one business related-vehicle, including one truck of maximum one-ton capacity, and no semi-trailers or any other heavy equipment incidental to a home occupation shall be kept on the site, or on the street.

J. Except for Cottage Food Uses complying with relevant provisions of the Government Code and any other requirements of the City of Sebastopol, no retail sales shall be allowed on the premises, except by telephone or computer.

K. No animal-related services, including grooming or personal care, requiring animals to be present on the residential property shall be allowed on the premises.

L. No vehicle repair business shall be allowed on the premises.

M. Not more than one non-illuminated nameplate sign, not comprising more than two square feet in area, shall be permitted for the home occupation.

N. A business license shall be required.

17.260.030 Cottage food operations.

Cottage food operations are permitted in dwelling units pursuant to Health and Safety Code Section 113758 subject to the following rules and standards.

A. The applicant for the cottage food operation permit shall be the individual who conducts the cottage food operation from his or her dwelling unit and is the owner of the cottage food operation. The permit shall not be transferable to another operator nor transferable to another site.

B. No more than one cottage food employee, as defined by Health and Safety Code Section 113758(b) (1), and not including a family member or household member of the cottage food operator, shall be permitted on the premises of the cottage food operation.

C. The cottage food operation shall be registered or permitted by the County Health Officer in accordance with Health and Safety Code Section 114365. Cottage food operations shall comply with all requirements of State law and the.

D. The use shall be conducted within the kitchen of the subject dwelling unit except for attached rooms within the dwelling that are used exclusively for storage or bookkeeping. No greater than 25 percent of the dwelling, or 50 percent of an accessory building, may be used for the cottage food operations.

E. There shall be no change in the outside appearance of the dwelling unit or premises, or other visible evidence of the conduct of such cottage food operation, with the exception of one sign not to exceed two square feet.

F. Except for home gardening use and vehicle parking, no outdoor portions of the premises shall be utilized for cottage food operation including outdoor sales and visitation.

G. No greater than one visitor's vehicle and one non-resident employee's vehicle shall be parked on site at any time. All on site vehicle parking shall be conducted in a manner consistent with the County Code.

H. Direct sales of products from the site of the cottage food operation shall be conducted by prior appointment only, and shall not exceed more than ten visitors in any single day. No customers of the cottage food operation shall be permitted to dine at the premises.

I. Direct sales and cottage food operation related deliveries shall not occur between the hours of eight p.m. and seven a.m.

J. Gross annual sales shall comply with Health and Safety Code Section 113758.

17.260.040 Large family day care and large community care homes.

A. Purpose. The purpose of these standards is to comply with State law while ensuring that large family day care and large community care homes do not adversely impact the adjacent neighborhood. While large family day care homes are needed by residents in the City, particularly in proximity to their homes in residential neighborhoods, and large community care homes are also needed, the potential traffic, noise and safety impacts of this use should be regulated in the interest of nearby residents and the children in the day care facility. It is also the intent of this section to allow family day care homes in residential surroundings to give children a home environment that is conducive to healthy and safe development.

B. Standards. Large family day care and large community care homes shall conform to the following standards:

1. Conditions may be placed on conditional use permits to reduce noise impact including, but not limited to, the provision of solid fencing or other sound attenuating devices, restrictions on outside play hours, location of play areas, and placement of outdoor play equipment.

2. All homes shall provide at least three automobile parking spaces, no more than one of which may be provided in a garage or carport. Parking may be on-street if contiguous to property. These may include spaces already provided to fulfill residential parking requirements.

3. A traffic circulation plan designed to diminish traffic safety issues shall be submitted for the review of the Planning Commission. Residences located on arterial streets (as shown on the General Plan circulation map) must provide a drop-off/pickup area designed to prevent vehicles from backing onto the arterial roadway. The care provider may be required to submit a plan of staggered drop-off and pickup time ranges to reduce congestion in neighborhoods already identified as having traffic congestion problems.

4. To address potential adverse neighborhood impacts related to noise and traffic issues, no large family day care or large community care residential home shall be permitted within 150 feet of any existing large family day care or large community care home.

D. Notice Requirements. Not less than 10 days prior to the date of the Planning Commission public hearing on the application, the City shall give notice of the proposed use by mail to the applicant and all owners shown on the last equalized assessment roll as owning real property within a 150-foot radius of the exterior boundaries of the proposed large family day care home.

E. Findings. Findings shall be consistent with the requirements of SMC 17.415. In addition, no conditional use permit for a large family day care home or large community care home shall be granted unless the following findings are made:

1. That the use meets all required conditions identified in this section.

2. That the use shall comply with all applicable building codes, fire codes adopted by the State and administered by the City Fire Department, and any State licensing requirements.

17.260.050 Bed and breakfast inns criteria.
A. Any proposed bed and breakfast inn shall be compatible with the neighborhood in terms of landscaping, scale, and architectural character. The operation of the use, and any physical improvements related to it, shall be harmonious and compatible with the existing uses within the neighborhood.

B. Excessive amounts of paving shall not be allowed. Tire strips and permeable travel surfaces shall be encouraged. Areas devoted to parking and paving shall not be disproportionate to the site size.

C. Each project shall be subject to inspection and approval by the City for compliance with all applicable codes. An inspection fee may be set by resolution of the City Council.

D. Each bed and breakfast inn which provides food service to its guests shall comply with the provisions of the Sonoma County Health Department as well as all State laws regulating food handling establishments.

E. All California Building Standards Code requirements for the level of occupancy shall be satisfied.

F. All environmental health regulations shall be satisfied, including water supply and septic system capability, if applicable.

G. The bed and breakfast inn shall be registered with the City, and will be subject to the transient occupancy tax.

H. The operator or manager shall reside on the premises.

I. Guest stays shall be limited to 30 days, with a seven-day period between stays.

J. Meals may be served; however, except where the City has approved a restaurant in conjunction with the use, only guests may be served. No cooking shall be allowed in guest rooms. No alcoholic beverages may be sold to guests except where the City has approved a restaurant in conjunction with the use.

K. One non-internally illuminated sign may be displayed; its size, color, text and location shall be covered by the conditional use permit. The words “hotel or “motel” shall not be allowed.

17.260.060 Vacation Rentals.
A. Criteria.

1. Site Design and Parking.

    a. The site design, architecture, and any improvements shall be compatible with the neighborhood in terms of landscaping, scale, and architectural character. The operation of the use, and any physical improvements related to it, shall be harmonious and compatible with the existing uses within the neighborhood.

    b. Parking.

        i. Hosted Rental: One parking space parking space shall be provided on-site for a hosted vacation rental in addition to the on-site parking required under SMC 17.110.

ii. Nonhosted Rental: One on-site parking space shall be provided for each sleeping room or guest bedroom in the vacation rental. If a garage is used to meet the parking requirement for the sleeping rooms or guest bedrooms, the garage shall be accessible to guests of the vacation rental.

c. Excessive amounts of paving shall not be allowed. Tire strips and permeable travel surfaces shall be encouraged. Areas devoted to parking and paving shall not be disproportionate to the site size.

d. Pools, hot tubs, and outside gathering areas shall be adequately screened from adjacent properties to minimize noise and lighting impacts and shall have the hours of operation clearly posted adjacent to the facility.

2. Noise Limits.

   a. Outdoor amplified sound is prohibited.

   b. All activities associated with the vacation rental use shall meet the noise standards identified at SMC 8.25. Quiet hours shall be from 10:00 p.m. to 7:00 a.m. The property owner shall ensure that the quiet hours are included in rental agreements and in all online advertisements and listings.

   c. Nuisance noise by unattended pets is prohibited.

3. The maximum overnight occupancy for vacation rentals shall be up to two persons per sleeping room or guest bedroom, plus two additional persons per property, up to a maximum total of ten persons per vacation rental.

4. Guest stays shall be limited to a maximum of 30 days, with a seven-day period between stays.

5. Owner and Authorized Agent Availability and Responsiveness.

   a. The owner (for a hosted vacation rental) or the authorized agent (for a non-hosted vacation rental) shall be available by telephone at all times when the vacation rental is rented, 24 hours per day.

   b. The owner (for a hosted vacation rental) or the authorized agent (for a non-hosted vacation rental) must be on the premises of the vacation rental unit within one hour of being notified by a renter, by the Planning Director, or law enforcement officer that there is a need for the owner or the authorized agent (to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.

6. A business license is required.

7. The vacation rental shall be subject to the transient occupancy tax (SMC 3.12).

8. Vacation rentals shall be in permitted dwellings and shall not be permitted in non-habitable structures or in tents, recreational vehicles, or other features or provisions intended for temporary occupancy.

9. For each hosted vacation rental:

    a. The owner must reside at the vacation rental, and the owner must sleep at the vacation rental unit while it is being rented.

    b. The owner must reside in a bedroom that is not rented to any renter.

    c. No more than two bedrooms may be rented for transient occupancy uses.

10. Posting and Neighbor Notification of Permit and Standards. Once a vacation rental permit has been approved, a copy of the permit listing all applicable standards and limits and identifying contact information for the owner or authorized agent, including a phone number at which the owner or authorized agent can be reached 24 hours per day, shall be posted within the vacation rental property. These standards shall be posted in a prominent place within 6 feet of the front door of the vacation rental, and shall be included as part of all rental agreements. At the permit holder's expense, the City shall provide mailed notice of permit issuance to property owners and immediate neighbors of the vacation rental unit using a 300-foot property radius owner mailing list.

11. Requirements for All Advertisements and Listings. All advertisements and/or listings for the vacation rental shall include the following:

    a. Maximum occupancy;

    b. Maximum number of vehicles;

    c. Notification that quiet hours must be observed between 10:00 p.m. and 7:00 a.m.;

    d. Notification that no outdoor amplified sound is allowed; and,

    e. The transient occupancy tax certificate number for that particular property.

B. Permit Requirements.

1. A vacation rental must receive either an administrative permit or conditional use permit, as shown in Table 17.235-1 below.

Table 17.260-1: Vacation Rental Permit Requirements

Unit Type	Number of Guest Occupancy Days per Year	
	30 days or less per year	**31 days or more per year**
Hosted vacation rental	Administrative Permit	Administrative Permit
Nonhosted vacation rental	Administrative Permit	Conditional Use Permit
Accessory dwelling unit (hosted or nonhosted)	Conditional Use Permit	Conditional Use Permit
Accessory dwelling unit (hosted or	Administrative Permit	Administrative Permit

nonhosted) that is 840 sq. ft. or less and built prior to July 1, 2017		

2. Each conditional use permit issued pursuant to this section shall be subject to an annual permit review and extension. No later than one year after the effective date of the permit, the owner or authorized agent shall submit to the Planning Director the annual review fee, established by City Council resolution, along with all the permit review form established by the Planning Director. The owner shall document compliance with all requirements of this section and shall also document each date on which the vacation rental was rented during the previous term of the permit.

C. Complaint and Enforcement Process.

1. Initial complaints on vacation rentals shall be directed to the owner or authorized agent identified in the administrative permit or conditional use permit, as applicable. The owner or authorized agent shall be available by phone 24 hours during all times when the property is rented. Should a problem arise and be reported to the owner or authorized agent, the owner or authorized agent shall be responsible for contacting the tenant to correct the problem within 60 minutes, including visiting the site if necessary to ensure that the issue has been corrected.

   The owner or authorized agent shall document the complaint, and their resolution or attempted resolution(s), to the Planning Director within 72 hours of the occurrence.

   Failure to respond to complaints or report them to the Planning Director shall be considered a violation of this section, and shall be cause for revocation of the vacation rental permit.

   If the issue reoccurs, the complaint will be addressed by the Planning Director or code enforcement officer who may conduct an investigation to determine whether there was a violation of a zoning standard or conditional use permit condition. Police reports, online searches, citations, or neighbor documentation consisting of photos, sound recordings and video may constitute proof of a violation. If the Planning Director verifies that a zoning or conditional use permit condition violation has occurred, a notice of violation may be issued and a penalty may be imposed in accordance with Chapter 1.04 of the SMC. At the discretion of the Planning Director, the administrative permit or conditional use permit may be scheduled for a revocation hearing with the Planning Commission. If the permit is revoked, an administrative permit or conditional use permit for a vacation rental on that particular property may not be reapplied for or issued for a period of at least one year.

2. A vacation rental that is determined to be operating without the necessary permit required under this section shall be subject to a penalty of three times the normal application fee.

3. Upon receipt of any combination of three administrative citations or Planning Director determinations of violation of any of the permit requirements or performance standards issued to the owner or occupants at the property within a two-year period, the vacation rental administrative permit or conditional use permit is summarily revoked, subject to prior notice and to appeal, if appeal is requested pursuant to the appeals section of the Zoning Ordinance. Should such a revocation occur, an application to reestablish a vacation rental at the subject property shall not be accepted for a minimum period of two years.

C. Findings. The decision-making body may approve a permit for a vacation rental, with or without conditions, if all of the following findings are made:

1. The proposed vacation rental is consistent with the standards established by this section and will not detrimentally affect the health, safety, or welfare of the surrounding neighborhood or area.
2. Approval of the vacation rental will not result in an over concentration of such uses in a neighborhood.
3. There is adequate parking for all guests and operators to park on the subject property in accordance with SMC 17.110.
4. Approval of the vacation rental will result in the preservation of the residential design and scale of the structures on the property and will maintain the residential character of the neighborhood.
5. The architectural or historic character of the structure proposed to house the vacation rental is appropriate for the use.
6. For accessory dwelling units, the approval of the permit would not result in a reduction to the City's affordable housing stock.

Chapter 17.280: PARK AND RECREATION LAND DEDICATION AND FEES

17.280.010 Authority, purpose, and definitions.
A. Authority. This chapter is enacted pursuant to the Government Code Section 66477 for the purpose of executing and implementing the General Plan and will be applicable upon a resolution by the City Council establishing park and recreation in-lieu fees in accordance with this chapter.

B. Purpose. It is the purpose of this chapter to provide for the acquisition of park land for neighborhood and community parks or recreational purposes through dedication of land or payment of fees in lieu thereof, or a combination of both land dedication and fee payment, and to provide for the development of park and recreation facilities by imposition of fees in connection with the development of new dwelling units.

C. Additional Definitions. Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter.

1. "Subdivision" means any type of construction, land division or improvement of land which provides for dwelling units identified under the provisions of Government Code Section 66424. "Subdivision" includes any increase in the number of mobilehome spaces.
2. “Park factor” means the factor, or ratio, that describes the amount of park land required per dwelling unit based upon the average household size for the applicable dwelling unit type.

17.280.020 Requirements.
As a condition of approval of a tentative map or parcel map, rezoning, issuance of a building permit, or other discretionary action granting approval for the development of one or more dwelling units, the developer shall dedicate land, pay a fee in lieu thereof, or both, at the option of the City, except as set forth in Government Code Section 66477(c)(7,8), for neighborhood or community parks or recreational purposes at the time and according to the standards and formulas contained in this chapter, provided that the land, fees, or combination thereof are to be used only for the purposes of developing new and rehabilitating existing park or recreational facilities to serve the subdivision, pursuant to Government Code Section 66477(a)(3).

17.280.030 Park and recreational acreage standard.
All new residential development projects and subdivisions shall provide park and recreation property at a minimum of five acres for each 1,000 persons residing within this City. This park and recreational acreage standard reflects the ratio of park land to residents, as set forth in Government Code Section 66477.

17.280.040 Calculating park and recreational acreage requirement for land dedication.
A. The amount of land to be dedicated shall be determined according to the following formula:

D x P = A, where:

D = the number of dwelling units
P = a “park factor” based on unit type (single family, multifamily, and mobile home)
A = the buildable acres to be dedicated

B. Park Factors.

1. The Planning Director shall establish, and update from time to time, the park factors necessary to determine the acreage of parkland required. The data source for these park factors shall be data for the City of Sebastopol as reported by the U.S. Census Bureau. The park factors shall be calculated based upon the following equation and shall be specific for each of the three types of dwelling units defined above (single-family, multifamily, and mobile home). The household size shall be determined based upon the total population in each dwelling category, divided by the total number of occupied units in that dwelling category.

$$\frac{\text{(Parkland Requirement (e.g., 5 acres) x Household Size}}{\text{(1,000)}} = \text{Park Factor}$$

2. In the case of a specific plan or similar plan for a geographic area, the park factors shall be established at the time of adoption of the plan as provided in this section.

D. In multifamily development, the number of dwelling units shall be calculated from the maximum density permitted in the proposed district, as determined from the Zoning Code, including any density bonus, unless the subdivider can demonstrate that the development will contain a lesser number of dwelling units. For tentative parcel maps in multifamily districts, a condition may be added to the tentative parcel map stating that the number of dwelling units may be calculated using the density tentatively approved, and such approval shall not become final until the required land or improvements are dedicated (or fees in lieu thereof are paid by the subdivider) to the satisfaction of the City.

E. Unless a specific written request is made by the applicant, fees shall be payable at the time of the recording of the final map or parcel map. Upon the written request of the applicant, the Planning Commission may recommend and the City Council may add a condition to any map contemplated by subsection (D) of this section for multifamily development, whether submitted as a parcel map or subdivision map, stating that required land or dedication or improvements or the payment of an in-lieu fee may occur after the recordation of the final or parcel map and that required land or dedication or improvements or the payment of an in-lieu fee shall occur at some later time but not later than prior to the issuance of building permits.

17.280.050 Formula for fees in lieu of land dedication.

A. If there is no park or recreation facility designated in the General Plan to be located in whole or in part within the proposed subdivision for the purpose of serving the immediate and future needs of the residents of the subdivision, the developer shall, in lieu of dedicating land, pay a fee equal to the fair market value value of that land, plus 20 percent toward costs of off-site improvements pursuant to the following formula:

A x V = F

where,

A = the amount of land required for dedication as determined by SMC Section 17.70.040;

V = fair market value (per acre) of the property to be subdivided, as determined by this section, plus 20 percent for off-site improvements; and

F = the number of dollars to be paid in lieu of dedication of land.

B. For the purposes of this chapter, off-site improvements are defined as those improvements which would have been required if land had been dedicated using the provisions of SMC 17.280.040.

C. Fees in lieu of land dedication for City park and recreation land shall be established for single family, multifamily, and mobile home units by resolution of the City Council based on the formula identified in this subsection.

17.280.060 Criteria for requiring both dedication and fee.
In subdivisions of: 1) more than 50 parcels, or 2) for a condominium project, stock cooperative, or community apartment project, as those terms are defined in Civil Code Sections 4105, 4125, and 4190, that exceeds 50 dwelling units, the developer shall both dedicate land and/or pay a fee as determined by the City. Projects of 50 dwelling units or less shall not be required to dedicate land.

17.280.070 Credit for privately owned facilities.
A. The City may grant credit for privately owned and maintained open space or local recreation facilities, or both, in planned communities, residential townhouse units, mobile home developments, and other forms of planned developments; provided, that for such property is located within the City. Such credit determination shall be made at the discretion of the City and shall be subtracted from the dedication or fees, or both, provided:

1. Yards, park areas, setbacks, and other open space areas identified for credit shall be maintained in such uses;

2. Provision is made by recorded covenants that the private areas be adequately maintained, including landscaping and equipment, consistent with City standards;

3. The use of private open space or recreation facilities is limited to park and local recreation purposes and shall not be changed to another use without the written consent of the City.

4. Where appropriate, facilities shall be open and available to the public.

B. Land or facilities which may qualify for credit will generally include the following:

1. Open spaces, which are generally defined as parks and parkway areas, ornamental parks, extensive areas with tree coverage, lowlands along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation, or open areas on the site in excess of ten thousand (10,000) square feet;

2. Court areas for tennis, badminton, shuffleboard or similar hard-surfaced areas designed and used exclusively for court games;

3. Recreational swimming areas defined as fenced areas devoted primarily to swimming and diving, including decks, lawn area, user facilities (e.g., changing rooms/locker rooms, showers), or other facilities developed and used exclusively for swimming and diving and consisting of no less than 15 square feet of water surface area for each 3 percent of the population of the subdivision;

4. Recreation buildings designed and primarily used for the recreational needs of the residents of the development;

5. Special areas defined as areas of scenic or natural beauty, historic sites, hiking, riding or motorless bicycle trails, including pedestrian walkways separated from public roads, planting strips, lake sites, or river beaches, improved access or right-of-way in excess of the requirements of the SMC, and similar types of open space or recreational facilities.

C. Amount of credit. The categories for credit described in this subsection shall be given equal weight, with each category not to exceed 20 percent of the total dedication or fee required by a development. The City Council may grant additional credit for each category if there is substantial evidence that:

1. The open space or recreational facility is above average in aesthetic quality, arrangement or design;

2. The open space or recreational facility is clearly proportionately greater in amount or size than required by this title or usually provided in other similar types of development; or

3. The open space or recreational facility is situated so as to complement open space or local recreational facilities in other private or public developments.

17.280.080 Procedure.
At the time of approval of a tentative map or tentative parcel map, rezoning, issuance of a building permit, or any other discretionary approval of development, the decision-making body shall, pursuant to this chapter, require the dedication of land or payment of fees in-lieu thereof and the payment of fees for park development.

Dedications of land shall be made on the final subdivision map. Fees in-lieu of land dedication and fees for park development shall be calculated and paid at the time of issuance of the building permit using the formulas set forth in in this chapter.

Open space covenants for private park or recreation facilities shall be submitted to the City prior to approval of the final or parcel map and shall be recorded contemporaneously with the final or parcel map.

17.280.090 Exemptions.
Subdivisions containing less than five parcels and not used for residential purposes shall be exempted from the requirements of this chapter; provided, however, that a condition shall be placed on the approval of such parcel map that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels the fee may be required to be paid by the owner of each such parcel as condition to the issuance of such permit.

17.280.100 Developer-provided park and recreation improvements.
After the decision-making body determines the land required for dedication and/or in-lieu fee payment by the developer, the developer may apply to the City for permission to construct specified park and recreation improvements on land of the developer required for dedication or on other land within the same City service area to be developed as a park. If the City grants the developer permission for construction of specified parks and recreation improvements on the land, the Department shall fix the dollar value of the parks and recreation improvements approved by the Department. The dollar value of park and recreation improvements provided by the developer in the manner described in this chapter shall be credited against the fees required by this chapter.

17.280.110 Access.

All land offered for dedication to local park or recreational purposes shall have access to at least one existing or proposed public street. This requirement may be waived by the decision-making body if the decision-making body determines that public street access is unnecessary for maintenance of the park area or use thereof by residents.

Chapter 17.290: PROHIBITION ON RENTAL HOUSING PRICE GOUGING AND RESTRICTION ON LEASE TERMINATIONS DURING DECLARATION OF EMERGENCY

17.290.010 Prohibition on price gouging.

A. After the declaration of a local emergency by the City Council as described by SMC 2.36, it is unlawful for any person, business or other entity to rent or lease or offer to rent or lease any housing unit, of any kind, for a price of more than 10 percent above the price charged for that housing unit immediately prior to a federal, state, or City declaration of a state of emergency in the City of Sebastopol or in Sonoma County as a whole, unless that person, business or entity can prove that the increase in price is directly attributable to additional costs for labor or materials used to provide the rental unit, in which case, the price shall not be more than 10 percent above the total cost of providing that rental unit.

B. After the declaration of a local emergency by the City Council as described by SMC 2.36, it is unlawful for any person, business or other entity to rent or lease a hotel or motel room, or other short term rental unit for more than the 10 percent above the hotel, motel, or other short-term rental's regular rates, as advertised immediately prior to a federal, state, or City proclamation of the existing of a state of emergency in the City of Sebastopol or in Sonoma County as a whole, unless that person, business or other entity can prove that the increase in price is directly attributable to additional costs imposed on it for goods or labor used in the business, to seasonal adjustments in rates that are regularly scheduled, or to previously contracted rates.

17.290.020 Restrictions on evictions.

A. After the declaration of a local emergency by the City Council as described by SMC 2.36, it shall be unlawful for any person to evict an existing tenant or terminate an existing lease or month-to-month rental agreement and subsequently rent or lease the same dwelling unit, for more than the average retail price, unless such person can prove that the excess is directly attributable to additional costs resulting from the labor or materials necessary to provide the rental. In such instances, only the actual cost increase may be added to the average retail price.

B. For purposes of this ordinance, the "average retail price" shall be the rental price for the dwelling unit during the thirty (30) day period immediately preceding the declaration of emergency.

17.290.030 Repair and reconstruction services.

Nothing in this ordinance shall limit, shorten, or otherwise reduce the provisions of Penal Code Section 396.

17.290.040 Term of ordinance.

This chapter may be enacted by City Council ordinance, following declaration of a local emergency, for a maximum initial term of 6 months and may be extended by the City Council for terms up to six months.

Chapter 17.295: DISASTER RECOVERY HOUSING PROVISIONS

17.295.010 Purpose and applicability.
This chapter is intended to facilitate the provision of housing during local disaster or emergency situations and shall be effective and applied by City Council ordinance, following declaration of a local emergency.

17.295.020 Temporary dwelling units.
A. Temporary dwelling units are allowed as provided by Tables 17.20-1 and 17.400-1 and SMC17.430, with the following exceptions:

1. One temporary dwelling unit per parcel may be considered for approval by the Planning Director; more than one temporary dwelling unit per parcel shall be considered for approval by the Planning Commission.

2. A temporary dwelling unit permit will be valid for two years. One year extensions of the permit shall be allowed as long as the City, or Sonoma County as a whole, is under a federal, state, or local declaration of emergency.

D. Findings for approval of temporary dwelling units. Temporary dwelling units conforming to the provisions of the SMC shall only be approved if the following findings can be made in an affirmative manner:

1. The subject property is physically suitable for the type of development proposed.

2. The applicant has demonstrated a need for the temporary dwelling unit.

3. Appropriate utility connections will be provided.

4. Appropriate setbacks will be provided.

17.295.030 Accessory dwelling units.
A. Under this section, an accessory dwelling unit may be built in advance of the principal dwelling and shall not be required to meet the requirement of SMC 17.220.020(A) that the principal dwelling unit be constructed simultaneously with or prior to the accessory dwelling unit. The accessory dwelling unit shall comply with all other provisions of the SMC.

B. If a primary dwelling unit is not constructed within four years of completion of the accessory dwelling unit, the accessory dwelling unit will be determined to be the primary dwelling unit on the property and shall be subject to the fees applicable to a primary dwelling unit at the time the unit was permitted.

Chapter 17.300: OUTDOOR USES

17.300.010 Applicability

This chapter establishes regulations for outdoor uses in commercial, industrial, and mixed use development. This chapter applies to all uses referenced herein that are proposed as part of a non-residential or mixed-use development.

17.300.020 Permitted outdoor uses.

The following uses, if identified as a permitted use in the district, shall be permitted outside of a building, provided they do not occupy or block required parking spaces or access thereto; do not impede pedestrian walkways or vehicle driveways; are entirely on private property, or on public property when otherwise permitted by this code, or when a license agreement or encroachment permit has been approved by the City:

A. Outdoor vending or display when otherwise permitted by this code.

B. Incidental display of merchandise in nonresidential districts, subject to the following restrictions:

1. The merchandise is located within 10 feet of the building.
2. The display area does not exceed 30 square feet.
3. The merchandise is not displayed during nonbusiness hours.

C. Plant materials, flower pots, garden supplies, trellises and the like, provided they are accessory to an otherwise permitted use.

D. Building materials accessory to a hardware store or similar use.

E. Fruits, vegetables and flowers, provided they are accessory and incidental to an otherwise permitted use.

F. Patio tables, chairs, umbrellas, and similar outdoor accessories used in connection with a restaurant.

G. Vending machines when accessory to a business conducted within a building.

H. Automobile dealership display and storage lots.

I. Vehicle fueling and related uses.

J. Outdoor newsstands when otherwise permitted by this code.

K. Outdoor vending carts in non-residential districts, subject to approval of a use permit and a design review permit.

L. Farm markets when otherwise permitted by this code.

M. Chairs accessory to a legally established restaurant or other eating and drinking establishment that are located immediately in front of the business and are not used for customer dining or drinking.

N. Portable landscape and cigarette disposal receptacles accessory to a legally established retail establishment, restaurant, or other eating and drinking establishment that are located immediately in front of the business.

O. Christmas tree, pumpkin, and similar seasonal sales in non-residential districts, with approval of a temporary use permit.

P. Sandwich board signs as permitted by SMC 17.120, Sign Regulations.

17.300.030 Temporary use of shipping containers for storage.
No person shall place, or cause to be placed, use, or permit the use, of any shipping container as a storage building, except in conjunction with a permitted use in the M district and the OLI district, or for the temporary housing of equipment and/or materials during construction as authorized by a City building permit. A shipping container or "pod" may also be utilized for storage purposes, for example, in conjunction with a home improvement project or during a move, by a private property owner for a period of up to three months. The Planning Director may approve a six-month extension to the three-month time limit upon demonstration by the property owner that the project has been extended and where the property owner has demonstrated an effort to comply with the guidelines set forth in this section.

17.300.040 Commercial outdoor barbecues.

1. Setbacks. As shown in Table 17.25-2, the outdoor commercial barbecue shall have a minimum setback of 10 feet from any property line.

2. Fire Prevention and Response.

    a. No person shall kindle or maintain any fire in an outdoor commercial barbecue not constructed in accordance with the requirements of the Sebastopol Fire Department and located in non-combustible enclosures, without first having obtained a permit from the Fire Chief. In granting the permit, the Chief shall take into consideration the following:

        a. The hours between which burning may be conducted;

        b. The number and size of barbecues;

        c. The type of fuel that will be used;

        d. The proximity to vegetation, buildings and structures;

        e. Any other condition or restriction that may be required from time to time by resolution of the City Council.

    b. The Fire Chief is authorized to deny a permit request, or to require that an outdoor commercial barbecue be immediately discontinued if the Chief determines that smoke emissions are likely to be, or are offensive to occupants of surrounding property and/or constitutes a hazardous condition.

    c. Every commercial outdoor barbecue and associated equipment shall be equipped and maintained with a spark arrestor and fire extinguisher and shall be maintained in good working order and a safe condition at all times.

d. Any resulting refuse, trash, rubbish or combustible waste material shall be properly and responsibly disposed of in order to avoid fire hazards.

e. The expenses of fighting fires, which result from a violation of this section, shall be charged against the person or corporation whose violation of this section caused the fire. Damages caused by such fires shall constitute a debt of such person and are collectable by the Fire Chief in the same manner as in the case of an obligation under a contract, expressed or implied.

f. The outdoor commercial barbecue shall comply with all applicable building codes, fire codes, and air quality rules and regulations.

17.300.050 Bee keeping.

1. Best Management Practices. Bee keeping operations shall comply with the Sonoma County Beekeeper's Association's (SCBA) Recommended Best Management Practices (BMPs) for Sustainable Beekeeping dated October 10, 2016, as may be amended. The Recommended BMPs for Sustainable Beekeeping addresses the following topics:

    1. Location and Placement of Hives;
    2. Hive Density;
    3. Hive Management;
    4. Hive Maintenance;
    5. Colony Temperament;
    6. Swarming/Honey Bee Removal and Relocation; and
    7. Disease Control.

2. Hive Location. Hives shall be setback a minimum of five feet from property lines and shall not be located in any required front yard. Screening, foliage, shrubs, trees, fencing, and barriers shall be located as necessary to redirect any bee flight path to minimize human and animal contact. Screening should be of sufficient density and length to establish bee flyways above head height (a minimum of six feet) in all directions.

Chapter 17.310: PUBLIC ART - REQUIRING PUBLIC ART AS PART OF ALL NEW DEVELOPMENT AND MAJOR REMODELS IN ALL COMMERCIAL AND INDUSTRIAL DISTRICTS

17.310.010 Purpose.

The purpose of this chapter is to authorize the establishment of guidelines, procedures and standards for the integration of public art into new private and public development and redevelopment projects.

Public art helps make our City more livable and more visually stimulating. The experience of public art makes the public areas of buildings and their grounds more welcoming, it creates a deeper interaction with the places we visit, and in which we work and live. Public art illuminates the history of a community while it points to the City's aspirations for the future. A City rich in art encourages cultural tourism which brings in visitor revenues.

To achieve these goals, public art planning should be integrated into project planning at the earliest possible stage, and the selected artist should become a member of the project's design team early in the design process.

Also, public art that is not associated with a development project should likewise be integrated into the City's overall public art goals.

17.310.020 Additional Definitions.

Construction cost shall mean the total value of the project as determined by the Building Department. Calculations shall be based on construction costs as declared on all building permit applications, but shall not apply to costs solely attributable to tenant improvements. Building permit applications shall include, but not be limited to, all building, plumbing, mechanical, and electrical permit applications for the project. No later construction valuation other than the initial value established with the first approved permit shall be used to calculate the one percent obligation to fund public artworks except when changes to the size of the building can result in raising or lowering the required cost of public artworks.

Construction or reconstruction includes any public or private new construction or rehabilitation, renovation, remodeling or improvement of an existing building, except those construction activities attributable to new tenant improvements, having a new construction cost of $1 million, or $500,000 for rehabilitation, renovation, remodeling or improvement of an existing building or multiple buildings within a common site.

Non-development generated public art means a public art project not associated with any specific development project or not funded by the public art fund.

Professional artist shall mean a professional person who is experienced in the production of art in any visual art medium and recognized by critics and their peers as one who produces works of art. Upon request, the Public Arts Committee shall determine whether a person qualifies as a professional artist for purposes of this chapter.

Public art in-lieu fee means the fee paid to the City pursuant to this chapter equal to one percent of construction cost as defined herein. In-lieu fees shall be placed in the public art fund. The fund shall

be used for public art on public property or private property with the owner's permission. The fund shall be used exclusively to:

1. Provide sites for works of art,
2. Acquire and install works of art,
3. Maintain works of art,
4. Support the exhibition of art which is publicly accessible, or
5. Administer the public art program.

Public art project means the cost of the development, acquisition, and installation of the public art required by this chapter. It shall include the costs for the administration of this public art program.

Public artwork means a work of original and enduring art. They should be of high quality and craftsmanship. They should engage the public's mind and senses while enhancing and enriching the quality of life of the City. The artwork will be generally sited and an integral part of the landscaping and/or architecture of the building, considering the historical, geographical and social/cultural context of the site. The artworks shall be constructed in a scale that is proportional to the scale of the development.

Public artworks may include artistic or aesthetic elements of the overall architecture or landscape design if created by a professional artist or a design team that includes a professional visual artist.

Public artworks may include sculpture, murals, photography and original works of graphic art, water features, neon, glass, mosaics, or any combination of forms of media. If created by an artist as unique elements, public artworks may be architectural features of the building, exterior furnishings or fixtures permanently affixed to the building or the surrounding grounds including walkways, gates, railings, streetlights or seating, or a combination thereof, and may include architectural features of the building.

Public artworks do not include the following:

1. Art objects that are mass-produced of standard design such as playground equipment, benches or fountains;
2. Decorative or functional elements or architectural details, which are designed solely by the building architect as opposed to an artist commissioned for this purpose working individually or in collaboration with the building architect;
3. Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist;
4. Directional or promotional elements such as super graphics, signage, or color coding except where these elements are integral parts of the original work of art or executed by artists in unique or limited editions;
5. Logos or corporate identity.

17.310.030 Public art required in certain districts.
A. Public artworks, as defined in SMC 17.310.020, shall be required as part of any private or public construction or reconstruction project located in any commercial or industrial district.

B. Exceptions. The requirements of this chapter shall not apply to the following activities:

1. Underground public works projects;
2. Street, sidewalk, trails or pathway construction or repair;
3. Tree planting;
4. Remodeling, repair or reconstruction of structures which have been damaged by fire, flood, wind, earthquake or other calamity;
5. Affordable housing construction, remodel, repair or reconstruction projects;
6. Seismic retrofit projects as defined by Sebastopol City policy;
7. Construction, remodel, repair or reconstruction of structures owned and occupied by public-serving social service and nonprofit agencies;
8. Construction or repair of utility pump stations and reservoirs;
9. Fire sprinkler installation projects;
10. Disabled accessibility improvements.

C. Any private, residential-only project as permitted in any district may choose to voluntarily participate in the public art program. Residential developers choosing to voluntarily participate in the program shall follow the procedures set forth in this section. Applicants choosing to voluntarily participate in the public art program shall provide public art on the project site, as approved by the Public Arts Committee and the Sebastopol Design Review Board.

D. The public art project shall cost an amount not less than one percent of the construction cost for a private or public project as they may relate to that project. The public art may be located:

1. In areas of the site of the building or addition clearly visible from the public street or sidewalk, or
2. On the site of the approved open space feature of the project, or
3. Upon the approval of any relevant public agency on adjacent public property, or
4. In a publicly accessible area of the development project open to the public at least 40 hours a week.

E. The creator of public art shall be a practitioner in the visual arts who is not a member of the project architect, engineering or landscape architect firm. Public art shall be displayed in a manner that will enhance its enjoyment by the general public.

F. Compliance with the provisions of this chapter shall be demonstrated by the owner or developer at the time of filing a building permit application in one of the following ways:

1. Payment of the full amount of the public art in-lieu fee; or
2. Written proof to the Planning Department of a contractual agreement to commission or purchase and install the required public artwork on the subject development site and a written acknowledgment by the project artist and the owner or developer, in a form approved by the City that the proposed public artwork complies with the following criteria:
    a. The art has been approved by the Public Arts Committee;
    b. The art shall be designed and constructed by any person experienced in the production of such art and recognized by critics and by his/her peers as one who produces works of art;
    c. The art project shall require a low level of maintenance and that the proposed maintenance provisions are adequate for the long term integrity and enjoyment of the work;
    d. The artwork shall be related in terms of scale, material, form and content to immediate and adjacent buildings and architecture, landscaping or other setting so to complement the site and its surroundings and shall be consistent with any corresponding action of the Design Review Board, Planning Commission or City Council as it may relate to any development entitlements;
    e. Permanent artwork shall be a fixed asset to the property;
    f. The artwork shall be maintained by the property owner in a manner acceptable to the City;
    g. The artwork meets all building code requirements.

G. In the event owner or developer does not agree with the findings and decisions of the Design Review Board and/or Planning Commission, the owner or developer may appeal those findings and decisions to the City Council.

H. The owner or developer shall provide the City with proof of installation of the required public artwork on the development site prior to the issuance of a certificate of occupancy. In the alternative, the owner/developer may post a bond in the amount of the in-lieu fee to be reimbursed upon completion of the artwork.

I. Title to all artworks required by and installed pursuant to this chapter shall pass to the successive owners of the development. Each successive owner shall be responsible for the custody, protection and maintenance of such works of art.

J. If, for any reason, the current owner shall choose to replace any public artwork installed pursuant to this chapter, the following requirements shall be met before the artwork is replaced:

1. The cost of the replacement shall be equal to, or greater than, the cost of the art to be removed.

2. The location of the replacement shall meet the requirement for public accessibility in effect at the time of the replacement.

3. The replacement art shall conform, in every respect, to all standards in effect at the time of the replacement.

4. The replacement work, location and installation shall violate no other chapter.

5. The replacement art shall be available for public view not more than 180 days after the existing art is removed, unless the period is extended by the Planning Director.

17.310.040 Public Arts Committee.
A Public Arts Committee will be maintained by the City. Terms of office for each of the Committee members shall be four-year, staggered terms. Said Committee shall be comprised of five members as follows:

A. Members of the Committee shall be appointed by the City Council.

B. Prior to making any appointments, the City Council will seek the input and nominations for potential Committee members from City- based registered nonprofit art organizations, entities, facilities, schools, etc.

C. Preference will be shown to City residents and persons who own a business or work in the City; however, qualified candidates from the greater Sebastopol and Sonoma County area will be considered. In making appointments, the City Council shall consider the following categories:

1. Active members of a City-based, art focused, registered nonprofit organization, entity or facility.

2. Persons with experience in the public art field as either an artist, installer or designer.

3. Members of the general public.

4. A member of the Design Review Board.

D. In the event suitable candidates satisfactory to the City Council in the above categories are not available to serve, the City Council may then select any person or persons in their discretion.

The Committee shall maintain a registry of public art in the City and perform the duties required of this chapter and any other chapter or resolution of the City Council pertaining to the City's public art program.

In addition to development related public art projects or public art projects funded by the public art fund, the Committee shall review and provide recommendations to the City Council on non-development generated public art projects.

17.310.050 Public art fund.
All fees collected under this chapter shall be held in a special fund designated a public art fund, maintained, managed and reviewed by the City Manager, or his/her designee. The City Manager shall, as part of the City's annual budget process, estimate the administrative costs of the public art program for the given fiscal year. The annual expenses shall not exceed 20 percent of the estimated

revenue from in-lieu fee payments. The annual budget and all revisions for the public art fund shall be subject to the review and approval of the City Council.

The City Council may, as funds are available, seek proposals for a public art project utilizing the available funds in the public art fund for such effort. The City Council will invest in the Public Arts Committee the responsibility to develop a plan for the project. Such plan shall include:

A. Artistic objectives.

B. Proposed site or sites.

C. Desired type of art that is proposed.

D. A preliminary budget and schedule for the project.

E. Project management recommendations.

F. Other objectives.

Upon receipt and approval of this plan, the City Council will authorize City staff, in conjunction with the Public Arts Committee, to develop a formal request for proposals for the project. Staff and the Public Arts Committee will review the proposals received and provide recommendations to the City Council for acceptance.

The City Council, if sufficiently satisfied with the proposals, will make the final decision to enter into a contract for the project. The actual development of the project will be overseen by the City, and/or its contractors, assigns or designees.

17.310.060 Applicability.
The provisions of this chapter shall apply to any project that receives any required entitlement approvals, tentative map, rezoning or pre-zoning, major design review, or General Plan amendment from the Planning Commission and City Council 60 days after the effective date of the ordinance codified in this chapter. If a building permit only is required and none of the circumstances listed in this section apply to the application, then the building permit must be issued for the project prior to the effective date of the ordinance codified in this chapter. However, when a development agreement or some other agreement authorized by the City Manager is in place that clearly establishes provisions for the payment of in-lieu fees, said project may also be exempt from the requirements of this chapter.

17.310.070 City Council review.
The City Council shall review the provisions of this chapter and the effectiveness of the public art program as it deems necessary.

Chapter 17.320: TRANSITIONAL SITES

17.320.010 Applicability
The criteria in this chapter shall be applied to commercial, industrial, and other non-residential developments located next to any residential district property.

17.320.020 Transitional commercial sites criteria.
A. Outdoor uses shall not be permitted unless such outdoor uses are mitigated in a manner acceptable to the Planning Commission.

B. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m., including delivery and service, unless longer hours are mitigated in a manner acceptable to the Planning Commission.

C. Uses which generate excessive noise, such as from machinery, amplified music, etc., shall not be permitted, unless within a soundproof structure which would shield adjacent residential properties from such noise.

D. Outdoor lighting shall be shielded from adjacent residential properties and shall not spill over onto any adjacent property. Adjacent properties shall be screened from potential light or glare from automobile headlights.

E. Vehicular access shall be from streets other than those serving the adjacent residential district, unless other access is mitigated in a manner acceptable to the Planning Commission.

F. Uses which may discharge smoke and/or odor shall not be permitted, unless such discharge is mitigated in a manner acceptable to the Planning Commission.

G. Perimeter side and rear property lines shall be screened from adjacent residential districts by solid fencing of six feet in height. Dense landscaping, including trees, shall be required along said property edges.

H. Uses which include the use, storage, processing or other handling of hazardous and/or toxic substances shall not be allowed.

I. Trash and recycling enclosures shall be required for all uses, and shall be located away from the adjacent residential district. On-site trash enclosures shall allow for convenient disposal of trash and debris, and shall be secured for such uses as animal hospitals or other uses which may dispose of hazardous items. For uses such as drive-in restaurants, which may result in off-site litter, a program of off-site litter cleanup shall be required, which program may include:

1. Frequency of cleanup.

2. Geographical extent of cleanup.

3. Additional on-site receptacles.

J. Unless the Design Review Board determines a different setback is appropriate due to site conditions, existing improvements, provision of pedestrian amenities, or the neighborhood context, the setback requirements, including front yard, side yard, and rear yard, shall be equal to the

applicable setback required on the adjacent residential lot and for any residential district that does not have a comparable setback requirement (e.g., parking), the setback shall be equal to 10 feet.

Chapter 17.330: OUTDOOR MUSIC AND NOISE IN THE DOWNTOWN

17.330.010 Downtown noise permit required.
A Downtown Noise Permit shall be required for uses in the Downtown (Figure 17.08-1) that request periodic exceedances of the noise standards contained in SMC 8.25.060 and that are not subject to a temporary use permit as established by SMC 17.430. SMC 17.435 establishes the procedure for consideration of Downtown Noise Permits.

17.330.020 Downtown noise permit standards – community events.
The following standards apply to community-wide events that occur on public or private property which are not otherwise permitted by the City:

Sound sources associated with outside activities associated with a community event (e.g. fairs, entertainment events, and sporting events) between the hours of 8:00 a.m. and 10:00 p.m. from Sunday through Thursday and between the hours of 8:00 a.m. and 11:00 p.m. on Fridays, Saturdays, and City-recognized holidays shall not exceed 80 dBA, Lmax at the property line of the property on which the event is being held.

17.330.030 Downtown noise permit standards – private events.
The following standards apply to events that occur on private property and are open to clients or patrons of an establishment.

A. A Downtown Noise Permit shall only be issued for events that either:

1. Are a one-time event that is held for no more than three days.
2. Are a recurring event that is held no more than twice per month.

B. Any exceedance of the noise standards contained in SMC 8.25.060 shall be for no more than three hours in any 24-hour period.

C. Any exceedance of the noise standards contained in SMC 8.25.060 shall be limited to the hours of 9 am to 10:30 pm on a Friday and/or a Saturday and 9 am to 10 pm on a Sunday. Noise levels shall not be exceeded on a Monday, Tuesday, Wednesday, or Thursday.

D. The exterior noise standards established at SMC 8.25.060 shall not be exceeded by more than 10 dBA at any time. An exceedance of more than 10 dBA is not eligible for a Downtown Noise Permit and shall require a variance.

E. Reasonable methods to attenuate noise shall be incorporated into the site plan and event in order to minimize excessive noise exposure to nearby residences. Such methods may include, but not be limited to:

1. Orienting the activity or event, including speakers and other noise-generating equipment, so that noise is directed away from residential areas.
2. Use of noise barriers when noise will be generated outdoors or in a building that is open to the outdoors (windows, doors, etc. that are held open during the event or will be opened on a regular basis during the event) to ensure that off-site noise levels are minimized.

3. Having a sound engineer on-site during the event to review and adjust settings on the soundboard, amplifiers, and other noise-generating and noise-modulating equipment to ensure that the interior noise standard at affected areas is not exceeded.

Chapter 17.340: FORMULA BUSINESS REGULATIONS

17.340.010 Permits.
The City and its agents, employees and departments shall not approve any subdivision, conditional use permit, variance, building permit, grading permit, business license, other permits, other licenses or other entitlements for the use ("prohibited uses") of land or structures within any district in the City absent compliance with this chapter.

17.340.020 Additional Definitions.
A. Formula Business Uses. For purposes of this chapter, "formula business use" is a business which is required by contractual or other arrangement or affiliation to maintain a standardized ("formula") array of services and/or merchandise, menu, employee uniforms, decor, facade design, signage, color scheme, trademark or service mark, name, or similar standardized features; and which causes it to be substantially identical to 25 or more other businesses in the United States regardless of ownership or location at the time that the application is deemed complete.

B. Other Definitions.

"Color scheme" means selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.

"Decor" means the style of interior furnishings, which may include, but is not limited to, style of furniture, wall coverings or permanent fixtures.

"Facade" means the face or front of a building, including awnings, looking onto a street or an open space.

"Ground floor street front" means that portion of a building within 75 feet of a public street.

"Service mark" means word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

"Signage" means a sign pursuant to this title.

"Standardized array of merchandise" means 50 percent or more of in-stock merchandise from a single distributor bearing uniform markings.

"Standardized array of services" means a substantially common menu or set of services priced and performed in a consistent manner.

"Trademark" means a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

"Uniform apparel" means standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks, dresses, hat, and pins (other than name tags) as well as standardized colors of clothing.

17.340.030 Exemptions.
This chapter shall not apply to:

A. Those land use applications (namely, subdivisions, conditional use permits, variances, design review, General Plan amendment, rezoning, building or grading permits) which were deemed complete prior to the adoption of the ordinance codified in this chapter;

B. Business licenses approved prior to the adoption of the ordinance codified in this chapter;

C. Construction required to comply with fire and/or life safety requirements;

D. Disability accessibility work;

E. Renovation of existing formula businesses, including renovations involving the addition of square footage comprising up to 15 percent of the gross floor area of the existing establishment or 1,500 gross square feet, whichever is less;

F. Changes in ownership of existing formula businesses where there is no substantial change to the land use classification of the use, or in the mode or character of the operation;

G. Banks and credit unions;

H. Offices and tax preparation services, except as specified in SMC 17.340.040(A); and

I. Formula business uses of 10,000 square feet or less located in the following existing shopping centers:

- Redwood Marketplace, located at 700-800 Gravenstein Highway North;
- Fiesta Shopping Center, located at 500-660 Gravenstein Highway North and 7822-7840 Covert Lane;
- Southpoint Shopping Center, located at 775-801 Gravenstein Highway South; and
- Gravenstein Shopping Center, located at 950-980 Gravenstein Highway South.
- The Planning Director shall be authorized to interpret any future address or name changes for these locations.

17.340.040 Prohibited formula business uses.
The following types of formula businesses are prohibited in the Downtown (see Figure 17.08-1):

A. Formula business offices on the ground floor street front.

B. Formula business restaurants.

C. Formula business hotels and motels.

17.340.050 Conditional Use permit requirement.
A conditional use permit shall be required for any formula business not otherwise prohibited, unless in conformance with SMC 17.340.050.

17.340.060 Conditional Use permit procedures.
Procedures for formula business conditional use permit applications shall conform to SMC 17.415 SMC.

17.340.070 Conditional Use permit findings.

In acting on a formula business conditional use permit application, the Planning Commission, or City Council on appeal, shall determine:

A. If the establishment, maintenance, or operation of the proposed use or development applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City;

B. That the formula business establishment will complement existing businesses, and promote diversity and variety to assure a balanced mix of commercial uses available to serve both resident and visitor populations;

C. That the proposed use, together with its design and improvements, is consistent with the unique and historic character of Sebastopol, has an exterior design which appropriately limits “formula” architectural, sign, and other components, and will preserve the distinctive visual appearance and shopping/dining experience of Sebastopol for its residents and visitors;

D. That, as applicable, the proposed use will help residents and visitors avoid the need to shop out of town for goods or services;

E. That the proposed use will be pedestrian-oriented and connect to the area’s existing and planned pedestrian and bicycle facilities; and

F. That if the proposed use is greater than 10,000 gross square feet, the establishment will provide needed goods or services, will promote Sebastopol’s economic vitality, and will be compatible with existing and planned uses.

CHAPTER 17.345: SERVICE STATIONS AND CAR WASHES

17.345.010 Service stations and car washes.
In addition to the development standards in SMC 17.25, gas stations and car washes shall comply with the following requirements:

A. Location.

1. The site shall have at least 150 feet of frontage on an arterial or collector street.
2. The site shall not adjoin an existing residential district, or single- or two-family residential use at the time the service station use or car wash use is established.

B. Distance between Service Station and Car Wash Sites. The minimum distance between service station sites and/or car wash sites shall be 500 feet.

C. Site Area. The minimum site area shall be 15,000 square feet or the minimum required by the applicable zoning district, whichever is greater.

D. Site Dimensions. The minimum width shall be 150 feet; the minimum depth shall be 100 feet.

E. Site Design.

1. Pump islands shall be set back a minimum of 20 feet from any property line. The setbacks for the buildings shall comply with the applicable zoning district.
2. New curb cuts on a public street shall be a minimum of 50 feet from the intersection of the projected curb lines. No more than two curb cuts shall be permitted unless otherwise approved by a conditional use permit.
3. Vapor processing units and propane tanks shall be located behind or on the side of the main building, where possible, or screened within a landscaped area. Tanks shall be installed pursuant to State, County, and local requirements and shall be oriented in a horizontal position.

F. Other Requirements.

1. All merchandise, including but not limited to periodicals, vending machines, and other items offered for purchase, shall be contained within the buildings at all times.
2. The storage of inoperative vehicles is prohibited.

G. Abandoned Stations. Any service station that becomes nonconforming for any reason other than the spacing requirements set forth in this section, and which is abandoned or closed for a period of one year consecutively, or an aggregate of 365 days in any two-year period, shall be physically removed from the site by the owner. Removal shall mean the demolition of all service station facilities, including removal of underground tanks pursuant to State and County requirements. Prior to the effective date of any order to remove a service station pursuant to this section, interested parties shall be notified by registered mail and shall be given a hearing before the City Council.

17.345.020 Car washes.

In addition to the requirements established in SMC17.25 and the requirements identified in paragraph (A) of this section, car washes shall comply with the requirements listed below.

A. The site layout and design shall ensure that there is adequate room for the queuing and drying areas and vehicles will not queue in the adjoining walkways and streets.

B. All washing and automatic drying facilities shall be completely within an enclosed building.

C. Vacuuming facilities shall not be located along public or private streets and shall be screened from adjacent residential properties. Mechanical equipment for powering vacuuming shall be located within an enclosed structure.

D. Any noise from car washing activities, loud speakers, and vacuuming shall meet the noise standards in the SMC and General Plan.

E. Car washes shall use recycled water whenever feasible.

Chapter 17.350: ALCOHOL USE PERMIT CRITERIA

17.350.010 Findings and purpose.
A. The City Council finds and determines that establishments engaged in the sale of alcoholic beverages may present problems that are encountered by residents, businesses, property owners, visitors and/or workers of Sebastopol, including, but not limited to, littering, obstruction of pedestrian traffic, vehicular traffic, parking, crime, interference with children on their way to school, interference with shoppers using the streets, defacement and damaging of structures, disturbing the peace, discouragement of more desirable and needed commercial uses and other similar problems connected primarily with the operation of establishments engaged in the sale of alcoholic beverages for consumption on or off the premises.

B. The City Council also finds and determines that the existence of such problems creates serious impact on the peace, health, safety and welfare of residents of nearby areas, including fear for the safety of their children and of visitors to the area, as well as contributing to the deterioration of their neighborhoods, and concomitant devaluation of their property and destruction of their community values and quality of life.

C. This chapter is intended and designed to deal with and ameliorate these problems and conditions by restricting the location of such uses in relation to one another, and their proximity to facilities primarily devoted to use by children and families and the general public, and through the denial of a conditional use permit or through the imposition of conditions on a case-by-case basis, thereby limiting the number of such uses in the City and preventing undue concentration and undesirable community impact of such uses by the imposition of reasonable conditions upon the operation of all such uses both existing and in the future.

17.350.020 Conditional use permit required.
A. On and after the effective date of the ordinance codified in this chapter, no place wherein alcoholic beverages are sold, served, or given away for on-site or off-site consumption, shall be established without first obtaining a conditional use permit from the City. Further, no existing site which substantially changes its mode or character of operation shall continue to operate without first obtaining a conditional use permit.

B. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishments and posted in a place where it may readily be viewed by any member of the general public.

C. In making any of the findings required pursuant to this chapter, the Planning Commission, or the City Council on appeal, shall consider whether the proposed use will adversely affect the health, safety or welfare of area residents or will result in an undue concentration in the area of establishments dispensing, for sale or other consideration, alcoholic beverages, including beer and wine.

The Planning Commission, or City Council on appeal, shall also consider whether the proposed use will detrimentally affect nearby residentially zoned communities in the area, after giving consideration to the distance of the proposed use from the following:

1. Residential buildings;

2. Churches, schools, hospitals, public playgrounds and other similar uses; and

3. Other establishments dispensing for sale or other consideration, alcoholic beverages including beer and wine.

D. In all determinations pursuant to this section, the applicant for the conditional use permit shall have the burden of proving by clear and convincing evidence that the proposed use will not adversely affect the health, safety or welfare, result in undue concentration of alcoholic beverage outlets, or detrimentally affect nearby communities.

E. The Planning Commission, or City Council on appeal, may impose any conditions on the applicant or proposed location reasonably related to the health, safety or welfare of the community.

F. Except as set forth in SMC 17.350.070, applications for conditional use permits herein shall be made in accordance with SMC 17.415, together with amendments thereto. The applicant shall submit a processing fee as specified in the most current Planning Department schedule of fees. Any costs for processing an application that exceed the conditional use permit fee paid by the applicant shall be deemed a debt to the City and shall be paid within 30 days of issuance of the conditional use permit or said permit shall be revoked.

17.350.030 On-sale liquor establishments defined.
An on-sale liquor establishment shall mean any establishment wherein alcoholic beverages are sold, served or given away for consumption on the premises including but not limited to any facility which has obtained a State Department of Alcoholic Beverage Control license Types 41, 42, 47, 48, 51, 52 and 63.

17.350.040 Off-sale liquor establishments defined.
An off-sale liquor establishment shall mean any establishment which is applying for or has obtained a liquor license from the State Department of Alcoholic Beverage Control, including Types 20 and 21.

17.350.050 Minimum conditions for off-sale liquor establishments.
The Business and Professions Code states:

> Off-sale liquor establishments shall not sell or store motor fuels on the same premises as alcoholic beverages, except upon condition of the following:
>
> A. No beer and wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler as of January 1, 1988.
>
> B. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.
>
> C. No sale of alcoholic beverages shall be made from a drive-in window.
>
> D. No display or sale of beer or wine shall be made from an ice tub.
>
> E. No beer or wine advertising shall be located on motor fuel islands and no self-illuminated advertising for beer or wine shall be located on buildings or windows.

F. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. shall be at least twenty-one (21) years of age to sell beer and wine.

17.350.060 Existing establishments selling alcoholic beverages (on-sale and/or off-sale).
A. Any establishment lawfully existing prior to the effective date of this section and licensed by the State for the retail sale of alcoholic beverages for on-site and/or off-site consumption shall obtain a conditional use permit when:

1. The establishment changes its type of liquor license within a license classification and/or,

2. There is a substantial change in the mode or character of operation. For purposes of this chapter "substantial change of mode or character of operation" shall include, but not be limited to, a transfer of ownership of the license, a pattern of conduct in violation of other laws or regulations, a period of closure, or a substantial increased square footage of alcoholic beverage sales or retail inventory.

B. Any establishment which becomes lawfully established on or after effective date of this section and licensed by the State for the retail sale of alcoholic beverages for on-site and/or off-site consumption shall obtain a modification of conditional use permit when:

1. The establishment changes its type of liquor license within a license classification and/or,

2. There is a substantial change in the mode or character of operations of the establishment.

17.350.070 Administrative determination of certain conditional use permit applications.
A. The Planning Director is hereby authorized to approve, conditionally approve, or deny conditional use permits for on-sale liquor establishments holding license Types 51 and 52 (as defined under SMC 17.350.030), and for all existing establishments (pursuant to SMC 17.350.060).

B. Any applicant under this section, or any other interested person, may appeal the determination of the Planning Director pursuant to SMC 17.455. All such appeals shall be made to the Planning Commission who shall render its decision within 30 days after the filing of such appeal. A filing fee, as established by resolution of the City Council, shall be paid at the time of filing of the written appeal.

17.350.080 Exemptions.
The Planning Director shall have the authority to grant an exemption from the provisions of this chapter for:

A. Commercial or home occupation businesses where only office related activities will be performed, and where the storage and on-site sale of alcoholic beverages will not, at any time, occur.

B. Alcoholic beverage tasting establishments, where listed as a permitted use. The exemption shall be approved in writing by the Planning Director and shall be subject to the right of appeal to the Planning Commission as provided in SMC 17.455. The exemption shall only be approved if the applicant agrees in writing to comply with the following criteria and conditions:

1. No live entertainment is permitted on the premises except with approval by the Chief of Police and Planning Director, who may impose conditions controlling such activities.

2. An employee alcohol awareness training program and security plan is approved by the Chief of Police.

3. Only wine, non-alcoholic beverages, and food other than meals may be served.

4. Wine and non-alcoholic beverages may be sold at retail for consumption on-site, and for off-premises.

5. Retail items incidental to the primary use may be sold.

6. There shall be no sale or consumption of wine on the premises between 11:00 p.m. and 10:00 a.m.

C. Restaurants or "bona fide" public eating places which offer for sale or dispense for consideration alcoholic beverages including beer or wine incidental to meal service. The exemption shall be approved in writing by the Planning Director and shall be subject to the right of appeal to the Planning Commission as provided in SMC 17.455. The exemption shall only be approved if the applicant agrees in writing to comply with the following criteria and conditions:

1. The premises contain a kitchen or food-serving area in which a variety of food is prepared and cooked on the premises.

2. The primary use of the premises is for sit-down service to patrons, and the establishment is not a drive-up, drive-through, or fast-food restaurant.

3. The establishment serves food to patrons during all hours the establishment is open for customers.

4. The establishment only serves alcohol in a dining area and not in an alcohol serving area that is separate from the dining area.

5. Adequate seating arrangements for sit-down patrons are provided on the premises, not to exceed a seating capacity of 50 persons.

6. Any take-out service is only incidental to the primary sit-down use and does not include the sale or dispensing for consideration of alcoholic beverage or beer or wine.

7. No alcoholic beverages or beer or wine are sold or dispensed for consumption beyond the premises.

8. No dancing or live entertainment is permitted on the premises except with approval by the Chief of Police and Planning Director, who may impose conditions controlling such activities.

9. An employee alcohol awareness training program and security plan is approved by the Chief of Police.

17.350.090 Revocation of CUP.
A conditional use permit granted under this chapter shall be subject to revocation in the manner provided by SMC 17.415.050 if any of the conditions imposed and accepted are not complied with.

Chapter 17.355: MOBILE FOOD TRUCK REGULATIONS

17.355.010 Applicability
This chapter applies to operations of mobile food trucks within the City. No permit or licenses for mobile food trucks shall be issued absent compliance with this chapter.

17.355.020 Mobile food trucks operating within the public right-of-way or operating short-term on public or private property.
The following standards apply to mobile food vendors that operate within the public right-of-way and to mobile food vendors that operate on a temporary basis (less than two hours except as allowed by Paragraph I below) with the permission of the property owner on private property or on public property that is not within a road right-of-way.

A. Licenses and Permit Required. Mobile food trucks operating in the City shall obtain a Business License from the City's Finance Department. The owner and operator of a mobile food truck is responsible for obtaining all necessary licenses and permits required for the service of food and beverages, including a permit for food service from the Sonoma County Department of Health. The mobile food vehicle must be in compliance with State motor vehicle laws.

B. Hours of Operation.

A. Downtown: All mobile food truck vendors within the Downtown (see Figure 17.08-1) shall cease operation between the hours of 2:30 AM and 7:00 AM.

B. Elsewhere: All mobile food truck vendors outside of Downtown (see Figure 17.08-1) shall cease operation between the hours of 10:00 PM and 7:00 AM.

C. Mobile food vendors shall not operate on the frontage of any building-enclosed restaurant, except when the restaurant is closed for business or if the mobile food vendor has written authorization from all building-enclosed restaurants at that location.

D. Mobile food vendors shall not stop, stand, or park in any location that obstructs visibility of an intersection or of traffic entering or existing an intersection.

E. Mobile food vendors shall not stop, stand, or park in or adjacent to any no parking or loading zone.

F. Operations within a parking lot shall not conflict with traffic circulation and shall maintain the minimum required on-site parking spaces for the principal use(s) on the property.

G. Mobile food vendors shall not operate on public land or within the public right-of-way within three hundred fifty (350) feet of a public or private school within thirty minutes of the beginning and end of the school day, unless written permission of the school principal has been obtained.

H. Mobile food vendors shall maintain a clear path of travel on the sidewalk pursuant to the Americans with Disabilities Act (ADA) free of customer queuing, signage, and/or all portions of the vehicle for the clear movement of pedestrians.

I. From 7:00 AM to 10:00 PM, a mobile food vendor shall not vend within the public right-of-way at any location for more than two hours without moving to a new location that is at least one full block or 500 feet from the previous location, whichever distance is greater.

J. Mobile food vendors shall maintain trash receptacles immediately adjacent to the vending location for use by their customers and shall pick up all trash within 25 feet of their vending location. Trash shall not be placed in City trash receptacles.

K. Operations must be self-contained in the vehicle. Outside tables, seating, or shade canopies may not be placed in the public right-of-way

L. Alcoholic Beverage. No sales or service of alcohol shall be allowed by mobile food trucks.

M. Exceptions. By conditional use permit, the Planning Commission may grant an exception to these provisions.

17.355.030 Mobile food truck court requirements.

Mobile food truck courts are a development on a privately-owned parcel with an individual pad and individual service and utility hook-ups for each mobile food vendor and on-site amenities, such as restrooms, eating areas, etc.) for customers, and are intended for regular food service from mobile food trucks. Mobile food truck courts may have mobile food trucks that operate on a short-term (one hour or less) or long-term basis (more than one hour). Mobile food court developments shall be subject to the following standards:

A. Business License Required. All mobile food truck vendors shall obtain a Business License from the City's Finance Department. The owner and operator of a mobile food truck is responsible for applying and obtaining all other necessary licenses and permits required for the service of food and beverages. The mobile food vehicle must be in compliance with State motor vehicle laws.

B. An individual pad and individual service and utility hook-ups shall be provided for each mobile food truck.

C. A restroom shall be provided on-site for mobile food truck employees and customers.

D. Pedestrian-oriented amenities, including tables, seating, shaded areas, and landscaping, shall be provided.

E. Mobile food developments are subject to the permit requirements and site development standards established by this code, including SMC17.25.

F. Customer walkup areas may not extend into the public right-of-way.

G. Mobile food trucks operating within a mobile food truck court are not subject to the SMC 17.355.020.

H. Exceptions. By conditional use permit, the Planning Commission may grant an exception to these provisions.

Chapter 17.360: COMPREHENSIVE CANNABIS REGULATIONS

17.360.010. Purpose.
This chapter provides the location and operating standards for Personal Cannabis Cultivation and for Cannabis Businesses to ensure neighborhood compatibility, minimize potential environmental impacts, provide safe access to medicine and provide opportunities for economic development.

17.360.020. Application of regulations.
The provisions of this chapter shall become effective 30 days after its adoption.

17.360.030. Additional Definitions.
"Adult Use" means a person over the age of 21 with a valid state ID, who is qualified to purchase cannabis from an established cannabis business.

"Ancillary" means a use that is related but subordinate to the primary or dominant use on the site.

"Cannabis" means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means marijuana as defined by Health and Safety Code Section 11018, and amended by the California Control, Regulate and Tax Adult Use of Marijuana Initiative, and as defined by other applicable state law. "Cannabis" does not mean "industrial hemp" as defined by Health and Safety Code Section 11018.5. Cannabis is classified as an agricultural product separately from other agricultural crops.

"Cannabis" or "Cannabis Product" means cannabis or a cannabis product, respectfully, intended to be sold for either medical or adult use.

"Cannabis Business" means an entity engaged in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of medical or adult use cannabis, and medical or adult use cannabis products for commercial purposes.

"Cannabis Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of either medical or adult use cannabis.

"Cannabis Cultivation Area" means the maximum dimensions allowed for the growing of cannabis. For purposes of this Ordinance, the allowable cultivation area shall apply to the outward edge of the vegetative canopy.

"Cannabis Delivery" means the commercial transfer of medical cannabis or medical cannabis products to a primary caregiver or qualified patient; or the commercial transfer of adult use cannabis or adult use cannabis products to a person over the age of 21, with valid ID. "Delivery" also includes the use of any technology platform owned and controlled by a Cannabis Business Operator that enables qualified patients, primary caregivers, or adult use customers to arrange for or facilitate the commercial transfer by a permitted Cannabis Retailer of which the City has three classifications: Medical Dispensary Retail, Adult Use Dispensary Retail, or Office Only Cannabis Retail.

"Cannabis Distribution/Warehouse" means the procurement, sale, and transport of medical cannabis or adult use cannabis, and medical cannabis products or adult use cannabis products, between legally established Cannabis Businesses. This does not include patient delivery or adult use delivery.

"Cannabis Manufacturing" means the production, preparation, propagation, or compounding of medical cannabis or adult use cannabis, or medical cannabis products or adult use cannabis products, using nonvolatile solvents, or no solvents, either directly or indirectly or by extraction methods, or independently by mean of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container. This does not include the manufacturing of either medical or adult use cannabis products using volatile solvents, which is not permitted in the City.

"Cannabis Microbusiness" means a cannabis cultivation business of less than 10,000 square feet in combination with medical cannabis distribution, medical cannabis manufacturing – level 1, and/or medical cannabis retail (dispensary) and delivery, combined within one state license.

"Cannabis Operator" or "Operator" means the person or entity that is engaged in the conduct of any commercial medical cannabis, or adult cannabis use.

"Cannabis Retail." There are three levels of Cannabis retail permitted in the City:

(1) Type 1: Medical Dispensary, Cannabis Retail means a facility where medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis or medical cannabis products as part of a retail sale.

(2) Type 2: Adult Use Dispensary, Cannabis Retail means a facility where cannabis or cannabis Products are offered, either individually or in any combination, for retail sale, including an establishment that delivers cannabis or cannabis products as part of a retail sale for adult use.

(3) Type 3: Office Only, Cannabis Retail means the sale and delivery of either medical cannabis or adult use cannabis, and/or medical cannabis products or adult use cannabis products, to qualified customers via online, the phone or by mail. No sales of cannabis are made on site. Except as permitted by State Law, all cannabis products shall be stored in a secured fashion. Such use shall have a licensed premises which is a physical location from which commercial cannabis activities are conducted. Such use's premises are closed to the public. The intent of this use-type is to serve as an office to coordinate the transport of cannabis obtained from other licensees to qualified patients or qualified adult customers with valid identification. Such use-type may conduct sales exclusively by delivery.

"Cannabis Processing" means a licensee that conducts only trimming, drying, curing, grading or packaging of cannabis and non-manufactured cannabis products. Processing does not involve any cultivation or manufacturing.

"Cannabis Packaging and Labeling" means entities that only package or repackage cannabis products or label or relabel the cannabis product container. Can package and label for other licensees.

"Cannabis Testing Laboratory" means a laboratory, facility, or entity in the state that offers or performs tests of medical cannabis or adult use cannabis and/or medical cannabis products or adult use cannabis products, and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.

(2) Licensed by the Bureau of Cannabis Control.

"Edible Cannabis Product" means a cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

"Greenhouse" means a permanent enclosed structure for the propagation and growing of plants, constructed with a translucent roof and/or walls.

"Marijuana" See "Cannabis".

"Person with an identification card" shall have the same definition as set forth in Health and Safety Code Section 11362.5 et seq., and as they may be amended from time to time.

"Physician" shall include licensed medical doctors (M.D.) and doctors of osteopathic medicine (D.O.) as defined in the Business and Professions Code.

"Primary caregiver" shall have the same definition as set forth in Health and Safety Code Section 11362.5 et seq., and as may be amended.

"Qualified patient" shall have the same definition as set forth in Health and Safety Code Section 11362.5 et seq., and as they may be amended from time to time.

17.360.040. Limitations on use.

A. Compliance with SMC. Personal Cannabis Cultivation and Cannabis Businesses shall only be allowed in compliance with this chapter and all applicable regulations set forth in the SMC, including but not limited to, all regulations governing building, grading, plumbing, septic, electrical, fire, hazardous materials, nuisance, and public health and safety.

B. Compliance with State laws and regulations. All Cannabis Businesses shall comply with all applicable state laws and regulations, as may be amended, including all permit, approval, inspection, reporting and operational requirements, imposed by the state and its regulatory agencies having jurisdiction over Cannabis and/or Cannabis Businesses. All Cannabis Businesses shall comply with the rules and regulations for Cannabis as may be adopted and as amended by any state agency or department including, but not limited to, the Bureau of Cannabis Control, the Department of Food and Agriculture, the Department of Public Health, the Department of Pesticide Regulation, and the Board of Equalization.

C. Compliance with local and regional laws and regulations. All Cannabis Businesses shall comply with all applicable Sonoma County and other local and regional agency regulations, including, but not limited to, regulations issued by the Regional Water Quality Control Board, the Sonoma County Agricultural Commission, and the Sonoma County Department of Public Health.

D. Cannabis Businesses shall provide copies of state, regional and local agency permits, approvals or certificates upon request by the City to serve as verification for such compliance.

17.360.050. Personal cannabis cultivation.
Personal Cannabis Cultivation for medical or adult use shall be permitted only in compliance with the provisions of Zoning Districts and Allowable Uses and shall be subject to the following standards and limitations.

A. Medical Cannabis Maximum Limitation.

1. Personal Cultivation: The personal cultivation of medical cannabis is limited to no more than 100 square feet per residence regardless of the number of residents.
2. Primary Care Giver Cultivation: A primary caregiver, as defined in state law, may cultivate medical cannabis exclusively for the personal medical use of no more than five specified qualified patients, with the area of cultivation not to exceed one hundred square feet per patient, up to a total of 500 square feet per residence.
    i. Of the maximum 500 square feet of cultivation permitted, up to 200 square feet may be outdoors, with cultivation area in excess of 200 square feet to be located indoors, and complying with the operational requirements set forth below in subset E.

B. Adult Use Cannabis Maximum Limitation. The personal cultivation of adult use cannabis is limited to no more than six (6) mature plants per residence, regardless of the number of residents, and may be grown outdoors or indoors. Any such cultivation shall meet the operational requirements set forth in subset E.

C. Residency requirement. Cultivation of cannabis for personal use may occur only by a full-time resident responsible for the cultivation.

D. Outdoor cultivation. Cannabis plants shall not be located in a front yard, and shall not be located in a street side yard, unless fully screened from public view by a wall or fence complying with height and other requirements of the SMC.

E. The following operating requirements are applicable to personal cannabis cultivation:

1. Visibility. No visible markers or evidence indicating that cannabis is being cultivated on the site shall be visible from the public right of way at street level, or from school property.
2. Security. Cannabis cultivation areas and structures used for cultivation shall have security measures sufficient to prevent access by children or other unauthorized persons.
3. Prohibition of Volatile Solvents. The manufacture of cannabis products for personal non-commercial consumption shall be limited to processes that are solvent-free or that employ

only non-flammable, nontoxic solvents that are recognized as safe pursuant to the federal Food, Drug and Cosmetic Act. The use of volatile solvents to manufacture cannabis products for personal consumption is prohibited.

4. All structures used for Personal Cannabis Cultivation (including accessory structures, greenhouses, and garages) must be legally constructed with all applicable Building and Fire permits (including grading, building, electrical, mechanical and plumbing) and shall adhere to the development standards within the base zone.

5. Odor Control. All structures used for cultivation shall be equipped with odor control filtration and ventilation systems as may be necessary to ensure that odors do not constitute a nuisance.

6. Lighting. Interior and exterior lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and the following standards:

   i. Exterior lighting systems shall be provided for security purposes in a manner sufficient to provide illumination and clear visibility to all outdoor areas of the premises, including all points of ingress and egress. Exterior lighting shall be stationary, fully shielded, directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood. All exterior lighting shall be Building Code compliant.

   ii. Interior light systems shall be fully shielded, including adequate coverings on windows, to confine light and glare to the interior of the structure.

7. Noise. Use of air conditioning and ventilation equipment shall comply with SMC 8.25 (Noise). The use of generators is prohibited, except as short-term temporary emergency back-up systems.

8. All personal cannabis cultivation shall comply with the Best Management Practices for Cannabis Cultivation issued by the Sonoma County Agricultural Commission for management of waste, water, erosion control and management of fertilizers and pesticides.

9. If the cultivation occurs in a dwelling unit, the dwelling unit shall be occupied as a residence and retain at all times legal and functioning cooking, sleeping and sanitation facilities.

10. If the cultivation occurs in a dwelling unit or other enclosed structure, a portable fire extinguisher that complies with regulations and standards adopted by the State Fire Marshall shall be kept in the area of cultivation.

17.360.060. Cannabis businesses.

Cannabis Businesses shall be permitted only in compliance with the provisions of Zoning Districts and Allowable Uses (SMC 17.25) and shall be subject to the following standards and limitations.

A. Land use. For purposes of this chapter, Cannabis Businesses shall include the following land use classifications, which are further defined in in the Additional Definitions section of this chapter:

1. Cannabis – Cultivation

2. Cannabis – Testing/Lab
3. Cannabis – Manufacturer (non-volatile, includes infusions)
    i. Processing
    ii. Packaging and Labelling
4. Cannabis – Cannabis Retail (Dispensary) and Cannabis Retail (Office only)
6. Cannabis – Cannabis Distributor/Warehouse
7. Cannabis – Microbusiness

B. Where allowed. Cannabis Businesses shall be located in compliance with the requirements of Zoning Districts and Allowable Uses (SMC 17.25) and as designated on Tables 17.360-1 and 17.360-2. With regard to required setbacks of a cannabis business to another land use, the City asserts its right to establish different radius requirements than what is provided by Business and Professions Code Section 26054 (b).

C. Land use permit requirements. The uses that are subject to the standards in this chapter shall not be established or maintained except as authorized by the land use permit required by this chapter. For those business uses not subject to a conditional use permit requirement, an administrative permit is required.

D. Development standards. The standards for specific uses in this chapter supplement and are required in addition to those in the SMC. In the event of any conflict between the requirements of this chapter and those of other provisions of the SMC, the requirements of this chapter shall control.

17.360.070. General operating requirements.

The following general operating requirements are applicable to all Cannabis Businesses. In addition, requirements specific to each Cannabis Business subtype are separately set forth in this chapter.

A. Dual licensing. The City recognizes that state law requires dual licensing at the state and local level for all Cannabis Businesses. Cannabis Operators shall therefore be required to diligently pursue and obtain a state medical cannabis or cannabis license at such time as the state begins issuing such licenses, and shall comply at all times with all applicable state licensing requirements and conditions, including, but not limited to, operational standards such as, by way of illustration but not limitation, background checks, prior felony convictions, restrictions on multiple licenses and license types, and locational criteria.

1. New operators. Cannabis Businesses which have received land use permit approval pursuant to this chapter after the state begins issuing state licenses and after the 10-month transition period noted in subsection A.1 above, shall not be allowed to commence operations until the Cannabis Business can demonstrate that all necessary state licenses and agency permits have been obtained in compliance with any deadlines established by the state.

2. Existing permitted operators. Cannabis Businesses which have received land use permit approval prior to the adoption of this chapter shall be required to comply with all operational requirements set forth in this chapter.

3. Grounds for Revocation. Once state licenses and agency permits become available, failure to demonstrate dual licensing in accordance with this chapter and within any deadlines established by state law shall be grounds for revocation of City approval. Revocation of a local permit and/or a state license shall terminate the ability of the Cannabis Business to operate until a new permit and/or state license is obtained.

B. Minors.

1. It is unlawful for any Cannabis Operator to employ any person who is not at least 21 years of age, unless otherwise allowed for through State Law.

2. Cannabis Businesses (Medical) shall only allow on the premises a person who is 21 years of age or older, unless they are a qualified patient or primary caregiver, and they are in the presence of their parent or guardian for the first visit, or are of age to legally consent to medical treatment.

   i. The entrance to a Cannabis Business (Medical) shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the premises unless they are a qualified patient or primary caregiver, and they are in the presence of their parent or guardian for the first visit or are of age to legally consent to medical treatment.

3. Cannabis Businesses (Adult Use) shall only allow on the premises a person who is 21 years of age or older and who possesses a valid government-issued photo identification card.

   i. The entrance to a Cannabis Business (Adult Use) shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the premises.

C. Inventory and tracking. Cannabis Operators shall at all times operate in a manner to prevent diversion of Cannabis and shall promptly comply with any track and trace program established by the state.

D. Multiple permits per site. Multiple Cannabis Businesses proposed on any one site or parcel shall be granted permit approval only if all of the proposed Cannabis Businesses and their co-location are authorized by both local and state law. Cannabis Operators issued permits for multiple license types at the same physical address shall maintain clear separation between license types unless otherwise authorized by local and state law.

E. Building and fire permits. Cannabis Operators shall meet the following requirements prior to commencing operations:

1. The Cannabis Operator shall obtain a building permit to confirm with the appropriate occupancy classification and compliance with SMC Title 15.

2. The Cannabis Operator shall obtain all annual operating fire permits with inspections prior to operation.

3. The Cannabis Operator shall comply with all applicable Health and Social Care and Fire Code requirements related to the storage, use and handling of hazardous materials and the generation of hazardous waste. Cannabis Operators shall also obtain all required Certified Unified Program Agency (CUPA) permits including completing a California Environmental Reporting System (CERS) submission for hazardous materials inventory that meet or exceed State thresholds and any waste generation for accountability.

4. Access with a Fire Department lock box for keys to gates and doors shall be provided.

F. Transfer of ownership or operator. A permittee shall not transfer ownership or operational control of a Cannabis Business or transfer a permit for a Cannabis Business to another person unless and until the transferee obtains an Administrative Permit from the Planning Department verifying compliance with requirements of this chapter and stating that the transferee is now the permittee. The Administrative Approval clearance shall commit the transferee to compliance with all conditions of the original permit.

G. Security. Cannabis Businesses shall provide adequate security on the premises, including lighting and alarms, to insure the public safety and the safety of persons within the facility and to protect the premises from theft. Applications for a Cannabis Business shall include a security plan that includes the following minimum security plan requirements:

1. Security cameras. Security surveillance video cameras shall be installed and maintained in good working order to provide coverage on a twenty-four (24) hour basis of all internal and exterior areas where Cannabis is cultivated, weighed, manufactured, packaged, stored, transferred, and dispensed. The security surveillance cameras shall be oriented in a manner that provides clear and certain identification of all individuals within those areas. Cameras shall remain active at all times and shall be capable of operating under any lighting condition. Security video must use standard industry format to support criminal investigations and shall be maintained for a minimum of sixty (60) days.

2. Alarm system. A professionally monitored robbery alarm system shall be installed and maintained in good working condition. The alarm system shall include sensors to detect entry and exit from all secure areas and all windows. Cannabis Operators shall keep the name and contact information of the alarm system installation and monitoring company as part of the Cannabis Business's onsite books and records. Cannabis Operators shall identify a local site contact person who will be responsible for the use and shall provide and keep current full contact information to the Sebastopol Police Department as part of the permitting process.

3. Secure storage and waste. Cannabis Products and associated product waste shall be stored and secured in a manner that prevents diversion, theft, loss, hazards and nuisance.

4. Transportation. Cannabis Businesses shall implement procedures for safe and secure transportation and delivery of Cannabis, or Cannabis Products and currency in accordance with state law.

5. Locks. All points of ingress and egress to a Cannabis Business shall be secured with Building Code compliant commercial-grade, non-residential door locks or window locks.

6. Emergency access. Security measures shall be designed to ensure emergency access in compliance with Fire Code and Sebastopol Fire Department standards.

H. Odor control. Cannabis Businesses shall incorporate and maintain adequate odor control measures such that the odors of Cannabis cannot be readily detected from outside of the structure in which the Business operates. Applications for Cannabis Businesses, except for those which only deal with packaged cannabis and have no on-site consumption, shall include an odor mitigation plan certified by a licensed professional engineer or industrial hygienist that includes the following:

1. Operational processes and maintenance plan, including activities undertaken to ensure the odor mitigation system remains functional;

2. Staff training procedures; and

3. Engineering controls, which may include carbon filtration or other methods of air cleansing, and evidence that such controls are sufficient to effectively mitigate odors from all odor sources. All odor mitigation systems and plans submitted pursuant to this subsection shall be consistent with accepted and best available industry-specific technologies designed to effectively mitigate cannabis odors.

I. Lighting. Interior and exterior lighting shall utilize best management practices and technologies for reducing glare, light pollution, and light trespass onto adjacent properties and the following standards:

1. Exterior lighting systems shall be provided for security purposes in a manner sufficient to provide illumination and clear visibility to all outdoor areas of the premises, including all points of ingress and egress. Exterior lighting shall be stationary, shielded, directed away from adjacent properties and public rights of way, and of an intensity compatible with the neighborhood. All exterior lighting shall be Building Code compliant.

2. Interior light systems shall be shielded to appropriately limit exterior glare to surrounding properties.

J. Noise. Use of air conditioning and ventilation equipment shall comply with SMC 8.25 (Noise). The use of generators is prohibited, except as short-term temporary emergency back-up systems.

K. Staff Training.

1. All cannabis businesses shall implement a staff training program. Required training shall be provided to all new employees, and annual employee training shall also be conducted. Records of such training shall be maintained and provided to the Police Department upon request. Such program shall include the following minimum elements:

    a. Applicable State laws and regulations.

    b. Applicable City laws, regulations, and conditions of approval.

    c. Applicable Sonoma County Health Services laws and regulations.

d. Information concerning civil, criminal and administrative liability.

e. Procedures for preventing and refusing access, sales, and service to minors and obviously intoxicated patrons.

f. Procedures for checking legally acceptable forms of identification.

g. Safety and security procedures.

h. Incident reporting, law enforcement liaison policies

i. Good neighbor policies.

2. At the time a Planning application is made for any new Cannabis businesses, the applicant shall provide a proposed staff training program, complying with SMC 17.360.070.K.1. above, for the review and approval of the Police Department. Police Department acceptance of the training program is required prior to issuance of a Planning approval for a new business. If not previously provided, existing Cannabis businesses shall provide such program for Police Department review within 30 days from any permit modification.

17.360.080. Cannabis commercial cultivation.
In addition to the General Operating Requirements set forth in this chapter, this section provides additional requirements for Cannabis Commercial Cultivation.

A. Outdoor commercial cultivation prohibited. The cultivation of Cannabis for commercial use may only be conducted within a fully enclosed space.

B. Type of permit. Depending on the size of the facility, and in accordance with the attached tables, administrative approval or a conditional use permit shall be required for or Cannabis Commercial Cultivation. For purposes of determining the facility size, square footage shall be defined by calculating the gross square footage of the structure or portion of the structure occupied by the Cannabis Business, not the plant canopy area. For purposes of these regulations, nursery means a use that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.

C. Microbusiness. In addition to compliance with permit and operating requirements set forth in this chapter for Cannabis Cultivation, a Cannabis Microbusiness which includes cultivation, manufacturing distribution and/or retail within one state license shall comply with all permit and operating requirements set forth in this chapter for Cannabis Manufacturing, Distribution, and/or Retail (Dispensary) and Delivery as applicable to the combination of uses within the license. Microbusinesses shall be subject to the City’s limits on the maximum number of Cannabis Retail facilities.

D. Pesticides. The cultivation of Cannabis must be conducted in accordance with all applicable federal, state, and local laws and regulations governing the use of pesticides. Any fumigation or insecticidal fogging shall comply with the Fire Code.

17.360.090. Cannabis manufacturing: includes regulations regarding processing, packaging and labeling.

In addition to the General Operating Requirements set forth in this chapter, this section provides additional operational requirements for Cannabis Manufacturing.

A. Extraction processes. Cannabis Manufacturers shall utilize only extraction processes that are (a) solvent-free or that employ only non-flammable, nontoxic solvents that are recognized as safe pursuant to the federal Food, Drug, and Cosmetic Act, and/or (b) use solvents exclusively within a closed loop system that meets the requirements of the federal Food, Drug, and Cosmetic Act including use of authorized solvents only, the prevention of off-gassing, and certification by a State licensed engineer.

B. Processing: entities that conduct only trimming, drying, curing, grading or packaging of cannabis and non-manufactured cannabis products. Processing does not involve any cultivation or manufacturing.

C. Packaging and labeling: Entities that only package or repackage medical cannabis products or label or relabel the cannabis product container. Can package and label for other licensees.

D. Loop systems. No closed loop systems shall be utilized without prior inspection and approval of the City’s Building Official and Fire Chief.

E. Standard of equipment. Extraction equipment Manufacturing, processing and analytical testing devices used by the Cannabis Manufacturer must be UL (Underwriters Laboratories) listed or otherwise certified by an approved third party testing agency or licensed professional engineer and approved for the intended use by the City’s Building Official and Fire Chief.

F. Annual re-certification required. Extraction equipment used by the Cannabis Manufacturer must be recertified annually and a report by a licensed professional engineer on the inspection shall be maintained on-site.

G. Food handler certification. All owners, employees, volunteers or other individuals that participate in the production of edible Cannabis Products must be state certified food handlers. The valid certificate number of each such owner, employee, volunteer or other individual must be on record at the Cannabis Manufacturer’s facility where that individual participates in the production of edible Cannabis Products.

H. Edible product manufacturing. Cannabis Businesses that sell or manufacture edible cannabis, or cannabis products shall obtain a Sonoma County Health Permit. Permit holders shall comply with Health and Safety Code Section 13700 et seq. and Sonoma County Health permit requirements. These requirements provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate industry manager knowledge, ensure safe food preparation practices and delineate acceptable levels of sanitation for preparation of edible products.

17.360.100. Cannabis retail.
- Type 1: Medical Cannabis Retail (Dispensary)
- Type 2: Adult Use Cannabis Retail (Dispensary)
- Type 3: Cannabis Retail Delivery (Office-only for Medical or Adult Use)

In addition to the General Operating Requirements set forth in this chapter, this section provides location and operating requirements for Medical Cannabis Retail (Dispensary), Adult Use Cannabis Retail (Dispensary) and Retail Delivery (Office Only for Medical or Adult Use).

A. Conditional use. A conditional use permit shall be required to operate Cannabis Retail Types 1 and 2 above in accordance with the attached Tables.

B. Delivery Services. In addition to the requirements established in this chapter for Cannabis Retail Types 1, 2, and 3, the delivery of Cannabis and Cannabis Products shall be subject to the following requirements:

1. Commercial delivery at locations outside a permitted Cannabis Retail facility may be specifically permitted in conjunction with a permitted Cannabis Retail facility that has a physical location in the City.

2. A Cannabis Retail facility, Office Only (Type 3), that has a physical location in the City may also conduct sales exclusively by delivery, and shall have no on-site retail sales to customers.

3. Applications for any Cannabis Retail type shall include a statement as to whether the use will include delivery of Cannabis and Cannabis Products located outside the Cannabis Retail facility.

4. If delivery services will be provided, the application shall describe the operational plan and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set forth in this chapter and state law.

C. Drive through Services. Drive-through or walk-up window services in conjunction with Cannabis Retail Types 1, 2, and 3 are prohibited.

D. Location requirements. Cannabis Retail shall be subject to the following location requirements:

1. No more than two Type 1, two Type 2, and three Type 3 Cannabis Retail establishments are permitted in the City. Type 2 Cannabis Retail may only occur at an existing Type 1 Medical Cannabis Retail establishment that has obtained and maintained a valid conditional use permit, provided such establishment meets the following requirements: comply with all requirements set forth in this chapter; and obtain State licenses for both Medical and Adult Use commercial sales.

    i. Such existing establishments are not required to obtain a new conditional use permit for Type 2 retail sales.

    ii. To the extent that such existing establishments have conditional use permits that have conditions in conflict with this chapter, the provisions of this chapter shall prevail.

iii. To the extent that such existing establishments have conditions limiting square footage, the Planning Director may approve up to a 10% increase in square footage; any greater increase, or a relocation of the facility, shall require conditional use permit approval.

iv. Subject to any State permitting, Types 1, 2, and 3 establishments may engage in both medical and non-medical Cannabis sales.

2. Setback to schools. Cannabis Retail, all types, shall be subject to a 600-foot minimum setback from any "school", as defined by the Health and Safety Code Section 11362.768.

3. Measurement of distance. The distance between Cannabis Retail, all types, and a school shall be made in a straight line from the boundary line of the property on which the Cannabis Retail is located to the closest boundary line of the property on which a school is located.

4. Location of a new school after permit issued. Establishment of a school within the required setback of a Cannabis Retail, all types, facility after such facility has obtained a conditional use permit for the site shall render the Cannabis Retail facility legal non-conforming and subject to the protections and provisions of SMC 17.160 (Nonconforming Uses).

5. Visibility of entrance. The entrance of a Cannabis Retail, Types 1 and 2, shall be in a visible location that provides an unobstructed view from the public right of way.

E. Edible products. Cannabis Businesses that sell or manufacture edible cannabis products shall obtain a Sonoma County Health Permit. Permit holders shall comply with Health and Safety Code Section 13700 et seq. and Sonoma County Health permit requirements. These requirements provide a system of prevention and overlapping safeguards designed to minimize foodborne illness, ensure employee health, demonstrate industry manager knowledge, ensure safe food preparation practices and delineate acceptable levels of sanitation for preparation of edible products.

F. Operational requirements. In addition to project specific conditions of approval, Cannabis Retail shall comply with the following operational requirements:

1. Employees. The Cannabis Retail Operator, all types, shall maintain a current register of the names of all employees employed by the Cannabis Retailer, and shall disclose such register for inspection by any City officer or official for purposes of determining compliance with the requirements of this section.

2. Management. Permit applicants shall be responsible for providing the names of the person or persons having management or supervision responsibility of the applicant's business at the time of application.

3. Recordkeeping. The Cannabis Retail Operator, all types, shall maintain patient and sales records in accordance with state law.

4. Protocols and requirements for patients and persons entering the site. No person shall be permitted to enter a Cannabis Retail facility, all types, without government issued photo identification. Cannabis Businesses shall not provide Cannabis or Cannabis Products to any person, whether by purchase, trade, gift or otherwise, who does not possess a valid government-issued photo identification card.

5. Hours of operation. Cannabis Retail, all types, may operate between the hours of 7:00 a.m. to 9:00 p.m. up to seven (7) days per week unless the review authority imposes more restrictive hours due to the particular circumstances of the application. The basis for any restriction on hours shall be specified in the permit.

6. Secured access. A Cannabis Retail, all types, facility shall be designed to prevent unauthorized entrance into areas containing Medical Cannabis or Medical Cannabis Products. Limited access areas accessible to only authorized personnel shall be established.

7. Secured products. Cannabis and Cannabis Products that are not used for display purposes or immediate sale shall be stored in a secured and locked room, safe, or vault, and in a manner reasonably designed to prevent diversion, theft, and loss.

8. Sale and display of cannabis paraphernalia. No dispensary shall sell or display any cannabis related paraphernalia or any implement that may be used to administer Cannabis or Cannabis Products unless specifically described and authorized in the conditional use permit. The sale of such products must comply with the SMC Title 17 and any other applicable state regulations.

9. Onsite physician restriction. Establishments engaged in the sale of medical Cannabis shall not have an on-site or on staff physician to evaluate patients and provide a recommendation for Medical Cannabis.

10. Site management. The Cannabis Retail Operator, all types, shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the premises and adjacent properties during business hours if directly related to the patrons of the subject retailer. For purposes of this subsection, “Reasonable steps” shall include calling the police in a timely manner; and requesting those engaging in nuisance activities to cease those activities, unless personal safety would be threatened in making the request.

11. Advertising and signs. Regardless of any sign allowances in the Sign Ordinance, a Cannabis Retail facility, all types, shall not advertise or market cannabis or cannabis products on an off-site advertising sign within 1,000 feet of a day care center, school providing instruction in kindergarten or any grades 1 through 12, playground, or youth center.

12. Display of permit. Cannabis Retail, all types, shall maintain a copy of its permit on display during business hours and in a conspicuous place so that the same may be readily seen by all persons entering the facility.

G. On-site consumption. In addition to the requirements established in this chapter for Cannabis Retail, the consumption of Cannabis and Cannabis Products shall be subject to the following requirements:

1. Patients and Customers. Patients of a Type 1 Cannabis Retail, and customers of a Type 2 Cannabis Retail shall not be permitted to consume cannabis on the site of the facility, except as permitted in accordance with SMC 8.04 (Smoking Regulations) and state law and as follows:

i. Conditional use permit applications for Type 1 Medical Cannabis Retail or Type 2 Adult Use Cannabis Retail shall include a statement as to whether the use is proposed to include on-site consumption by patients or customers of Cannabis and Cannabis Products.

ii. If on-site consumption is proposed, the application shall describe the operational plan and specific extent of such provision, security protocols, and how the consumption will comply with the requirements set forth in this chapter and state law.

iii. The Planning Commission will determine if the request is appropriate and authorized, as part of acting on the conditional use permit application.

2. Employees. Employees of a Cannabis Retail facility, all types, who are qualified patients may consume Medical Cannabis or Medical Cannabis Products on-site within designated spaces not visible by members of the public, provided that such consumption is in compliance with SMC 8.04 (Smoking Regulations) and state law.

3. Signs regarding public consumption. The entrance to a Cannabis Retail facility, all types, shall be clearly and legibly posted with a notice indicating that smoking and vaping of Cannabis is prohibited on site or in the vicinity of the site except as permitted in accordance with SMC 8.04 (Smoking Regulations) and state law.

H. Restriction on Ownership. No company or parent company shall simultaneously own or operate more than one Type 1, one Type 2, and one Type 3 facility in the City.

17.360.110. Cannabis special events.

A. Dual licensing. The City recognizes that state law requires Cannabis Businesses to obtain dual licensing at the state and local level for temporary special events that involve onsite cannabis sales to, and consumption by patients or qualifying adults with valid identification. Such events shall not be allowed to commence until the Cannabis Business can demonstrate that all necessary local permits, state temporary event licenses, agency permits, and as necessary, a temporary use permit or a special events permit, as applicable, have been obtained in compliance with any regulations and deadlines established by the City and the state.

B. Temporary Use Permit, Special Events Permit. Applications for a cannabis special event shall be filed in a timely manner in accordance with SMC 17.430 (Temporary Use Permits - includes special events), or a special events permit pursuant to SMC 12.44 (Special Events), depending on the nature and location of the event. Applicants are advised to confirm state allowance for such event prior to filing of a City application.

Not more than four (4) such events shall be permitted in any calendar year, and no single operator shall be permitted to conduct more than two (2) such events per year.

17.360.120. Special findings.

In addition to the conditional use permit findings specified in SMC 17.415, applications subject to a conditional use permit requirement shall also be evaluated in regard to the following criteria, which may also be utilized by the approving authority to rank applications where there are multiple applicants for a limited number of allowances.

A. Appropriateness of site and building for the use, including but not limited to adequacy of pedestrian and vehicle circulation, parking, and other aspects.

B. Compatibility with surrounding uses.

C. Experience and qualifications of the applicant.

D. Operational, security, safety, noise, and odor control plans and improvements.

E. Suitable site and building design and improvements.

F. Whether the application will result in an overconcentration of such uses within the community.

G. Energy conservation and other environmental aspects.

17.360.130. Grounds for permit revocation or modification.
In addition to the grounds in SMC 17.400.0650 (Term, Revocation of Permits), the review authority may require modification, discontinuance or revocation of a Cannabis Business permit if the review authority finds that the use is operated or maintained in a manner that it:

A. Adversely affects the health, peace or safety of persons living or working in the surrounding area; or

B. Contributes to a public nuisance; or

C. Has resulted in repeated nuisance activities including disturbances of the peace, illegal drug activity, diversion of Cannabis or Cannabis Products, public intoxication, smoking in public, harassment of passerby, littering, or obstruction of any street, sidewalk or public way; or

D. Violates any provision of the SMC or condition imposed by a City issued permit, or violates any provision of any other local, state, regulation, or order, including those of state law or violates any condition imposed by permits or licenses issued in compliance with those laws.

17.360.140. Planning Commission interpretation.
This chapter shall supersede and rescind the October 24, 2017 Zoning Ordinance Interpretation approved by the Planning Commission regarding cannabis uses.

17.360.150. Rescission of urgency ordinance.
Upon its effective date, this chapter shall supersede and rescind Ordinance No. 1107, which established temporary cannabis regulations. Permits that were granted under such Ordinance and are not in conflict with this chapter shall remain effective.

17.360.160. Severability.
If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

Table 17.360-1: Permitted and Conditionally Permitted Cannabis Uses in the Residential Districts

Use	R1	R2	R3	R4	R5	R6	R7	MHP
Cannabis Cultivation – Personal (Adult): No more than 6 mature plants	P	P	P	P	P	P	P	P
Cannabis Cultivation – Personal (Medical): No more than 100 sq. ft.	P	P	P	P	P	P	P	P
Cannabis Cultivation – Primary Caregiver (Medical-Only) [(1)]	P	P	P	P	P	P	P	P

P = Permitted Use
C = Conditionally Permitted Use
- = Use Not Allowed

(1) No more than 100 sq. ft. per patient, up to 500 sq. ft. Maximum of 200 sq. ft. permitted for outdoor.

Table 17.360-2: Permitted and Conditionally Permitted Cannabis Uses in the Commercial, Office and Industrial Zones

Use	CO	CG	CD	CM	M	O/LM
Commercial Uses						
Cannabis Retailer Delivery (Office Only)	C	C	-	C	-	C
Cannabis Retail Dispensary	C	C	C	C	C	C
Cannabis Cultivation (up to 5,000 sq. ft.) indoor only	-	-	-	P[1]	P[1]	P[1]
Cannabis Cultivation (5,001 – 10,000 sq. ft.) indoor only	-	-	-	P[1]	P[1]	P[1]
Cannabis Cultivation (10,001 +) indoor only	-	-	-	C	C	C
Cannabis Cultivation Nursery, indoor only	-	-	-	P[1]	P[1]	P[1]
Cannabis Microbusiness	-	C	-	C	C	C
Industrial Uses						
Cannabis Testing / Cannabis Laboratories	-	C	-	P[1]	P[1]	P[1]
Cannabis Manufacturer (non-volatile and infused products)	-	-	-	P[1]	P[1]	C
Cannabis Distributor / Cannabis Warehouse	-	-	-	C	C	P[1]
Cannabis Processing, Packaging and Labeling	-	-	-	P[1]	P[1]	C
Residential Uses						
Cannabis Cultivation – Personal (Adult): No more than 6 mature plants	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]
Cannabis Cultivation – Personal (Medical): No more than 100 sq. ft.	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]
Cannabis Cultivation – Primary Caregiver (Medical-Only) [3]	P[2]	P[2]	P[2]	P[2]	P[2]	P[2]

P = Permitted Use
C = Conditionally Permitted Use
- = Use Not Allowed
[1] For Cannabis related permitted uses, Zoning Clearance is still required.
[2] Only applicable at residences.
[3] No more than 100 sq. ft. per patient, up to 500 sq. ft. Maximum of 200 sq. ft. permitted for outdoor.

Chapter 17.400: PROCEDURES AND ADMINISTRATION - GENERAL PROVISIONS

17.400.010 Purpose and intent.
The purpose of this chapter is to establish the procedures for the administration of this code and to set forth certain basic responsibilities of the officials and bodies charged with its administration.

17.400.020 Powers of the Planning Director.
The Planning Director or his designee shall have the following powers and duties:

A. Accomplish all administrative actions required as authorized by this code, including, but not limited to, receiving of applications for permits and reviews, giving of notices, preparing reports, approving or issuing certificates of zoning compliance, receiving and processing appeals, and receiving and accounting for fees;

B. Maintain the sections of this code, Zoning Map, and all records of zoning actions and cases;

C. Hold hearings as necessary or required by this code and issue permits as provided by this code;

D. Approve site and/or building plans as provided by this code;

E. Make determinations on lot orientation of setbacks for irregular lots, and height for lots with unusual grade variation.

E. Interpret this code, as provided herein;

F. Refer in his discretion any of the above or other matters to the Planning Commission for its review and action, and to notify the applicant or other affected persons of such referral.

17.400.030 Application filing and review.
A. Application Contents. All applications for a permit required by the Zoning Code shall be filed by the owner of the affected property or the owner's authorized agent with the Planning Department on an official City application form prescribed by the Planning Department. The application shall be filed with all required fees, deposits, information, and supporting materials, such as site and building plans, drawings and elevations, and operational data as specified by the Department and as required by the SMC.

B. Fees for Application Processing. Each applicant for a planning permit processed in compliance with this chapter shall be required to pay all costs incurred by the City for the processing of each application. The City Council shall establish a schedule of fees and deposits for the processing of the applications and other actions required by this Zoning Code, hereafter referred to as the City's fee schedule.

C. Review for Completeness. Review and processing of permits shall be in accordance with the Permit Streamlining Act (Government Code Section 65943).

1. The Planning Director may require a pre-application conference.
2. The Planning Department shall review each application for completeness and accuracy before it is deemed suitable for submission. A final determination of completeness is not provided at this stage.

3. Receipt of the application by the Department shall be based on the City's list of required application contents and any additional written instructions provided to the applicant in a pre-application conference or during the initial application review period.

4. As per Permit Streamlining Act, within 30 days of application receipt, except as provided below, the Planning Director shall determine whether or not the application is complete. The applicant shall be informed in writing of the determination that either:

   a. the application is complete and has been accepted for processing;

   b. the application is incomplete and that specific information is required to complete the application. The written determination may also identify preliminary information regarding the areas in which the submitted plans are not in compliance with City standards and requirements; or

   c. the application requests permission for an action not allowed in the applicable district or that cannot lawfully be approved by the City and is not accepted for processing.

5. If additional information or submittals are required and the application is not made complete within six months of the completeness determination letter or if a written request for extension of time that includes evidence that the applicant is working toward completeness is not provided by the applicant, the application shall be deemed to have been withdrawn and no action will be taken on the application. Unexpended fees, as determined by the Planning Director, will be returned to the applicant provided the applicant submits a written request for a refund.

6. When the Planning Director determines that an application is incomplete and the applicant believes that the application is complete or that the information requested by the Planning Department is not required, the applicant may appeal the determination as set forth in SMC 17.455.

7. After the Planning Director has accepted an application as complete, the Planning Department may require the applicant to submit additional information for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA).

D. Application Review. After acceptance of a complete application, the project shall be reviewed in accordance with the review procedures established by this chapter and the environmental review procedures of the CEQA. The Director will consult with other departments as appropriate to ensure compliance with all provisions of the SMC and other adopted plans and requirements. The Department staff will prepare a report to the designated review authority (Planning Director, Design Review Board, Planning Commission, and City Council) describing the project, along with a recommendation to approve, conditionally approve, or deny the application.

17.400.040 Application decision procedures.
This section establishes procedures and requirements for the preparation, filing, and processing of permit applications required by the Zoning Code.

A. Decision-Making Authority.

Table 17.400-1 identifies the decision-making body that is responsible for reviewing and making decisions on each type of permit required by this Zoning Code. Application for any of the decisions identified in Table 17.400-1 shall be filed with the Planning Department by completing an application form provided by the Department and accompanied by the appropriate filing fee.

1. Multiple Approvals. If more than one planning approval is required for a single project, the applications may be processed concurrently, with all the permits being considered and acted upon by the highest applicable review authority, with the exception of the Design Review Board and Tree Board which will act separately on permits.

Table 17.400-1: Zoning Approval - Decision-Making Authority

Type of Zoning Approval	Applicable Zoning Code Chapter	Role of Reviewer or Decision-Maker[1]			
		Planning Director[2]	Design Review Board	Planning Commission	City Council
Administrative Permit	17.405	Decision	-	Appeal	Appeal
Adjustment	17.410	Decision	-	Appeal	Appeal
Conditional Use Permit	17.415	Recommend/ Decision[3]	-	Decision	Appeal
Variance	17.420	Recommend	-	Decision	Appeal
Reasonable Accommodation	17.425	Decision	-	Appeal	Appeal
Temporary Use Permit, six months or less	17.430	Decision	-	Appeal	Appeal
Temporary Use Permit, more than six months	17.430	Recommend	-	Decision	Appeal
Downtown Noise Permit, small event	17.435	Decision	-	Appeal	Appeal
Downtown Noise Permit, large event	17.435	Recommend	-	Decision	Appeal
Development Agreement	17.440	Recommend	-	Recommend	Decision/Appeal
General Plan Amendment, Text or Map	17.445	Recommend	-	Recommend	Decision/Appeal
Zoning Code Amendment, Text or Map	17.445	Recommend	-	Recommend	Decision/Appeal
Design Review, Planning Director Approval	17.450	Decision	Appeal	-	Appeal
Design Review, Design Review Board Approval	17.450	Recommend	Decision	-	Appeal
Reasonable Accommodation	17.425.040	Decision	-	Appeal	Appeal

Notes:

[1] "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals the decision of an earlier decision-making body, in compliance with SMC 17.455.

[2] The Planning Director may defer action and refer the request to the Commission, so that the Commission may instead make the decision.

17.400.050 Public notice, public comment, and public hearing requirements.

A. Notice. All notices for a zoning approval shall state the nature of the request, the location of the property, the manner in which additional information may be obtained, any deadline for written comments, and, if applicable, the date for a public meeting or hearing that will be held to consider the project. Notice shall be provided as indicated in Table 17.400-2 and as follows:

1. Notice of a public hearing shall be provided as established by SMC 17.460.

2. Notice for approvals that do not require a public hearing shall be mailed and posted as required by Table 17.400-2. If applicable, said notice shall state any deadline to request a public hearing before the decision-making body.

B. Public comment. The public shall be provided an opportunity to make written comments during the minimum public comment period identified in Table 17.400-2. The public shall be provided an opportunity to make oral or written comments during the public hearing for all approvals that require a public hearing as identified in Table 17.400-2.

C. Public Hearing Requirements.

1. A public hearing shall be held for zoning approvals where a public hearing requirement is identified in Table 17.400-2. Public hearings shall be held consistent with the requirements of SMC 17.460.

Table 17.400-2: Public Notice, Public Comment, and Public Hearing Requirements.

Type of Zoning Approval	Public Hearing Requirement	Public Notice Requirements	Minimum Public Comment Period[1]
Administrative Permit	None	None	None
Adjustment	None	Notice mailed to all owners of property adjoining the exterior boundaries of the subject property	12 days from mailing of notice[2]
Conditional Use Permit – Planning Director	Yes	SMC 17.460.020	12 days from publication of the notice
Conditional Use Permit – Planning Commission	Yes	SMC 17.460.020	12 days from publication of notice
Variance	Yes	SMC 17.460.020	12 days from publication of notice
Reasonable Accommodation	No	None	None

Type of Zoning Approval	Public Hearing Requirement	Public Notice Requirements	Minimum Public Comment Period[1]
Temporary Use Permit, six months or less	None	Notice mailed to all owners of property adjoining the exterior boundaries of the subject property	12 days from mailing of notice[2]
Temporary Use Permit, more than six months	None	Notice mailed to all owners of property adjoining the exterior boundaries of the subject property, published in a newspaper of general circulation, and posted in at least three public places include the area directly affected by the requested approval	12 days from mailing of notice[2]
Downtown Noise Permit, small event	None	Notice mailed to all owners of property adjoining the exterior boundaries of the subject property and posted in at least three public places include the area directly affected by the requested approval	12 days from mailing of notice[2]
Downtown Noise Permit, large event	None	Notice mailed to all owners of property within 600 feet of the exterior boundaries of the subject property , published in a newspaper of general circulation, and posted in at least three public places include the area directly affected by the requested approval	12 days from mailing of notice[2]
Development Agreement	Yes	SMC 17.460.020	12 days from publication of the notice
General Plan Amendment, Text or Map	Yes	SMC 17.460.020	12 days from publication of the notice
Zoning Code Amendment,	Yes	SMC 17.460.020	12 days from publication

Type of Zoning Approval	Public Hearing Requirement	Public Notice Requirements	Minimum Public Comment Period[1]
Text or Map			of the notice
Design Review, Planning Director Approval	None[3]	None	None
Design Review, Design Review Board Approval	None[3]	None	None
Reasonable Accommodation	None	None	None

[1]No decision on the zoning approval shall be made prior to the close of the public comment period.
[2]A public hearing shall be scheduled, at the discretion of the City Council or the Design Review Board or the Planning Director if the application does not require a public hearing before another board or commission, or the City Council and if the project involves, for residential developments, construction of 10 or more units, or for nonresidential or mixed-use development, construction of 10,000 square feet of floor area or more, except when the application qualifies for exemption from a public hearing requirement under State law.

D. Zoning Approval Decision Procedures.

1. The decision-making body shall consider the recommendations of Planning Department staff and, if any, the recommendations of the Design Review Board or Planning Commission as applicable.

2. The decision-making body shall determine whether the application conforms to the criteria established in Sections 17.400 through 17.470 for the specific approval requested and to all other applicable criteria and standards established by SMC Title 17.

3. In order to grant any use permit, the decision-making body must find that the general and other applicable use permit criteria are satisfied.

4. In granting any use permit, the decision-making body may designate such conditions, in connection with the permit, as it deems necessary in order to secure the purposes of this code, and may require guarantees and evidence that such conditions are being, or will be, complied with.

17.400.060 Zoning approval.

Zoning approval shall be required for all buildings and structures hereinafter erected, constructed, altered, repaired or moved within or into any district established by this code, and for the use of vacant land or for a change in the character of the use of land, within any district established by this code. Such approval may be a part of the building permit.

17.400.070 Appeals.

In case an applicant or other interested person is not satisfied with the action of the decision-making body, the applicant or said person may appeal the decision to the decision-making body identified in Table 17.400-1, pursuant to the appeal procedure of SMC 17.455.

17.400.080 Effective date.
No building or zoning permit shall be issued for a zoning approval in any case until the appeal period identified in SMC 17.455 has passed.

17.400.090 Term, adherence to approved plans and conditions, and revocation of permits.
A. Any zoning permit, Design Review Board permit, use permit, adjustment, or variance granted in accordance with this chapter shall be null and void and of no further force and effect if the rights granted by the permit are not exercised within three years from the date of approval, and for projects where multiple discretionary approvals are required, three years from the date of final discretionary approval. Use shall constitute actual use of the premises in accordance with the permit, commencement of construction or other specific act on the property sufficient to indicate compliance with the granting of said zoning permit, use permit, adjustment, or variance.

B. All zoning approvals shall be subject to the approved plans, conditions of approval, and other conditions on the basis of which the zoning approval was granted.

C. Adherence to Approved Plans. All approvals shall be subject to the plans and other conditions on the basis of which the approval was granted and may be revoked by the City in the event that violations of conditions or requirements occur.

D. In the event of a violation of any of the provisions of the Zoning Code, or in the event of a failure to comply with the approved plans and any prescribed condition of approval, the decision-making body that granted the approval may, after notice and hearing, revoke any such permit. The determination of such body shall be final, unless appealed in accordance with SMC 17.455.

E. The decision-making body may, in writing, suspend or revoke zoning approvals granted under the provisions of this title, whenever the approval is granted on the basis of a misstatement of fact, or fraud, or whenever there is a failure to comply with this title.

17.400.1000 Time extension.
Upon the written request of any holder of a zoning approval, including a use permit, Design Review Board permit, adjustment, or variance, or other zoning permit that is filed with the Planning Department before the expiration of said approval, the Planning Director may consider and grant one extension of up to one year. In addition, the Planning Commission or Design Review Board, as applicable, shall have the authority to consider and grant an additional extension of up to one year, and may otherwise deny or modify said zoning approval provided, that a written request from the holder of the zoning approval is filed with the Planning Department prior to the expiration of said permit.

Chapter 17.405: ADMINISTRATIVE PERMIT

17.405.010 Purpose – Applicability.
This chapter identifies the process to obtain an Administrative Permit. An Administrative Permit is required for uses permitted by-right yet subject to specific Zoning Code standards. An Administrative Permit is a ministerial procedure for the City to verify that a proposed permitted use complies with all applicable standards and to ensure that the applicant understands and accepts these standards.

17.405.020 When required.
Uses that require an Administrative Permit are specified as a permitted use in the land use regulation tables for each district.

17.405.030 Conditions of approval.
No conditions of approval may be attached to the approval of an Administrative Permit.

17.405.040 Decision-making authority and public notice, public comment, and public hearing requirements.
Refer to Table 17.400-1 for identification of the decision-making authority for approvals and appeals and to Table 17.400-2 for public notice, public comment, and public hearing requirements.

Chapter 17.410: ADJUSTMENT PROCEDURE

17.410.010 Purpose.
An adjustment is intended to permit minor variations where practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this chapter would occur from its strict literal interpretation and enforcement. Adjustments are modifications of lesser significance than variations allowed by variance.

17.410.020 Applicability.
The Planning Director may grant an adjustment from the requirements of this chapter to allow modification of development standards by up to ten percent.

17.410.040 Review and findings.
Following expiration of the public comment period, the Planning Director shall prepare a written decision which shall contain the findings of fact upon which such decision is based.

The Planning Director may approve an adjustment application in whole or in part, with or without conditions, if all of the following findings are made:

A. There are special circumstances or exceptional characteristics applicable to the property involved, such as size, shape, topography, location, or surroundings, or to the intended use or development of the property that do not apply to other properties in the vicinity under an identical zoning classification.

B. The granting of such adjustment will not be detrimental nor injurious to the property or improvements in the general vicinity and district in which the property is located.

C. The strict application of the provisions of this chapter would result in practical difficulties or unnecessary hardships, not including economic difficulties or economic hardships.

D. The granting of an adjustment will not be contrary to nor in conflict with the general purposes and intent of this chapter, nor to the goals, objectives, and policies of the General Plan.

E. All the above specified requirements need not apply to adjustments which the Planning Director finds are essential or desirable to the public convenience or welfare and are not in conflict with the General Plan and where the granting of the adjustment will not be materially detrimental nor injurious to property or improvements in the general vicinity and district in which the property is located.

F. The strict application of the provisions of this chapter would result in unreasonable deprivation of the use or enjoyment of the property.

17.410.050 Decision-making authority and public notice, public comment, and public hearing requirements.
Refer to Table 17.400-1 for identification of the decision-making authority for approvals and appeals and to Table 17.400-2 for public notice, public comment, and public hearing requirements.

Chapter 17.415: CONDITIONAL USE PERMIT PROCEDURE

17.415.010 Purpose - Applicability.
The purpose of these provisions is to prescribe the procedure for the accommodation of uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, through review and, where necessary, the imposition of special conditions of approval. This procedure shall apply to all proposals for which a use permit is required.

17.415.020 Criteria and Conditions.
A. General Conditional Use Permit Criteria. A conditional use permit may be granted only if the establishment, maintenance or operation of the proposed use or development applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

B. Standard Conditions. The following standard conditions shall apply to all conditional use permits:

1. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this conditional use permit, constitutes cause for the revocation of said permit in accordance with the procedures set forth in this title.

2. Unless otherwise provided for in conditions of this conditional use permit, all conditions must be completed prior to or concurrently with the establishment of the granted use.

3. Minor changes may be approved administratively by the Planning Director or their respective designee upon receipt of a substantiated written request by the applicant. Prior to such approval, verification shall be made by each relevant Department or Division that the modification is consistent with the application fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application or amendment.

4. The use granted by this conditional use permit must be in operation within three years of the delivery of the signed permit to the Permittee. Extensions of the three-year period may be granted by the decision-making authority. If any use for which a conditional use permit has been granted is not in operation within three years of the date of receipt of the signed permit by the Permittee and no extension has been granted, the permit shall become null and void and re-application and a new permit shall be required to establish the use.

5. The terms and conditions of this conditional use permit shall run with the land and shall be binding upon and be to the benefit of the heirs, legal representatives, successors and assigns of the Permittee.

C. Additional Conditions. The review authority may require additional conditions, or remove or revise conditions recommended by staff, to ensure conformance with this chapter and/or to protect public health and safety, including but not limited to conditions related to:

1. Requirements for vehicular ingress/egress and corresponding traffic safety provisions, parking requirements and facilities, and hours of operation.

2. Regulation of public nuisance factors (e.g., light glare, noise, vibration, smoke, dust, dirt, odors, gases, and heat). Conditions may include, but are not limited to, setbacks, hours of operation, and use of machinery.

3. Regulation of maintenance and site restoration during and after termination of the conditional use permit. A bond or other form of security acceptable to the review authority may be required prior to the initiation of the use to ensure cleanup after the use is finished.

17.415.030 Findings.

Conditional use permits are discretionary and shall be granted only when the review authority determines that the proposed use or activity complies with all of the following findings:

A. The proposed use is consistent with the General Plan and all applicable provisions of this title.

B. The establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

17.415.040 Decision-making authority and public notice, public comment, and public hearing requirements.

Refer to Table 17.400-1 for identification of the decision-making authority for approvals and appeals and to Table 17.400-2 for public notice, public comment, and public hearing requirements.

Chapter 17.420: VARIANCE PROCEDURE

17.420.010 Purpose - Applicability.
The purpose of these provisions is to prescribe the procedure for the relaxation of any substantive provision of the zoning regulations, under specified conditions, so that the public welfare is secured and substantial justice done most nearly in accord with the intent and purposes of the Zoning Code.

17.420.020 Application – Additional Requirements.
Application for a variance shall be made in accordance with SMC Section 17.400 and shall be accompanied with evidence showing:

A. That there are exceptional or extraordinary circumstances or conditions applying to the land, building or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same district.

B. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

C. That the granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

17.420.030 Findings and conditions.
A. The Commission shall determine whether the proposal conforms to the criteria set forth in SMC 17.420.020. After the conclusion of the public hearing, the Planning Commission shall make written findings of facts, showing whether the qualifications under SMC 17.420.020 apply to the land, building or use for which the variance is sought, and whether such variance shall be in harmony with the general purposes of this code.

B. The Planning Commission may designate such condition(s) in connection with the variance it deems necessary to secure the purposes of this code, and may require guarantees and evidence that such conditions are being, or will be, complied with.

17.420.040 Decision-making authority and public notice, public comment, and public hearing requirements.
Refer to Table 17.400-1 for identification of the decision-making authority for approvals and appeals and to Table 17.400-2 for public notice, public comment, and public hearing requirements.

Chapter 17.425: REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACTS

17.425.010 Purpose.
This chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

17.425.020 Applicability.
A request for reasonable accommodation may be made by any person with a disability, their representative or any other entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. The Planning Director will grant a request for an accommodation whenever the accommodation is necessary and reasonable. (See SMC 17.425.050, Review procedure Director Review.)

17.425.030 Application requirements.
Requests for reasonable accommodation shall be submitted on an application form as required by SMC 17.400.030. Requests for reasonable accommodation shall contain the following information:

A. The applicant's name, address and telephone number.

B. Address of the property for which the request is being made.

C. The current actual use of the property.

D. The basis for the claim that the individual is considered disabled under the Acts.

E. The Zoning Code provision, regulation or policy from which reasonable accommodation is being requested.

F. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

G. Review with other land use applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including but not limited to use permit, design review, General Plan amendment, zone change, annexation, etc.), then the applicant shall file the information required herein for concurrent review with the application for discretionary approval.

17.425.040 Review authority.
A. Planning Director. Requests for reasonable accommodation shall be reviewed by the Planning Director, or his designee if no approval is sought other than the request for reasonable accommodation.

B. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

17.425.050 Review Procedure.
A. The Planning Director, or his designee, shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with SMC 17.425.060 (Findings and decision).

B. Other Reviewing Authority. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with this chapter.

17.425.060 Findings and decision.
A. Findings. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

1. Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts.

2. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.

3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City.

4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.

5. The accommodation is necessary. (See Procedure No. 1 in subsection B of this section.)

6. The accommodation is reasonable (See Procedure No. 2 in subsection C of this section.)

7. Potential impact on surrounding uses.

8. Physical attributes of the property and structures.

9. Alternative reasonable accommodations which may provide an equivalent level of benefit.

B. Procedure No. 1 - Guidelines for Determining Necessity. It is not possible to anticipate every potential accessibility improvement in order to revise the zoning standards to allow for accessibility improvements as a matter of right; therefore, modifications to any zoning standard shall be considered, per this guideline, when necessary to make an existing residential unit accessible.

1. The accommodation is necessary if, without the accommodation, the person with a disability would not have an equal opportunity to live in the dwelling of his or her choice.

2. A person would not have an equal opportunity to live in a dwelling if, without the accommodation:

   a. The person would be excluded from a neighborhood; or

   b. The person would have less of an opportunity to live in the neighborhood or the particular dwelling than persons who do not have disabilities.

   c. Example: If a person would not be able to live in a single-family dwelling without the accommodation, then the accommodation is necessary. Such an accommodation could include the necessity to remodel a restroom for wheelchair access, with the only design option to bump the room out into a required setback, or the need to install a wheelchair ramp in a required setback for access to a residence. A nonconforming addition to a residence which is otherwise accessible and may be reasonably occupied by a disabled person is an example of what would not be considered necessary under this guideline.

C. Procedure No. 2 - Guidelines for Determining Reasonableness.

1. An accommodation is reasonable if it:

   a. Does not create an undue financial or administrative burden for the City; and

   b. Will not fundamentally alter the zoning scheme of the City.

2. Undue Burden Analysis.

   a. To determine whether the accommodation will create an undue financial or administrative burden, I the reviewing authority shall consider whether it will cause significant and identifiable financial costs to the City.

   b. A waiver or modification of zoning requirements generally is not an undue burden if it does not impose any concrete, identifiable financial costs on the City.

   c. The undue burden analysis should not be based on anecdotal evidence or generalizations. For example, the belief that residences for persons with disabilities need more emergency services than other residences is not a valid reason to conclude that an accommodation would cause an undue burden.

D. Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by this chapter.

17.425.070 Decision-making authority and public notice, public comment, and public hearing requirements.

Refer to Table 17.400-1 for identification of the decision-making authority for approvals and appeals and to Table 17.400-2 for public notice, public comment, and public hearing requirements.

Chapter 17.430: TEMPORARY USE PERMITS

17.430.010 Purpose - Applicability.
The purpose of these provisions is to set forth the requirements and procedures for the review of specified temporary uses. The requirement for a temporary use permit shall apply to temporary uses, including contractor storage yards, temporary trailer offices for businesses, and circuses and carnivals and other temporary uses as determined by the Planning Director. A temporary use permit shall not be required for events that are subject to a City Special Events Permit, or for circuses, carnivals, and festivals sponsored by the City, with such sponsorship identified by resolution of the City Council, places of worship, or community nonprofit organizations on land controlled by said organizations or by public agencies, or for events which occur in theaters, meeting halls, other permanent public assembly facilities, or for private social gatherings.

17.430.020 Term
The Planning Director may authorize temporary uses for one term of up to six months and may approve one extension of up to six months; terms, other than extensions, in excess of six months shall be subject to Planning Commission review.

17.430.030 Conditions.
The decision-making authority may designate such conditions as determined to be necessary in order to secure the purposes of this code, and may require such guarantees and evidence that such conditions are being, or will be, complied with.

17.430.040 Findings
A temporary use permit may only be granted if the establishment, maintenance or operation of the proposed use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

17.430.050 Decision-making authority and public notice, public comment, and public hearing requirements.
Refer to Table 17.400-1 for identification of the decision-making authority for approvals and appeals and to Table 17.400-2 for public notice, public comment, and public hearing requirements.

Chapter 17.435: DOWNTOWN NOISE PERMITS

17.435.010 Purpose - Applicability.
The purpose of these provisions is to set forth the requirements and procedures for the review of specified uses requesting to be permitted to periodically exceed the exterior noise standards contained in SMC 8.25.060 on a temporary or occasional basis as provided by SMC 17.330. The requirement for a Downtown noise permit shall not be required for events sponsored by the City, places of worship, or community nonprofit organizations on land controlled by said organizations or by public agencies.

17.435.020 Application timing and content, review, monitoring, and enforcement costs.
A. Downtown Noise Permit Application Deadlines. A complete Downtown Noise Permit application must be submitted prior to a proposed event or other activity which would result in periodic exceedances of the exterior noise standards contained in SMC 8.25.060. An incomplete application will not be processed or scheduled for review until all information is submitted in accordance with this chapter.

1. For small events (i.e., 50 people or less anticipated), complete applications must be submitted at least 30 days prior to the event or activity.
2. For large events (i.e., more than 50 people anticipated), complete applications must be submitted at least 45 days prior to the event or activity.

   Note: a special event shall not be advertised until the application has been approved by the City.

B. Downtown Noise Permit Content. A complete application must include the following:

1. Downtown Noise Permit Application Form with required attachments.
2. Payment of all required application fees, rental fees, costs, and damage deposits.
3. A Site Plan that identifies the location of proposed noise sources and methods to attenuate noise to the extent feasible.
4. The application must include self-monitoring and reporting to the City of noise levels after each event. The application shall identify the method of verifiable self-monitoring that will be used, and all monitoring shall be conducted in accordance with SMC 8.25.050.

C. Costs associated with any City efforts to provide monitoring and enforcement of the Downtown Noise Permit shall be the responsibility of the applicant and shall include all costs incurred by the City, including actual time, material, and equipment costs. This may include retention of a qualified consultant by the City. A cost estimate will be provided as part of City staff review of the application. A deposit for estimated costs shall be provided prior to the application being considered by the City.

D. All costs associated with the review and consideration of the Downtown Noise Permit application shall be the responsibility of the applicant. This may include retention of a qualified noise consultant by the City. A cost estimate will be provided with initial application review; a deposit for

estimated costs shall be provided at the time the application is submitted and is required to complete the application process.

17.435.030 Term.
A Downtown noise permit shall not be effective for more than one year.

17.435.040 Conditions.
The decision-making body may designate such conditions deemed necessary in order to secure the purposes of this code, and may require such guarantees and evidence that activities are, or will be, consistent with the conditions.

17.435.050 Findings.
A Downtown noise permit may only be granted if the establishment, maintenance or operation of the proposed use applied for: 1) is otherwise permitted under this code 2) will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City, and 3) the activity will provide community benefits that outweigh the discomfort or inconvenience experienced by the neighborhood, residents, and by the City generally associated with excessive noise.

17.435.060 Complaints.
Persons may file an official complaint with the Sebastopol Planning Department in the event that a violation of the permit is suspected. Upon receipt of a complaint, the Planning Director or his designee shall investigate the complaint to determine the location and type of sound. If it is determined that a potential violation exists, the Planning Director or designee, equipped with a sound level meter, shall conduct field surveys when the excessive sound is anticipated. In conjunction with this investigation, the Planning Director shall consider the nature of the complaint, the history of the noise source, and the presence or absence of other complaints. The investigation shall consist of both a measurement and the gathering of data to adequately define the noise problem. Data gathered shall include the following:

A. Non-acoustic data;

B. Type of noise source;

C. Location of noise source relative to complainant’s property;

D. Time period during which noise source is considered by complainant to be intrusive;

E. Duration of noise produced by noise source;

F. Date and time of noise measurement survey.

17.435.070 Decision-making authority and public notice, public comment, and public hearing requirements.
Refer to Table 17.400-1 for identification of the decision-making authority for approvals and appeals and to Table 17.400-2 for public notice, public comment, and public hearing requirements.

Chapter 17.440: DEVELOPMENT AGREEMENTS

17.440.010 Purpose - Applicability.
The purpose of this chapter is to set forth the contents, procedures, and application requirements for development agreements. These regulations are adopted under the authority of Government Code Sections 65864 through 65869.5.

17.440.020 Forms and information.
A. The Planning Director shall prescribe the form for each application, notice and document provided for or required by these regulations for the preparation and implementation of development agreements.

B. The Planning Director may require an applicant to submit such information and supporting data as he considers necessary to process the application.

17.440.030 Qualification as an applicant.
Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement. The Planning Director may require an applicant to submit proof of his interest in the real property and of the authority of the agent to act for the applicant. Before processing the application, the Planning Director may obtain the opinion of the City Attorney as to the sufficiency of the applicant's interest in the real property to enter into the agreement.

17.440.040 Form of agreement.
Each application shall be prepared on the form established by the City Attorney with such additional alternatives or modifications or changes as may be proposed by the applicant and approved by the City Attorney.

17.440.050 Agreement contents.
A development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions; provided, that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time. The agreement may also include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

17.440.060 Duty to give notice.
The Planning Director shall give public notice of intention to consider adoption of the development agreement in accordance with Chapter 17.460 SMC and as provided below.

17.440.070 Determination by Planning Commission.
After the hearing by the Planning Commission, which may be held in conjunction with other required hearings for the project including conditional use permits or subdivision maps, the Planning Commission shall make its recommendation in writing to the City Council. The

recommendation shall include the Planning Commission's determination whether or not the development agreement proposed:

A. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan.

B. Is compatible with the uses authorized in, and the regulations prescribed for, the district in which the real property is located.

C. Is in conformity with public convenience, general welfare and good land use practice.

D. Will not be detrimental to the public health, safety and general welfare.

E. Will not adversely affect the orderly development of property.

F. Will provide sufficient benefit to the City to justify entering into the agreement.

17.440.080 City Council hearing.
Following notice pursuant to Chapter 17.430 SMC, the City Council shall hold a public hearing. It may accept, modify or disapprove the recommendation of the Planning Commission. The City Council shall not approve the development agreement unless it adopts the findings contained in SMC 17.440.070 to support its action.

17.440.090 Approval of development agreement.
If the City Council approves the development agreement, it shall do so by the adoption of an ordinance. After the ordinance approving the development agreement takes effect, the City may enter into the agreement.

17.440.100 Initiation of amendment or cancellation.
Either party may propose an amendment to or cancellation in whole or in part of the development agreement previously entered into. If proposed by the applicant, the procedure for proposing and adoption of an amendment to or cancellation, in whole or in part of the development agreement, shall be the same as the procedure for entering into an agreement. Where the City Council initiates the proposed amendment to or cancellation of the development agreement, it shall first give at least 30 calendar days' notice to the applicant of its intention to initiate such proceedings in advance of giving notice of the public hearing.

17.440.110 Recordation of development agreement.
A. Within 10 calendar days after the City enters into the development agreement, the City Clerk shall have the agreement recorded with the County Recorder.

B. If the parties to the agreement or their successors in interest amend or cancel the agreement, or if the City terminates or modifies the agreement for failure of the applicant to comply in good faith with the terms or conditions of the agreement, the Planning Director shall have notice of such action recorded with County Recorder.

17.440.120 Time for and initiation of review.
The Planning Director shall review the development agreement at least once every 12 months from the date the agreement is entered into. The Planning Director shall report the findings of his review

to the Planning Commission and City Council. The time for review may be modified by agreement between the parties.

17.440.130 Notice of periodic review.
The Planning Director shall begin the review proceeding by giving notice to the applicant that the City intends to undertake a periodic review of the development agreement. He shall give the notice at least 30 calendar days in advance of the time the matter will be considered by the Planning Commission.

17.440.140 Public hearing by Planning Commission.
The Planning Commission shall conduct a public hearing at which time the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the applicant.

17.440.150 Findings upon public hearing.
The Planning Commission shall determine upon the basis of substantial evidence whether or not the applicant has, for the period under review, complied in good faith with the terms and conditions of the agreement. The Planning Commission shall report its findings of compliance to the City Council in the form of a recommendation.

17.440.160 Public hearing by City Council.
The City Council shall conduct a public hearing to review the recommendation of the Planning Commission and to determine for itself based on substantial evidence if the applicant has complied in good faith with the terms and conditions of the agreement. The burden of proof on this issue is upon the applicant.

A. The review is concluded if the applicant has complied in good faith with the terms and conditions of the agreement during the period under review.

B. The City Council shall order the applicant to cure the default within 60 calendar days if the applicant has not complied in good faith with the terms and conditions of the agreement during the period under review.

17.440.170 Proceedings for modification or termination.
If the applicant fails to cure the default, the City Council may amend or terminate the agreement. The City Council shall give notice to the applicant of its intention to do so. The notice shall contain:

A. The time and place of the hearing.

B. A statement as to whether or not the City Council proposes to terminate or modify the development agreement.

C. Other information which the City Council considers necessary to inform the property owner of the nature of the proceeding.

17.440.180 Hearing on modification or termination.
At the time and place set for the hearing on modification or termination, the applicant shall be given an opportunity to be heard. The City Council may refer the matter back to the Planning Commission for further proceedings or for report and recommendation. The City Council may

impose those conditions to the action it takes as it considers necessary to protect the interests of the City. The decision of the City Council is final.

Chapter 17.445: GENERAL PLAN AND ZONING AMENDMENT PROCEDURE

17.445.010 Purpose - Applicability.

The purpose of these provisions is to prescribe the procedure by which changes may be made in the text of the General Plan or Zoning Code or the General Plan or Zoning Map. This procedure shall apply to all proposals to change land use designations on the General Plan map, change the text of the General Plan, rezone property, or to change the text of the Zoning Code.

17.445.020 Application - Initiation.

A General Plan or zoning amendment may be initiated by:

1. The verified petition of one or more owners of property affected by the proposed amendment, which petition shall be filed with the Planning Commission and shall be accompanied by a fee established by resolution of the City Council, or by:

2. Resolution of intention of the City Council, or by:

3. Resolution of intention of the Planning Commission.

17.445.030 Procedure for consideration.

A. Planning Commission Recommendation Required. The City Council shall not redesignate or rezone any property, or change the text of any provision of the General Plan or Zoning Code, until after it has received, pursuant to this procedure, a recommendation from the Planning Commission.

B. Action by Planning Commission.

1. Following its public hearing, the Planning Commission shall make a written resolution of its findings and recommendations with respect to the proposed amendment and shall file with the City Council an attested copy of such report within 90 days after the notice of the first of said hearings; provided, that such time limit may be extended upon the mutual agreement of the parties having an interest in the proceedings. Such resolution shall include the reasons for the recommendation, and the relationship of the proposed amendment to applicable general and specific plans.

2. In making its recommendations, the Planning Commission shall determine whether the proposed amendment:

   a Is compatible with the general objectives of the General Plan and any applicable specific plan.

   b. Is in conformity with public convenience, general welfare and good land use practice.

   c. Will not be detrimental to the public health, safety and general welfare.

   d. Will not adversely affect the orderly development of property.

3. Failure of the Planning Commission to report within 90 days without the aforesaid agreement shall be deemed to be a recommendation of approval of the proposed amendment by the Planning Commission.

C. Action by City Council.

1. Upon receipt of such report from the Planning Commission, or upon the expiration of such 90 days, the City Council shall set the matter for public hearing.

2. After conclusion of the hearing, the City Council may adopt the amendment or any part thereof in such form as the City Council deems advisable, and shall notify the appropriate agencies as required by the Government Code, except that any substantial modification of the proposed amendment by the City Council not previously considered by the Commission shall first be referred to the Planning Commission for review and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within 45 days after the referral, or such longer period as may be designated by the City Council, shall be deemed to be approval of the proposed modification.

3. In acting on the matter, the City Council shall determine whether the proposed amendment:

   a. Is compatible with the general objectives of the General Plan and any applicable specific plan.

   b. Is in conformity with public convenience, general welfare and good land use practice.

   c. Will not be detrimental to the public health, safety and general welfare.

   d. Will not adversely affect the orderly development of property.

   e. Limitation on Resubmission. Whenever a private application for General Plan or zoning amendment has been denied by the City Council, no such application for the same proposal affecting the same property, or any portion thereof, shall be filed within one year after the date of denial.

17.445.040 Urgency measure - Interim zoning ordinance.
Without following the procedures otherwise required prior to adoption of a zoning ordinance, the City Council, to protect the public safety, health, and welfare, may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated General Plan, specific plan, or zoning proposal that the City Council, Planning Commission, or Planning Department is considering or studying or intends to study within a reasonable time. Such interim ordinance shall conform to the requirements of Government Code Section 65858.

17.455.050 Decision-making authority and public notice, public comment, and public hearing requirements.
Refer to Table 17.400-1 for identification of the decision-making authority for approvals and appeals and to Table 17.400-2 for public notice, public comment, and public hearing requirements.

Chapter 17.450: DESIGN REVIEW PROCEDURE

17.450.010 Purpose - Applicability.
A. The purpose of these provisions is to prescribe the procedure for the review of the design and appearance of new development within the City. A design review permit shall be required for all new development or expansions to existing development as follows:

1. New residential developments of three or more contiguous lots in any district and a total of three or more new residential units;
2. New single-family residences in new residential subdivisions of three or more units; and
3. Proposed buildings or substantial additions or other substantial exterior modifications to existing buildings for which a building permit is required in districts other than single-family or duplex districts;

B. The following shall be exempt from the requirement for a design review permit:

1. Rooftop photovoltaic installations shall not require design review unless the Planning Director determines that review is appropriate due to unusual characteristics of the installation or building.

17.450.020 Application.
Application for design review shall be made as described at SMC 17.400.030. Applications for design review shall be accompanied by such information including, but not necessarily limited to, architectural drawings showing all the elevations of the proposed building(s) or structure(s), the relationship of the proposed building(s) or structure(s) to surrounding buildings, and the proposed landscaping or other treatment of the ground around such building or structure, including building placement, off-street parking and preliminary grading plans as may be required to allow applicable design review criteria to be applied to the proposal. All drawings shall be prepared by licensed design professionals, as may be required by State law.

17.450.030 Procedure for consideration.
A. The Design Review Board may delegate to the Planning Director the authority to approve applications for design review for minor exterior alteration of any building or structure in any district requiring design review, or to approve any other application for design review which has been approved in concept by the Design Review Board.

B. In considering an application for design review, the Design Review Board, or the Planning Director, as the case may be, shall determine whether:

1. The design of the proposal would be compatible with the neighborhood and with the general visual character of Sebastopol;
2. The design provides appropriate transitions and relationships to adjacent properties and the public right-of-way;
3. It would not impair the desirability of investment or occupation in the neighborhood;
4. The design is internally consistent and harmonious;

5. The design is in conformity with any guidelines and standards adopted pursuant to this chapter.

C. The Design Review Board, or the Planning Director, as the case may be, shall render approval only in conformity with subsection (B)(2) of this section, and such other resolutions and actions of the Design Review Board establishing standards and guidelines.

D. The Design Review Board, or the Planning Director, as the case may be, may designate such condition(s) in connection with the design review application it deems necessary to secure the purposes of this code, and may require such guarantee and evidence that such conditions are being, or will be, complied with.

17.450.040 Decision-making authority and public notice, public comment, and public hearing requirements.

Refer to Table 17.400-1 for identification of the decision-making authority for approvals and appeals and to Table 17.400-2 for public notice, public comment, and public hearing requirements.

Chapter 17.455: APPEAL PROCEDURE

17.455.010 Purpose - Applicability.
The purpose of these provisions is to prescribe the procedure by which an appeal may be taken to the Planning Commission or Design Review Board, from any administrative determination or interpretation made by City staff under the Zoning Code, or to the City Council, from a determination or interpretation made by the Planning Commission or Design Review Board, under the Zoning Code. This procedure shall apply to all appeals from such determinations and interpretations. See Table 17.400-1 for the decision-making authority for appeals by type of approval.

17.455.020 Procedure for appeal.
A. Appeal from Administrative Determination.

1. Appeal to Planning Commission. An appeal may be taken to the Planning Commission by an applicant or any interested party, from any administrative determination or interpretation made by City staff under the Zoning Code, except for matters relating to an application for design review or sign review. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by staff, or wherein their decision is not supported by the evidence in the record. The appeal shall be accompanied by such information as may be required to facilitate review. Action on the appeal shall be limited to the issues raised in the appeal. Upon receipt of the appeal, the Secretary of the Planning Commission shall set the date for consideration thereof, and, not less than five calendar days prior thereto, shall give written notice to the appellant and to any known adverse parties of the time and place of the consideration of the appeal.

2. Appeal to Design Review Board. An appeal may be taken to the Design Review Board by an applicant or any interested party, from any administrative determination or interpretation made by City staff relative to any application for design review or sign review. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by staff, or wherein their decision is not supported by the evidence in the record. The appeal shall be accompanied by such information as may be required to facilitate review. Action on the appeal shall be limited to the issues raised in the appeal. Upon receipt of the appeal, the Secretary of the Design Review Board shall set the date for consideration thereof, and, not less than five calendar days prior thereto, shall give written notice to the appellant and to any known adverse parties of the time and place of the consideration of the appeal.

3. An appeal filed pursuant to subsection (A) (1) or (2) of this section shall be filed with the Planning Department. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by staff, or wherein their decision is not supported by the evidence in the record. The appeal shall be accompanied by such information as may be required to facilitate review. Action on the appeal shall be limited to the specific issues raised in the appeal. Upon receipt of the appeal, the Secretary of the Planning Commission, or Design Review Board, as the case may be, shall set the date for consideration thereof, and, not less than five calendar days prior thereto, shall give written notice to the appellant and to any known adverse parties of the time and place of the consideration of the appeal.

B. Appeal from Planning Commission or Design Review/Tree Board Decision.

1. An appeal may be taken to the City Council by an applicant or any interested party, from any determination or interpretation made by the Planning Commission or the Design Review/Tree Board, as the case may be, under the Zoning Code.

2. An appeal filed pursuant to subsection (B) (1) of this section shall be filed with the Planning Department. The appeal shall include the appeal form, available at the Planning Department, and filing fee. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Planning Commission or Design Review Board, as the case may be, or wherein their decision is not supported by the evidence in the record. The appeal shall be accompanied by such information as may be required to facilitate review. Action on the appeal shall be limited to the issues raised in the appeal. A filing fee, as established by resolution of the City Council, shall be paid at the time of filing the written appeal. Upon receipt of the appeal, the City Clerk shall set the date for consideration thereof, and, not less than five calendar days prior thereto, shall give written notice to the appellant and to any known adverse parties of the time and place of the consideration of the appeal.

C. Appeal of Housing Projects. Any appeal of a housing project shall address conformance with Government Code Section 65589.5.

D. Filing of Appeals. Any appeal under this chapter shall be filed within seven days of the relevant action.

17.455.030 Procedure for consideration.
A. Administrative Appeal.

1. In its review of an administrative appeal, the Planning Commission, or Design Review Board, as the case may be, shall consider the purpose and intent, as well as the letter, of the pertinent provision, and shall affirm, modify, or reverse the staff's determination or interpretation.

2. In case the applicant or other interested person is not satisfied with the action of the Planning Commission or Design Review Board, as the case may be, the applicant or said person may, within seven days after such action appeal in writing to the City Council.

B. Appeal from Planning Commission/Design Review Board.

1. In its review of an appeal from the Planning Commission, or Design Review Board, as the case may be, the City Council shall consider the purpose and intent, as well as the letter, of the pertinent provision, and shall affirm, modify, or reverse the Planning Commission or Design Review Board determination or interpretation. The decision of the City Council shall be final.

2. The City Council shall render its decision within 30 days of the hearing of the appeal, except that this time limit may be extended by mutual agreement of the City Council and the applicant.

Chapter 17.460: PUBLIC HEARING PROCEDURE

17.460.010 Purpose - Applicability.
The purpose of these provisions is to prescribe the procedure for setting public hearings. These procedures shall apply in all instances where a public hearing is required pursuant to the Zoning Code.

17.460.020 Procedure.
A. Notice of hearing shall be published once in a newspaper of general circulation within the jurisdiction of the City as identified in Table 17.400-2, except as identified by SMC 17.430.020.B. below. Notice shall contain the necessary information as required by Government Code Section 65904.

B. In the event the application or proposed amendment may affect the permitted use of real property, the following additional notice shall be given:

1. Notice of the hearing shall be mailed or delivered at least 12 days prior to the hearing to the owner of the real property or his agent, and to the project applicant, if any.

2. Notice of the hearing shall be mailed or delivered at least 12 days prior to the hearing to all owners of real property as shown on the latest equalized assessment roll within 600 feet of the real property that is the subject of the hearing.

3. Notice of the hearing shall be posted in at least three public places including one public place in the area directly affected by the proceeding at least 12 days prior to the date of the hearing. The form and content of posted notices shall be specified by the Planning Director.

4. If the number of owners to whom notice would be mailed or delivered, as provided in subsection (B) (2) of this section, is greater than 1,000, notice may be given by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least 10 days prior to the hearing, in lieu of mailed or delivered notice.

5. For projects involving non-residential development of 10,000 square feet or greater, 15 lots or greater, or 15 dwelling units or greater, a sign meeting the specifications of the City Council and describing the proposed project shall be posted on the project site at least 30 days in advance of any required public hearing.

6. For projects which elect or are required to conduct preliminary review before the Planning Commission or City Council, mailed notice of the hearing shall be mailed or delivered at least 10 days prior to the hearing to all owners of real property, as shown on the latest equalized assessment roll, within 600 feet of the real property that is the subject of the preliminary review.

Chapter 17.470: ENFORCEMENT/PENALTIES

17.470.010 Purpose - Applicability.
The purpose of these provisions is to ensure compliance with the Zoning Code. These provisions shall apply to the enforcement of the Zoning Code, but shall not be deemed exclusive.

17.470.020 Official actions.
All officials, departments and employees of the City vested with the authority to issue permits, certificates or licenses shall adhere to, and require conformance with, the Zoning Code, and shall issue no permit, certificate or license for uses, buildings, or purposes in conflict with the provisions of this code; any such permit, certificate, or license issued in conflict with the provisions of this code shall be null and void.

17.470.030 Inspection and right of entry.
It shall be the duty of the Building Inspector of the City to enforce the provisions of this code pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure. Whenever he shall have cause to suspect a violation of any provision of the Zoning Code, or whenever necessary to investigate an application for, or revocation of, any Zoning approval, the Building Inspector, or his duly authorized representative(s), may enter on any site or into any structure for the purposes of investigation, provided he shall do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant, which consent shall not be unreasonably withheld.

17.470.040 Abatement.
Any building or structure or sign set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this chapter, and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this chapter, shall be hereby declared to be unlawful and a public nuisance; the City Attorney of the City shall, upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building contrary to the provisions of this chapter.

17.470.050 Penalties.
Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this code, shall be guilty of an infraction, and upon conviction thereof, shall be punishable by a fine of not more than $500.00. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this code is committed or continued by such person, firm or corporation, and shall be punishable as herein provided. Unless otherwise specified, upon a fourth or subsequent conviction of a violation of this chapter committed within a period of one year, said violation shall constitute a misdemeanor, punishable by a fine of not less than $100.00 nor more than $1,000 or by imprisonment in the County jail for a period of not more than six months, or by both such fine and imprisonment.

17.470.060 Remedies.

The remedies provided for herein shall be cumulative and not exclusive.

Chapter 17.500: CITY GROWTH MANAGEMENT PROGRAM

17.500.010 Authority and purpose.
The ordinance codified in this chapter is adopted pursuant to the general police powers of the City to protect the health, safety and welfare of its residents; and, pursuant to the powers delegated to local agencies by the State Constitution, to make and enforce local ordinances not in conflict with general laws.

This chapter will allow the City to manage and balance new residential growth so as not to exceed available resources including public infrastructure capacity, public services, and fiscal resources; and to protect the character and quality of life for existing and future residents of Sebastopol.

17.500.020 Findings made by the City Council for the codification of this chapter.
The ordinance codified in this chapter made public health, safety, and welfare findings pursuant to Government Code Section 65863.6.

17.500.030 General provisions.
A. The Planning Director shall submit an annual report to the City Council at the end of each year to give the status on the level of service standards and guidelines for City services to include water, wastewater, parks, fire, police, drainage, schools, and traffic as set forth in the Sebastopol General Plan. If any of the standards or guidelines are determined to be exceeded, mitigation measures or actions necessary to bring compliance shall be included for City Council review and approval. If the City Council determines that it is not possible within the fiscal resources or regulatory authority of the City to meet the standards or guidelines, then additional allocations for the next calendar year shall be suspended for a period of 60 days to give the City Council time to adopt an urgency ordinance to restrict further dwelling allocation issuance, to remain in effect until the level of service(s) can be improved to meet the standards or guidelines contained in the General Plan.

B. Dwelling allocations shall be limited to 750 dwelling units through 2035, or the remaining wastewater treatment capacity for new residential dwellings as determined by the City Council under the existing contract for services with the City of Santa Rosa, whichever is less. Annual allocations shall be limited to 50 units.

C. Units in senior housing and single room occupancy projects, and units of less than 500 square feet shall count as one-half of a dwelling unit. Community care or health care facilities and homeless shelters shall be counted as zero dwelling units.

C. The following are exempt from the yearly dwelling allocation limitation in subsection B of this section:

1. Affordable housing units.
2. Accessory dwelling units.
3. Replacement residential structures.
4. Single-family homes on an existing lot of record as of November 1994.
5. Homeless shelters, single room occupancy residences, and community care or health care facilities.

6. Residential units in the Central Core.

Non-replacement affordable housing dwelling units, and non-replacement new single-family homes on an existing lot of record as of November 1994 still shall be charged against the total number of allocations that can be issued.

D. No residential building permit for a new dwelling unit shall be issued by the Building Official unless the Planning Director has issued a dwelling allocation under the provisions of this chapter or determined that the proposed dwelling unit is exempt as provided in subsection C of this section.

E. A growth management program allocation availability table shall be updated on an annual basis, or as determined appropriate by the Planning Director or City Council.

F. In December of each year, the Planning Department shall prepare an annual report on the growth management program which shall include the following:

1. The number of new dwelling unit allocations issued during the prior year to nonexempt residential units.
2. The number of new residential building permits issued during the prior year to exempt residential units.
3. The total number of new dwelling units issued to date for exempt and nonexempt residential units.
4. The number of dwelling allocations reserved.
5. The number of removed dwelling units during the prior year.
6. The number of Category C units annexed into the City, and the number of Category D units subject to out-of-service-area agreements.
7. A listing of any significant problems which arose during the prior year in administering the growth management ordinance and program.
8. A listing of any staff recommendations, with regard to changes or revisions to the ordinance to improve its effectiveness and/or administration.
9. A recommendation, if any, together with factual supporting data, as to whether the level of service program or growth management program policies and programs of the General Plan or the growth management ordinance itself should be substantially revised or discontinued.
10. A discussion of the findings of the annual level of service report and any adjustment to the growth management ordinance and annual dwelling allocation limitation as a result of changes in levels of service.

17.500.040 Dwelling allocation procedures.

A. The Planning Director shall issue dwelling units in accordance with the limitations given under SMC 17.500.030 and the specific requirements that follow:

B. Category A dwelling allocations consist of dwelling allocations for projects which involve residential dwelling units needing discretionary permits which include, but are not necessarily limited to: conditional use permits, tentative subdivision maps, rezones, design review and/or annexations.

For large projects, the approving authority may impose a condition regarding phasing of allocations, if necessary to maintain reasonable capacity for other projects.

Once a Category A residential project has obtained final discretionary approval, then needed allocations can be issued on a first come, first served basis by the Planning Director for the remaining allocations available that year in accordance with SMC 17.500.030(B). These dwelling allocations are valid until the discretionary approval expires.

If the Planning Director determines that a project eligible for an allocation will exceed the remaining dwelling allocation in the subject calendar year, he or she can grant a partial allocation. Those projects denied allocations in one calendar year will have first priority for issuance of allocations in the following calendar year in order of the earliest date of denial of the full allocation, provided the requirements of SMC 17.500.030 are met.

C. Unused or lapsed allocations may be carried over to the allocation for subsequent years for up to two years, after which they shall return to the base pool of allocations.

D. Once the enabling building permit or discretionary permit has expired or lapsed, said allocations reserved for that project shall be returned to the total dwelling unit allocation for allocation in accordance with SMC 17.500.030.

E. Removed dwelling units shall be added to the total dwelling unit allocation pool once the Building Official has verified removal.

F. Category B allocations for units which are exempt from the annual allocation limits, but which count towards the ultimate limit on dwelling units, shall be accounted for in the annual report provided to the City Council. If there are excess annual allocations available at the end of each calendar year, Category B allocations shall be charged to such excess allocations. Otherwise, Category B allocations shall be charged to the ultimate build-out limitations.

G. Category C projects which will include the annexation of existing residential dwelling units shall be required to pay any established in-lieu fee, or retrofit with low-flow fixtures to eliminate any net wastewater flows from the annexed residential units, in priority order (1) existing public facilities in the City limits or those owned by nonprofit corporations in the City limits, and (2) other residential occupancies in the City limits.

H. Category D projects which will include any residential dwellings subject to out-of-service-area agreements, which units shall be required to pay any established in-lieu fee, or retrofit with low-flow fixtures to eliminate any net wastewater flows from such units, in priority order:

1. Existing public facilities in the City limits or those owned by nonprofit corporations in the City limits, and

2. Other residential occupancies in the City limits.

17.500.050 Administration.
The City Council, by resolution, may from time to time adopt procedures, policies, rules, and requirements, including the adoption of a processing fee, to implement and administer the provisions of this chapter.

17.500.060 Appeals.
An applicant, or any other interested person, or any City official who considers a decision made under the provisions of this chapter to be erroneous, may appeal the same to the City Council.

A. The appeal shall be filed with the City within seven days from the date on which the decision was made and issued in written form by the Planning Director.

B. The appeal shall be made in writing and shall specifically describe the decision which is being appealed, each ground which the appellant is relying upon in making the appeal, and the specific action which the appellant wants the City Council to take.

C. A timely filed appeal shall stay all actions resulting from the decision. Any allocation(s) issued under the decision shall be preserved pending the Council's decision on the appeal; any allocations requested by an appellate which were denied by the decision shall also be preserved (or reserved) pending the Council's determination of the appeal to the extent that corresponding entitlements are still available for allocation at the time the City Clerk notifies the Planning Director of the filing of the appeal.

D. Upon the filing of an appeal, the City Clerk shall immediately notify the Planning Director, the person making the decision, of the appeal and shall forward a copy of the appeal to each such person.

E. A timely filed appeal shall be heard by the City Council within 30 days of its filing, and the Council shall decide the matter within 24 days of such hearing.