

**SUMMARY OF ORDINANCE NO. 991 OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, MAKING REVISIONS TO ROHNERT MARK MUNICIPAL CODE TITLES 1 (GENERAL PROVISIONS), 16 (SUBDIVISIONS), AND 17 (ZONING) OF THE ROHNERT PARK MUNICIPAL CODE (RPCM) TO (1) IMPLEMENT HOUSING ELEMENT PROGRAMS AND ENSURE CONSISTENCY WITH STATE LAW; (2) REORGANIZE SECTIONS OF THE CODE FOR EASE OF USE; (3) IMPLEMENT THE REGIONAL TRANSIT-ORIENTED COMMUNITIES POLICY; AND (4) MAKE MINOR AMENDMENTS, CLARIFICATIONS AND OTHER CONFORMING REVISIONS**

Pursuant to Government Code Section 36933(c)(1), the following constitutes a summary of Ordinance No. 991 introduced by the Rohnert Park City Council on January 13, 2026 and adopted on January 27, 2026 at its meeting to be held in the City Council Chambers, 130 Avram Avenue, Rohnert Park, California.

The purpose of the Ordinance is to (1) implement Housing Element Programs and ensure consistency with State law; (2) reorganize sections of the Code for ease of use; (3) implement the regional transit-oriented communities policy; and (4) make minor amendments, clarifications and other conforming revisions. This change is consistent with the Negative Declaration for the Housing Element and exempt from CEQA under Public Resources Code Section 21080.17 and CEQA Guidelines Section 15061(b)(3).

A certified copy of the full text of the Ordinance is posted and available for review at City Hall at 130 Avram Avenue, Rohnert Park, California and on the city's website at <https://www.rpcity.org/748/Public-Notices-Ordinances>

This ordinance shall be in full force and effective 30 days after adoption and shall be published and posted as required by law. This ordinance was introduced by the Council of the City of Rohnert Park. This Ordinance was introduced by the Rohnert Park City Council on January 13, 2026, and adopted on January 27, 2026 by the following roll call vote:

AYES: (5) Adams, Giudice, Rodriguez, Elward and Sanborn

NOES: (0) None

ABSENT: (0) None

ABSTAIN: (0) None

DATED: January 30, 2026

PUBLISHED: January 30, 2026



Sylvia Lopez Cuevas, City Clerk  
City of Rohnert Park

## ORDINANCE NO. 991

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, MAKING REVISIONS TO ROHNERT PARK MUNICIPAL CODE TITLES 1 (GENERAL PROVISIONS), 16 (SUBDIVISIONS), AND 17 (ZONING) OF THE ROHNERT PARK MUNICIPAL CODE (RPMC) TO (1) IMPLEMENT HOUSING ELEMENT PROGRAMS AND ENSURE CONSISTENCY WITH STATE LAW; (2) REORGANIZE SECTIONS OF THE CODE FOR EASE OF USE; (3) IMPLEMENT THE REGIONAL TRANSIT-ORIENTED COMMUNITIES POLICY; AND (4) MAKE MINOR AMENDMENTS, CLARIFICATIONS AND OTHER CONFORMING REVISIONS**

**WHEREAS**, the California Legislature has found that “California has a housing supply and affordability crisis of historic proportions (Government Code Section 65589.5.); and

**WHEREAS**, to comply with State Housing Element Law, the City adopted its Housing Element 2023-2031 on January 23, 2023, which was subsequently certified in compliance with State Housing Element Law on March 20, 2023; and

**WHEREAS**, the Housing Element includes a schedule of actions to implement adopted policies and programs to address the City’s housing needs; and

**WHEREAS**, the proposed amendments would implement the adopted schedule of actions and amend the municipal code to comply with State Housing Law, including compliance with Accessory Dwelling Unit (ADU) law, State Density Bonus Law (SDBL), and allowing by-right development on certain identified Housing Element sites; and

**WHEREAS**, the proposed amendments include technical corrections and minor changes which would make the zoning ordinance more accessible, enforceable, clear, and streamlined; and

**WHEREAS**, the Metropolitan Transportation Commission (MTC) adopted the Transit-Oriented Communities (TOC) Policy on September 28, 2022; and

**WHEREAS**, the TOC Policy incentivizes certain land use and zoning policies to support the region’s transit investments and implement key GHG reduction strategies from Plan Bay Area 2050; and

**WHEREAS**, MTC anticipates that future regional funding, such as the One Bay Area Grant (OBAG) program, will consider compliance with the TOC Policy as part of the prioritization and project selection process starting with OBAG 4, expected in 2026; and

**WHEREAS**, the proposed amendments would implement the TOC Policy and increase the City’s likelihood of being eligible or prioritized for regional funding; and

**WHEREAS**, the proposed changes to the municipal code (attached hereto as Exhibit A) are consistent with the goals, policies, and implementation measures in the General Plan and necessary to comply with state law;

**WHEREAS**, pursuant to California Government Code Section 65854 and the RPMC, a public hearing notice was published for a minimum of 20 days prior to the Planning Commission public hearing in the *Community Voice*; and

**WHEREAS**, on November 13, 2025, the Planning Commission held a public hearing at which time interested persons had an opportunity to testify either in support or opposition to the proposal, provided direction to staff, and continued the hearing to December 11, 2025; and

**WHEREAS**, on December 11, 2025, the Planning Commission continued the public hearing, at which time interested persons had an opportunity to testify either in support or opposition to the proposal; and

**WHEREAS**, the Planning Commission reviewed and considered the proposed amendments and voted to adopt a resolution recommending adoption of an Ordinance codifying the proposed amendments to the municipal code;

**WHEREAS**, on January 13, 2026, the City Council held a public hearing at which time interested persons had an opportunity to testify either in support or opposition to the proposal; and

**WHEREAS**, the City Council has reviewed and considered all public testimony, the Planning Commission recommendation, and the information contained in the Staff Report and Presentation.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Rohnert Park as follows:

**Section 1.** Recitals. The above recitations are true and correct.

**Section 2.** CEQA. Changes to Title 17 (Zoning) which implement the City’s adopted Housing Element, including changes to allowed land uses and permitting levels, are statutorily exempt pursuant to Public Resources Code 21080.085, which exempts rezoning that implements the schedule of actions contained in an approved housing element pursuant to Government Code Section 65583(c).

Additionally, the amendments to accessory dwelling unit regulations within the proposed code amendments are statutorily exempt pursuant to Public Resources Code Section 21080.17 which exempts adoption of an ordinance to implement regulations for accessory dwelling units pursuant to Government Code Section 65852.2.

Additionally, changes to conform to State law, technical corrections and minor changes proposed within the code amendments are exempt under the “common sense exemption” in CEQA Guidelines section 15061(b)(3) as it can be seen with certainty that there is no possibility that would have a significant effect on the environment.

Additionally, even if they were not exempt, changes to Title 17 (Zoning) which implement the City’s adopted Housing Element, including changes to allowed land uses and permitting levels, are consistent with the Negative Declaration adopted with the City’s Housing Element on January 24, 2023 (SCH #2022110553).

**Section 3.** Findings. The City Council makes the following findings pursuant to Rohnert Park Municipal Code Section 17.25.073, with respect to adoption of this Ordinance:

1. *That the proposed amendments to the Municipal Code are consistent with the General Plan 2020.*

**Criteria Satisfied.** The proposed amendments to the municipal code are consistent with the General Plan 2020 and Housing Element goals of supporting housing development and streamlining approval procedures. Specifically, the amendments

support Goal HO-1 (New Housing Development) by mitigating potential constraints, Policy HO-1.5 (Clear Development Standards and Approval Procedures) by establishing procedures for a variety of housing types in accordance with state law, Policy HO-3.3 (Minimize Governmental Constraints) by establishing streamlined processes for development. The code amendments directly implement Program HO-1.C (Sites to Meet RHNA) by amending the code to address by-right approval requirements, Program HO-1.D (Streamline Development Process) by establishing objective findings for Site Plan and Architectural Review approvals, and Program HO-2.C (Zoning for a Variety of Housing Types) by amending the code to address supportive housing, low barrier navigation centers, employee housing, Density Bonus Law, and emergency shelters.

2. *That the proposed amendment to the Zoning Ordinance will be beneficial to the public health, safety or welfare.*

**Criteria Satisfied.** The proposed amendments to the municipal code are intended to address public health, safety and welfare concerns created by the statewide housing crisis. The changes will help improve community health outcomes, by reducing overcrowding, providing workforce housing closer to job centers and reducing homelessness by expanding the availability of rental units and minimizing constraints to developing low barrier navigation centers and supportive housing.

3. *That with the proposed zoning and/or amendment adequate and available sites remain (refer to the quantified housing objectives in the city's housing element of the general plan) to mitigate the loss of residential density on the subject property to accommodate the city's "fair share" regional housing needs used by the State Department of Housing and Development in determining compliance with Housing Element Law pursuant to Government Code Section 65863(b).*

**Criteria Satisfied.** The proposed amendments do not create any loss of residential density, but rather serve to implement the City's housing goals and compliance with the Housing Element Law and assist in accommodating the City's regional housing needs.

**Section 4.** Code Amendments. The City Council hereby makes the revisions to Rohnert Park Municipal Code Titles 1 (General Provisions), 16 (Subdivisions), and 17 (Zoning) of the Rohnert Park Municipal Code (RPMC) as set forth in **Exhibit A** attached hereto and incorporated herein by reference.

**Section 5.** Severability. The City Council hereby declares that every section, paragraph, sentence, clause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

**Section 6.** Effective Date. This ordinance shall be in full force and effective 30 days after its adoption, and shall be published and posted as required by law.

**Section 7. Publication.** The City Clerk is directed to cause this ordinance to be published in the manner required by law.

This ordinance was introduced by the City Council of the City of Rohnert Park on January 13, 2026 and **DULY AND REGULARLY ADOPTED** this January 27, 2026 by the following vote:

AYES: Five (5) Adams, Giudice, Rodriguez, Elward and Sanborn

NOES: Zero (0)

ABSENT: Zero (0)

ABSTAIN: Zero (0)

CITY OF ROHNERT PARK

/s/

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Emily Sanborn, Mayor

ATTEST:

/s/

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Sylvia Lopez Cuevas, City Clerk

APPROVED AS TO FORM:

/s/

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Michelle M. Kenyon, City Attorney

Attachments: Exhibit A, Municipal Code Text Amendments

## Exhibit A to Ordinance 991

### 1. Rohnert Park Municipal Code Section 1.16.010(G) is amended to read as follows:

“G. Notwithstanding subsection E above, a violation of the short-term rental regulations in Title 17 that is an infraction is punishable by the following:

1. A fine not exceeding one thousand five hundred dollars for a first violation.
2. A fine not exceeding three thousand dollars for a second violation of the same ordinance within one year.
3. A fine not exceeding five thousand dollars for each additional violation of the same ordinance within one year of the first violation.
4. For purposes of this subsection, "short-term rental" shall be defined as described in Section 17.04.030. For purposes of this subsection, the term "short-term rental" shall not include a commercially operated hotel, motel, bed and breakfast inn, or a time-share property as defined by subdivision (aa) of Section 11212 of the Business and Professions Code.
5. The fine limits set by this subsection apply only to infractions that pose a threat to public health or safety. The fines described in this subsection shall not apply to a first-time offense of failure to obtain a permit or pay a business license fee.”

### 2. Rohnert Park Municipal Code Section 16.10.030(C)(3) is amended to read as follows:

“C.

...

3. If the proposed project is a conversion of residential real property to a condominium, community apartment, or stock cooperative, notice shall be given to each tenant of the property consistent with the condominium conversion regulations in Title 17 of this code and Government Code Sections 66451.3 and 66452.5(e).”

### 3. Rohnert Park Municipal Code Section 16.14.035 is amended to read as follows:

“**16.14.035 – Affordable housing.**

The provisions of the inclusionary housing regulations in Title 17 shall apply.”

### 4. Rohnert Park Municipal Code Chapter 17.01, Article II is amended to read as follows:

“**Article II. – What is the Zoning Ordinance?**

The Zoning Ordinance is the document that establishes the various zoning districts, identifies those uses that may be allowed in each district, and provides the regulations and standards that pertain to the development and operation of those uses. In the city of Rohnert Park, the Zoning Ordinance is found in Title 17 of the Rohnert Park Municipal Code. In Rohnert Park there are twenty zoning districts, categorized as follows (with the densities allowed in each residential district indicated in parentheses):

A. Residential.

R-R: Rural Residential District (up to 2 units per acre)

R-E: Estate Residential District (up to 2 units per acre)

## Exhibit A to Ordinance 991

- R-L: Residential-Low Density District (4.1-6 units per acre)
- R-M: Residential-Medium Density District (6.1-12 units per acre)
- R-H: Residential-High Density District (12.1-24 units per acre)
- DTR-H: Downtown Residential-High Density (12.1-30 units per acre)
- B. Commercial.
  - C-O: Professional/Administrative Office District
  - C-N: Neighborhood Commercial District
  - C-R: Regional Commercial District
- C. Industrial.
  - I-L: Limited Industrial District
- D. Mixed Use.
  - M-U: Mixed Use District
  - DTM-U: Downtown Mixed Use District
- E. Public/Institutional.
  - P-I: Public/Institutional Zoning District
- F. Open Space and Recreational.
  - OS-EC: Open Space for Environmental Conservation District
- G. Other.
  - P-D: Planned Development District
  - SP: Specific Plan District
- H. Overlays.
  - MHP: Mobile Home Park Overlay District
  - O: Office Overlay District
  - C: Commercial Overlay District
  - DDAZ: Downtown District Amenity Zone District

**5. Rohnert Park Municipal Code Section 17.01.010** is amended to read as follows:

**“17.01.010 - Finding a land use.**

The "heart" of the Zoning Ordinance is Chapter 17.06—Land Use Regulations. This chapter presents the city's zoning districts in a series of tables, divided by land use type (e.g., residential, commercial, mixed use, industrial.) The tables are set up with the zoning districts displayed along the top of the columns and the land uses down the left side of each table. To find out if a certain land use is permitted in a district, locate the use on the appropriate zoning district table and read across the row to the right. If a letter appears in one or more of the columns, the use is either permitted or requires a separate approval prior to its operation (see below). If a letter does not appear in the row, the use is not permitted in that district. Some of the uses have additional requirements that are indicated by a Code citation.”

**6. Rohnert Park Municipal Code Section 17.01.020** is amended to read as follows:

**“17.01.020 - What does the letter in the column mean?**

## Exhibit A to Ordinance 991

If a letter appears in the column for a given use, the use is one that may be allowed in that zoning district. A "P" indicates that the use is permitted and no formal review is required. A "C" indicates that the use requires approval of the planning commission; there would be a public notice and a public hearing before the Commission. An "A" indicates an administrative approval by the Planning Director or a Zoning Administrator; there would be a public notice and the decision could be appealed to the planning commission. A "Z" indicates zoning compliance; these are uses that, if they meet certain criteria outlined in the Code, are approved and there is no notice or appeal process. A "T" is for a temporary use that would either be seasonal (e.g., Christmas tree lot) or would last less than two years (e.g., construction trailer); there would be no notification or appeal. An "I" indicates uses that are allowed when incidental to a primary use.”

**7. Section 17.01.100** is hereby added to the **Rohnert Park Municipal Code** as follows:

### **“17.01.100 Relationship to State Law.**

Where there is a conflict between State law and the Rohnert Park Municipal Code, State law takes precedence, provided, however, that the Rohnert Park Municipal Code may include stricter or additional requirements than required under State law, which shall be in addition to any State law requirements.”

**8. Rohnert Park Municipal Code Section 17.02.070(A)** is amended to read as follows:

### **“17.02.070 Zoning districts.**

A. Establishment of zoning districts.

The city of Rohnert Park shall be divided into land use zoning districts consistent with the General Plan. The following districts are established:

(1) Residential Districts.

R-R: Rural Residential District

R-E: Estate Residential District

R-L: Residential-Low Density District

R-M: Residential-Medium Density District

R-H: Residential-High Density District

DTR-H: Downtown Residential-High Density

(2) Commercial Districts.

C-O: Professional/Administrative Office District

C-N: Neighborhood Commercial District

C-R: Regional Commercial District

(3) Industrial Districts.

I-L: Limited Industrial District

(4) Mixed Use Districts.

DTM-U: Downtown Mixed Use District

M-U: Mixed Use District

(5) Public/Institutional.

## Exhibit A to Ordinance 991

PI: Public/Institutional District

(6) Open Space and Recreational Districts.

OS-EC: Open Space for Environmental Conservation District

(7) Special Districts.

PD: Planned Unit Development District

SP: Specific Plan District”

**9. Section 17.02.110** is hereby added to the **Rohnert Park Municipal Code** as follows:

### “Section 17.02.110 - Department Director

All references to the planning and community development director or development services director shall refer to the director with the responsibility for overseeing planning and implementation of Title 17, Zoning, of the Rohnert Park Municipal Code, regardless of the current title of the position.”

**10. The following definitions in Rohnert Park Municipal Code Section 17.04.030 - Definitions of words and terms,** are hereby amended, in their alphabetical location, as follows:

"Bed and breakfast inn" means a transient lodging establishment with no more than five rooms, unless more approved in accordance with Section 17.07.040, Bed and breakfast inn, for rent primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals to the extent otherwise permitted by law.

"Dwelling, single-family, attached (duplex, townhouse, zero lot line developments)" means one of two or more dwelling units situated on separate lots and having a common or party wall separating the dwelling units.

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. May also be referred to as “homeless shelter”.

"Family" means an individual or two or more persons, living as a single housekeeping unit.

“Home occupation” means a business enterprise conducted entirely within a dwelling unit, garage or accessory building by the occupant(s) of the primary dwelling, which occupation is clearly incidental and secondary to the use of the dwelling for residential purposes.

## Exhibit A to Ordinance 991

"Personal services" means services of a personal convenience nature, as opposed to products, sold to individual consumers and include the provision of information, individual instruction, beauty and body art, barber shops, laundry and cleaning services, and similar services.

"School" means an institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, business schools, trade schools, art schools, large studios ( $\geq 2,500$  square feet) for specialized education and training, and similar facilities.

"Senior housing" means residential development designed for households occupied by senior citizens, with age restrictions consistent with federal and state requirements. Such development may include central recreation areas and accessory medical facilities.

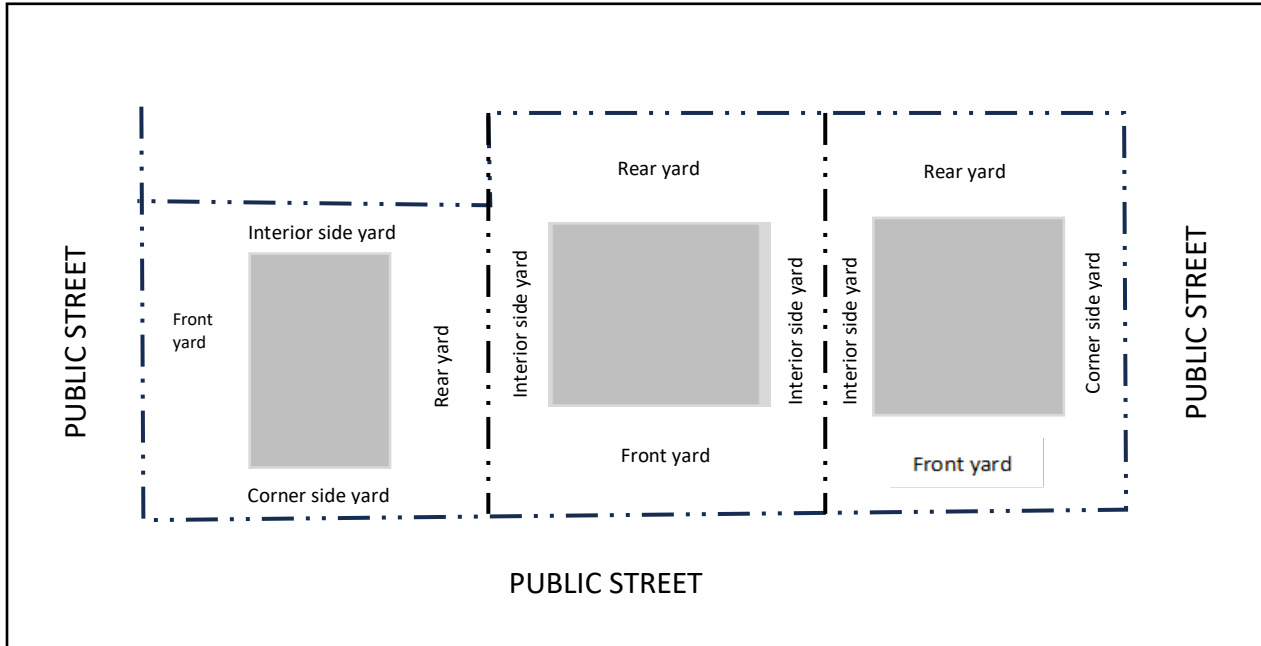
"Single-room occupancy (SRO) living unit facility" means a residential development or commercial facility containing secure rooms, of a smaller size than normally found in multiple dwellings, which are rented to a one- or two-person household. SRO living units are provided for a weekly or monthly period of time, although commercial facilities may be a daily basis, in exchange for an agreed payment or a fixed amount of money or other compensation.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, as defined in Health and Safety Code Section 50675.14, that is linked to on-site or off-site services that assist the tenants with the retention of the housing, improving health status, and maximizing ability to live and, when possible, to work in the community, and which may include nonresidential uses and administrative office spaces as provided in Government Code Section 65651(a)(5). Supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

"Yard" means open, unoccupied space, other than a court, and unobstructed from the ground to the sky, except where specifically provided by this code, in the lot on which a building is situated. The classifications of yards are:

1. "Front yard" means an area extending across the full width of the lot and lying between the front lot line and the required front yard setback. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. For corner lots, the front yard shall be established as the area extending across the narrowest width of the lot except where an existing front building setback has clearly been established by prior property development.
2. "Interior yard" means a rear yard or side yard open, surrounded full or in part by structure, effectively separated from vehicular circulation and parking.
3. "Rear yard" means a yard extending across the full width of the lot between the rear lot line and the required rear yard setback.
4. "Side yard" means a yard between the side or street side line of the lot and the required side yard setback, extending from the front yard of the lot to the rear yard.

**Exhibit A to Ordinance 991**



**11. Rohnert Park Municipal Code Section 17.04.030 – Definitions of words and terms** is hereby amended to add the following definitions, in their alphabetical location, as follows:

“By-right use” means a use that does not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code, excepting (a) any subdivision, which shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act, and (b) design review, provided that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

"Clubs and Lodges" means permanent headquarters and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for: business associations, political organizations, civic, social, and fraternal organizations, professional membership organizations, labor unions and similar organizations, or other membership organizations.

“Cultural Institutions” means institutions with an acknowledged mission to engage in the conservation, interpretation and dissemination of cultural, scientific, and environmental knowledge. These uses promote activities meant to inform and educate about culture, history, science, wildlife, and the environment and could include museums, science and exploration and wildlife demonstrations.

“Employee housing” housing that serves employees, and includes farmworker housing. Employee housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone, as required by California Health and Safety Code Sections 17021.5 and 17021.6.

## Exhibit A to Ordinance 991

“Fraternity/Sorority House” means a housing unit owned by and/or rented exclusively to university students who are members of an official fraternity or sorority organization recognized by the university and used for one or more fraternity or sorority functions.

“Furniture Store” means a commercial establishment engaged primarily in the selling of furniture, mattresses, and household appliances, including incidental repair services. Illustrative examples of these establishments include establishments that sell home furnishings, office furniture, outdoor furniture, or movable spas and hot tubs.

“Low Barrier Navigation Center” means a housing-first, low-barrier, service-enriched shelter as defined in California Government Code Section 65660(a) as most currently in effect, or in any successor statute.

"Medical office/clinic" means a facility, other than a hospital, where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis. A medical office use would provide consultation, diagnosis, therapeutic, preventative or corrective treatment services by doctors, dentists, medical and dental laboratories, chiropractors, counselors, physical therapists, respiratory therapists, acupuncturists and psychiatrists, and similar practitioners of medical and healing arts for humans licensed for such practice by the state of California. This does not include a massage therapist, except as an ancillary use to another medical office/clinic use.

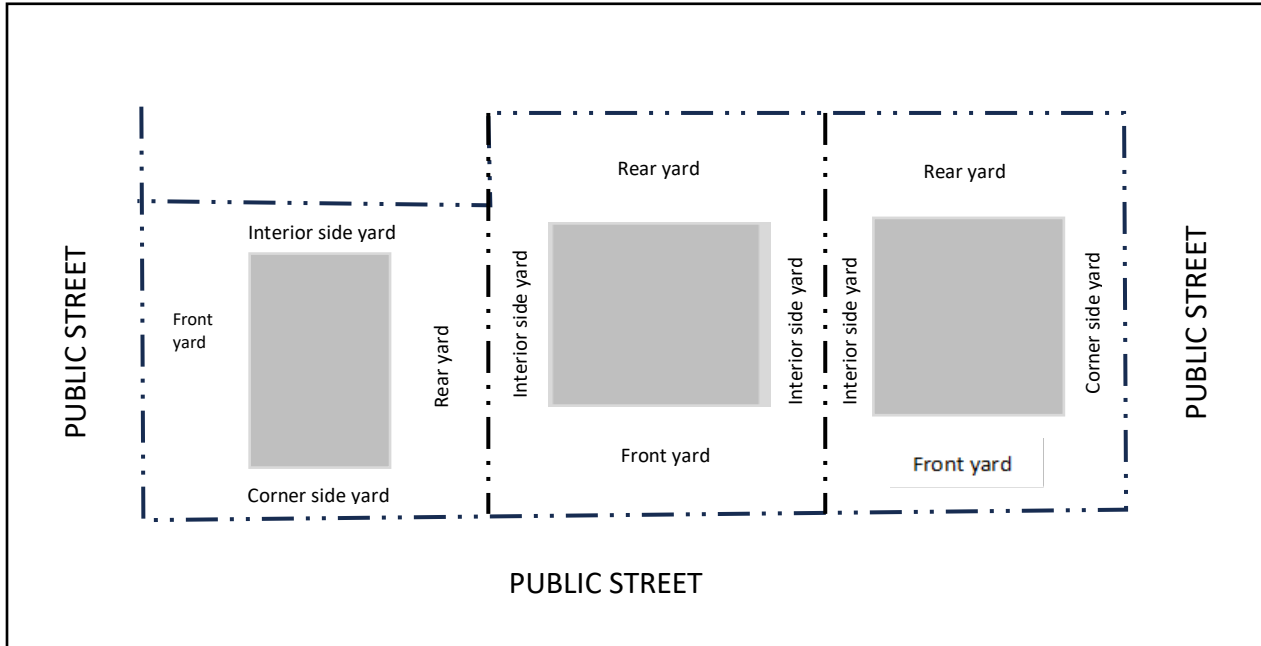
“Public Assembly” means facilities in which people assemble for civic, educational, religious, or cultural purposes, such as event facilities, auditoriums, community centers, conference and convention facilities, and places of worship (e.g., churches, temples, synagogues, mosques).

“Studio - Arts and Educational” means small-scale commercial facilities (<2,500 SF) for specialized education and/or training, typically accommodating one group of students at a time, in no more than one instructional space. Larger facilities are included under the definition of “Schools”. Does not include preschools and child day care facilities.

“Supermarket” means a retail business where the majority of the floor area that is open and accessible to the public is occupied by produce, food, beverage products, and household items that are packaged for preparation and consumption for daily living needs. Supermarkets are distinguished from "convenience stores" in that they typically contain a retail floor area greater than five thousand (5,000) gross square feet.

“Vocational/Trade school” means a private academic educational institution, providing specialized education/training for a specific vocation or trade. Examples include the following: business, secretarial, or professional schools (law, medicine, etc.), seminaries/religious ministry training facilities, or other institution providing technical training and education in specific trades or vocations.

**Exhibit A to Ordinance 991**



**12. The following definitions in Rohnert Park Municipal Code Section 17.04.030 – Definitions of words and terms, are hereby deleted:**

"Homeless shelter" means housing provided as a temporary/emergency shelter for individuals and families to reside while they prepare to move into more stable housing. Emergency housing, along with assessment and case management, is typically provided for twenty-eight days to one hundred eighty days per client.

"Single-room occupancy (SRO) residential hotel" means a commercial facility with individual secure rooms which are rented to a one- or two-person household. SRO residential hotels are provided on a daily, weekly, or monthly basis, in exchange for an agreed payment of a fixed amount of money or other compensation.

**13. Rohnert Park Municipal Code Section 17.06.020 is amended to read as follows**

**“17.06.020 - Districts**

- A. R-R: Rural Residential. This district is intended for very low-density residential development on large lots of typically forty thousand sq. ft. or more that convey a "rural" or agricultural character. These districts are located at the perimeter of the city and provide a transition from the more urban development to the open space/agricultural areas outside of the city. This district is consistent with the "Estate Residential" general plan designation.

## Exhibit A to Ordinance 991

- B. R-E: Estate Residential. This district is intended for very low-density residential development on large estate size lots of typically seventeen thousand sq. ft. or more. This district also is located at the perimeter of the city to provide a transition from the more urban development to the open space/agricultural areas outside the city. This district is consistent with the "Estate Residential" general plan designation.
- C. R-L: Residential-Low Density. This district is intended to promote the development of single-family detached dwellings in a suburban setting with a variety of minimum lot sizes. This district is consistent with the "Low Density" general plan designation. The floor area ratio for this district is 0.40.
- D. R-M: Residential-Medium Density. This district is intended for attached and detached single-family housing and duplexes as part of a planned residential development with a minimum lot size of three thousand seven hundred sq. ft. Multi-family housing is not permitted. Side-by-side duplexes not separated by a property line or without individual heating systems are permitted. This district is consistent with the "Medium Density" general plan designation. The floor area ratio for this district is 0.55.
- E. R-H: Residential-High Density. This district is intended to permit a wide range of housing types, ranging from single-family attached to multi-family, and are intended for specific areas where higher densities may be appropriate. This district is consistent with the "High Density" general plan designation. The floor area ratio for this district is 1.15.
- F. DTR-H: Downtown Residential-High Density. This district is located within the Central Rohnert Park PDA planning area as identified in the general plan and is intended to allow for residential development proximate to the downtown area. This district is consistent with the "High Density" general plan designation. Unless otherwise specified, all special provisions, development standards and other requirements and limitations shall be the same as the R-H district.”

**14. Rohnert Park Municipal Code Section 17.06.030** is amended to read as follows:

**“17.06.030 Permitted uses.**

The following is a list of land uses and the residential districts within which they are permitted as follows:

- P = Permitted.
- C = Conditionally-permitted by planning commission.
- A = Administrative permit.
- Z = Certificate of zoning compliance.
- T = Temporary conditional use permit.
- I = Uses allowed as incidental to a primary use.

Land uses that are not specifically listed are not permitted unless determined, by the development services director, to be substantially similar to a listed use. If the listed land use

**Exhibit A to Ordinance 991**

contains a code section reference in the right column, that reference directs the reader to the additional provisions which apply to that use.

<b>Land Use Category</b>	<b>R-R/R-E Districts</b>	<b>R-L District</b>	<b>R-M District</b>	<b>R-H District</b>	<b>DTR-H District</b>	<b>Additional use regulations</b>
Single-Family Dwellings	P	P	P	C		
• Antenna, Vertical/Satellite Dish	P/C	P/C	P/C	P/C	P/C	17.07.050
• Accessory Structure	P	P	P	P	P	17.10.060
• Home Occupation	P	P	P	P	P	17.07.100
Duplexes	P*	P*	P	P		
Multi-Family Housing				P	P	
Accessory Dwelling Unit	P	P	P	P	P	17.08.040
Supportive Housing			P	P	P	
Employee Housing	P	P	P	P	P	
Low-Barrier Navigation Center			P	P	P	17.08.030
Manufactured Home	P	P	P	P	P	
Mobile Home Park or Subdivision			C	C	C	17.06.490
Rooming or Boarding House						
• Single Room Occupancy Living Unit Facility	A			A		17.08.060
• Fraternity/Sorority				C		
Recovery Facility						
• Small (6 or less persons)	P	P	P	P		

**Exhibit A to Ordinance 991**

• Large (7 or more persons)				C		
Residential Care Facility (Congregate Care/Assisted Living)						
• Small (6 or less persons)	P	P	P	P	P	
• Large (7 or more persons)	C	C	C	C	C	
Agricultural Uses						
• Pasturing and Grazing (small scale)	P					
Other	C					
Bed and Breakfast Inn	C			C	C	17.07.040
Community Center	C	C	C	C	C	
Communication Facilities	C/A	C/A	C/A	C/A	C/A	17.07.060
Day Care Center	C	C	C	C	C	
Day Care Home, Family (14 or fewer children)	P	P	P	P	P	17.07.070
Equestrian Uses						
• Stables, Private	P					
• Stables, Commercial	C					
Family Care Home						
• Small (6 or less persons)	P	P	P	P	P	
• Large (7 or more persons)				C	C	
Kennel (Commercial and Noncommercial)	C					17.07.120

**Exhibit A to Ordinance 991**

Private/Public Utility Facility						17.07.050
• Minor	Z/C	Z/C	Z/C	Z/C	Z/C	
• Major	C	C	C	C	C	
Private Schools	C	C	C	C	C	
Public Facility-Non-city owned or proposed (see also Public Utility)	C	C	C	C		
Public Facility-City owned or proposed (subject to Planning Commission review on referral from City Council)	P	P	P	P	P	
Short-term Rental (single room)	A	A	A	A	A	17.07.230
Temporary Use/Event	T	T	T	T	T	
* Permitted under process outlined in State law (Government Code 65852.21), also referred to as SB 9.						

**15. Rohnert Park Municipal Code Section 17.06.060** is amended to read as follows:

**“17.06.060 Permitted uses.**

The following is a list of land uses and the commercial districts within which they are permitted as follows:

- P = Permitted.
- C = Conditionally-permitted by planning commission.
- A = Administrative permit.
- Z = Certificate of zoning compliance.
- T = Temporary conditional use permit.
- I = Uses allowed as incidental to a primary use

Uses involving chemicals may also be subject to requirements regarding hazardous materials (Section 17.07.100), in which case more restrictive requirements shall apply. Land uses that are not specifically listed are not permitted unless determined, by the development services director, to be substantially similar to a listed use. If the listed land use contains a code section reference

**Exhibit A to Ordinance 991**

in the right column, that reference directs the reader to the additional provisions apply to that use.

<b>Land Use Category</b>	<b>C-O District</b>	<b>C-N District</b>	<b>C-R District</b>	<b>Additional use regulations</b>
Appliance Repair Service				
* Minor (e.g., computers, televisions)		P	P	
Amusement Center (e.g., miniature golf, golf driving range, bowling alley, cyber cafe)				17.07.020
*Small (e.g., indoors; commercial shopping center)	A	A	A	
* Large (e.g., indoors or outdoors; stand alone facility)			C	
Animal Hospital/Veterinary Clinic	C	C	C	
Antique Store		P	P	
Arcade Games/Cybercafes	P/C	P/A	P/A	17.07.020
Automobile Service Station		C	C	17.07.030
Bakery (Retail Sales)	P(I)	P	P	
Bank/Savings and Loan/Credit Union	P	P	P	17.070.080 (Drive-Through Windows)
Bar/Nightclub			C	8.34
Barber/Beauty Shop/Tanning Salon	P(I)	P	P	
Bath House/Spa	C		C	
Bed and Breakfast Inn		C		17.07.040
Billiards Parlor			C	
Broadcasting Studio	C		C	
Car Title Loan Business			C	
Car Wash		C	C	
Check Cashing Store			P	
Clubs and Lodges	C	C	C	
Commercial Filming Studio	P		C	
Communication Facility	C/A	C/A	C/A	17.07.050
Convention Center	C		C	
Cultural Institution	C	C	C	
Day Care Center (Nonresidential)	C	C	C	
Drive-Through Window (any use)			C	17.070.080
Drive-Through Window (pharmacy)	C	C	C	17.070.080
Dry Cleaning Outlet	P	P	P	
Firearm Dealers and Firearm Ammunition Dealers			C	17.07.090
Florist	P(I)	P	P	
Food Store				

**Exhibit A to Ordinance 991**

*Convenience Store	P	P	P	
*Supermarket		C	P	
Funeral Parlor/Mortuary			C	
Furniture Store				
*Small/Custom Order		P	P	
*Large			P	
Hardware Store		P	P	
Health Club	A	A	A	
Home Improvement Store			P	
Emergency Shelter				17.08.030
* Small (6 or less persons)	P	P	P	
* Large (7 or more persons)	P	P	P	
Hospital	C		C	
Hotel/Motel (No in-room food preparation unless applied for and approved as part of project approval or separately.)			P	
Interior Decorator		P	P	
Kennel (Commercial)			C	17.07.120
Laboratory				
* In conjunction with a medical, dental or optical use	P(I)	P(I)	P(I)	
* As a primary use	P			
Laundromat		P		
Liquor Store (Off-Sale)		C	C	8.34
Live Entertainment		C	C	
Live/Work		C	C	17.08.050
Massage Therapy	P	P	P	8.36
Medical Clinic	P	P	P	
Microbrewery with restaurant	C		C	
Nursery (Horticulture)			P	
Office				
* Professional and Administrative	P	P	P	
* Medical and Dental	P	P	P	
Paint Store		A	P	
Parking Lot (Commercial)	A	C	A	
Pawn Shop			C	
Payday Loan Establishment			P	
Pharmacy (Does not include a Medical Marijuana Dispensary, which is a prohibited use within the City)	P(I)	P	P	17.070.080 (Drive-Through Windows)
Photography Studio	P	P	P	
Printing and Blueprinting				
*Small Copy Center	P	P	P	

**Exhibit A to Ordinance 991**

* Print Shop	P		P	
Private/Public Utility Facility				17.07.050
* Minor	Z/C	Z/C	Z/C	
* Major	C	C	C	
Public Assembly	A	A	A	
Public Facility—Non-city owned or proposed (see also Public Utility)	C	C	C	
Public Facility—City owned or proposed (subject to Planning Commission review on referral from City Council)	P	P	P	
Recovery Facility				
* Small (6 or less persons)	A	A	A	
* Large (7 or more persons)	C		C	
Recycling Facility				17.07.150
* Reverse Vending Machines		P	P	
* Small Collection Facility	A	A	A	
Research and Development (Office Type Uses)	P			
Residential Care Facility				
* Congregate Care/Assisted Living	C	C	C	
* Convalescent Hospital	C	C	C	
*Senior Housing (Independent Living)	C	C	C	
Residential uses as a part of a mixed use project when located in the same building as a nonresidential use	C	C	C	
Restaurant				
*General	P	P	P	
*Fast Food	C	C	C	17.070.080 (Drive-Through Windows)
*Outdoor and Sidewalk Cafe	A	A	A	17.07.130
*Take Out/Delivery	P	P	P	
*With Bar and Live Entertainment	C		C	8.34
Retail, General and Specialty	P(I)	P	P	
*Department or Big Box Retail			P	
Retail Warehouse Store (e.g., big box)			P	
School				
*Elementary or Secondary		C	C	
*High School	C		C	
*Trade School	C		C	
*College	C			
Sign Shop				

**Exhibit A to Ordinance 991**

*Small (e.g., typically located in a small office/retail space)	P	P	P	
*Large	P		C	
Single Room Occupancy Living Unit Facility			A	17.08.060
Studio – Arts and Educational	P	P	P	
Tailor	P(I)	P	P	
Tattoo/Piercing Studio		C	C	
Telecom Center	A			
Temporary Use/Event	T	T	T	
Theater			C	
Thrift Shop	P	P	P	
Tobacco store (retail or wholesale) and private smoker's lounge when attached to a tobacco store			C	8.32 8.33
Transit Facility	C		C	
Upholstery Shop		A	A	
Vehicular Dealerships/Rentals (incl. boats, RVs and Farm and Construction Equipment)			C	17.07.190
Vehicular Repair (including boats)			C	17.07.200

**16. Rohnert Park Municipal Code Section 17.06.100** is amended to read as follows:

**“17.06.100 Permitted uses.**

The following is a list of land uses and the limited industrial district within which they are permitted as follows:

- P = Permitted.
- C = Conditionally-permitted by planning commission.
- A = Administrative permit.
- Z = Certificate of zoning compliance.
- T = Temporary conditional use permit.
- I = Uses allowed as incidental to a primary use.

Uses involving chemicals may also be subject to requirements regarding hazardous materials (Section 17.07.100), in which case more restrictive requirement shall apply. Land uses that are not specifically listed are not permitted unless determined, by the development services director, to be substantially similar to a listed use. If the listed land use contains a code section reference in the right column, that reference directs the reader to the additional provisions which apply to that use.

<b>Land Use Category</b>	<b>I-L District</b>	<b>Additional Use Regulations</b>
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**Exhibit A to Ordinance 991**

Adult Business	C	8.37, 8.38, and 8.39
Agricultural Processing (includes viticulture)	C	
Agricultural Services	A	
Aircraft Related Industry	A	
Animal Hospital/Veterinary Clinic	A	
Ambulance Service	A	
Appliance Repair Service	P	
Auto Parts Sales and Installation	P	
Automobile Service Station	C	17.07.030
Beverage Bottling Plant	P	
Boat Building	P	
Brewery/Distillery/Winery	A	8.34
Broadcasting Studio	A	
Car Wash	P	
Clubs and Lodges	C	
Commercial Filming Studio	P	
Communication Facility	C/A	17.07.050
Contractors' Storage Yard	C	
Convention Center	C	
Cooperage	P	
Cultural Institution	C	
Dairy Products Processing	P	
Day Care Center (Nonresidential)	C(I)	
Dry Cleaning Plant	A	
Exterminator	P	
Food Processor	C	
Fuel Storage	C	
Funeral Parlor/Mortuary	C	
Health Club	P(I)	
Household Hazardous Waste Facility	C	
Household Services/Contractors (e.g. plumbing, painting, electrical, interior decorating)	P	
Kennel (Commercial)	C	17.07.120
Laundries/Linen Supply Service	P	
Light Manufacturing and/or Assembly (Laboratory requirements to Biosafety Levels 1 and 2)	P	
Lumber Yard	P	
Massage Therapy 8.36	P(I)	8.36
Medical Laboratory	A	
Microbrewery		
• with restaurant	C	
• without restaurant	P	

**Exhibit A to Ordinance 991**

Nursery (Horticulture)	P	
Office	A	
Parking Lot (Commercial)	C	
Parcel Delivery Service	P	
Personal Services		
• As a Principal Use	A	
• As an Incidental Use	I	
Photographic Plant	P	
Printing and Blueprinting	P	
Private/Public Utility Facility		17.07.050
• Minor	Z/C	
• Major	C	
Public Assembly	C	
Public Facility—Non-City owned or proposed (see also Public Utility)	C	
Public Facility—City owned or proposed (subject to Planning Commission review on referral from City Council)	P	
Publishing	P	
Recycling Facility		17.07.150
• Reverse Vending Machines	P	
• Small Collection Facility	A	
• Large Collection Facility	C	
• Light Processing Facility	C	
Religious Assembly	C	
Research and Development (Laboratory requirements to Biosafety Levels 1 and 2 only)	P	
Restaurant		17.07.080 (Drive-Through Windows)
• As an Incidental Use	A	
Retail Use		
• As an Incidental Use	A	
Retail Warehouse	C	
School		
• Trade School	A	
• High School	C	
Security Guard Residence	I	
Sign Shop	P	
Stone Works	P	
Studio – Arts and Educational	A	
Taxidermist	A	
Telecom Center	A	
Temporary Use/Event	T	

**Exhibit A to Ordinance 991**

Towing Service/Impound Yard	A	
Trucking Terminal (including moving and storage)	A	
Upholstery Shop	P	
Vehicular Dealerships/Rentals (incl. boats, farm and construction equip.)	A	17.07.190
Vehicle Repair/Body Shops	P	17.07.200
Warehousing/Wholesaling	P	

**17. Rohnert Park Municipal Code Section 17.06.130** is amended to read as follows:

**“17.06.130 Permitted uses.**

The following is a list of land uses and the Mixed Use District within which they are permitted as follows:

- P = Permitted.
- C = Conditionally-permitted by planning commission.
- A = Administrative permit.
- Z = Certificate of zoning compliance.
- T = Temporary conditional use permit.
- I = Uses allowed as incidental to a primary use.

Uses involving chemicals may also be subject to requirements regarding hazardous materials (Section 17.07.100), in which case more restrictive requirements shall apply. Land uses that are not specifically listed are not permitted unless determined, by the development services director, to be substantially similar to a listed use. If the listed land use contains a code section reference in the right column, that reference directs the reader to the additional provisions which apply to that use.

<b>Land Use Category</b>	<b>M-U District</b>	<b>DTM-U District</b>	<b>Additional Use Regulations</b>
Amusement Center (e.g., video games, other indoor amusements)	C	C	
Animal Hospital/Veterinary Clinic	A	A	
Antique Store	P	P	
Bakery (Retail Sales)	P	P	
Bank/Savings and Loan/Credit Union (drive-through windows not permitted)	P	P	
Bar/Nightclub	P	P	8.34
Barber/Beauty Shop	P	P	
Bath House/Spa	C	C	
Bed and Breakfast Inns	A	A	17.07.040
Billiards Parlor	C	C	
Clubs and Lodges	C	C	

**Exhibit A to Ordinance 991**

Communication Facility	C/A	C	17.07.050 17.07.060
Cultural Institutions	A	A	
Day Care Center (Non-Residential)	C	C	
Dry Cleaning Outlet	P	P	
Florist	P	P	
Food Store			
• Under 15,000 square feet	P	P	
• Between 15,000 sq. ft. and 40,000 sq. ft.	C	C	
Hardware Store	P	P	
Health Club	P	P	
Hotel (No food preparation unless applied for and approved as part of project approval or separately.)	C	C	
Interior Decorator	P	P	
Laboratory			
• In conjunction with a medical, dental or optical use only	P(I)	P(I)	
Laundromat	P		
Liquor Store (Off-Sale)	C	C	8.34
Live Entertainment	C	C	
Massage Therapy	P	P	9.80
Medical Clinic	A	A	
Microbrewery (with restaurant)	C	A	
Office			
• Professional and Administrative	P	P	
• Medical and Dental	P	P	
Parking Lot (Commercial)	C, P(I)	C, P(I)	
Pharmacy (drive-through windows not permitted) (Does not include a Medical Marijuana Dispensary, which is a prohibited use within the City.)	P	P	
Photography Studio	P	P	
Printing			
• Small Copy Center	P	P	
Public Assembly	C	C	
Public Facility (e.g., police and fire stations, community centers, government offices)	C	C	
Residential Facility			
• Congregate Care/Assisted Living	A		
• Emergency shelter (6 or less persons)	P	P	17.08.030

**Exhibit A to Ordinance 991**

• Convalescent Hospital	A		
• Low-Barrier Navigation Center	P	P	17.08.030
• Single Room Occupancy Living Unit Facility	P		17.08.060
• Senior Housing (Independent Living)	P	C	
Residential Use			
• Live/Work	P	P	17.08.050
• Multi-Family	P	C	
• Supportive Housing	P	P	
• Townhouse	P	C	
Restaurant			
• General	P	P	
• Outdoor and Sidewalk Café	A	A	17.07.130
• Take Out/Delivery (drive-through windows not permitted)	P	P	
• With Bar and Live Entertainment	C	C	8.34
Retail, General and Specialty	P	P	
School			
• Elementary or Secondary	C		
• High School	C		
• Trade School	C		
• College	C		
Studio – Arts and Educational	A	A	
Tailor	P	P	
Tattoo/Piercing Studio	C	C	
Temporary Use/Event	T	T	
Theater (under 500 seats)	C	C	
Transit Facility (e.g., bus or train station)	C	C	
Visitor Center	P	P	

**18. Rohnert Park Municipal Code Section 17.06.160** is amended to read as follows:

**“17.06.160 Permitted uses.**

The following is a list of land uses and the Public/Institutional district within which they are permitted as follows:

- P = Permitted.
- C = Conditionally-permitted by planning commission.
- A = Administrative permit.
- Z = Certificate of zoning compliance.
- T = Temporary conditional use permit.
- I = Uses allowed as incidental to a primary use.

## Exhibit A to Ordinance 991

Uses involving chemicals may also be subject to requirements regarding hazardous materials (Section 17.07.100), in which case more restrictive requirements shall apply. Land uses that are not specifically listed are not permitted unless determined, by the development services director, to be substantially similar to a listed use. If the listed land use contains a code section reference in the right column, that reference directs the reader to the additional provisions which apply to that use.

Land Use Category	P-I District	Additional Use Regulations
Arboretum	C	
Clubs and Lodges	C	
Cemetery, Crematory, Columbarium	C	
Communication Facility	C/A	17.07.050 17.07.060
Cultural Institution	P	
Day Care Center (Non-Residential)	A	
Golf Course	C	
Emergency Shelter	C	17.08.030
Hospital	C	
Medical Clinic	P	
Parking Lot (Commercial)	C	
Parks	C	
Private/Public Utility Facility		17.07.050 17.07.060
• Minor	A	
• Major	A	
Public Assembly	A	
Public Facility-Non-city owned or proposed (see also Public Utility)	P	
Public Facility-City owned or proposed (subject to Planning Commission review on referral from City Council)	C	
Recreational Facility (e.g., public swimming pool, sports center)	P	
Residential Use on a site of a Religious Institution	C(I)	
School		
• Elementary and Secondary	P	
• High School	P	
• Vocational/Trade Schools	P	
• Colleges	P	
Temporary Use/Event	T	
Theater	C	

**Exhibit A to Ordinance 991**

Transit Facility (e.g., bus or train station)	A	
Visitor Center	P	

**Exhibit A to Ordinance 991**

**19. Rohnert Park Municipal Code Section 17.06.180** is amended to read as follows:

**“17.06.180 – District.**

- A. OS-EC: Open Space for Environmental Conservation. This district includes sites with environmental and/or safety constraints, such as riparian corridors, sensitive habitats, and wetlands. This district is consistent with the "Open Space—Environmental Conservation" general plan designation.”

**20. Rohnert Park Municipal Code Section 17.06.190** is amended to read as follows:

**“17.06.190 – Permitted uses.**

The following is a list of land uses and the open space and recreational districts within which they are permitted as follows:

- P = Permitted.
- C = Conditionally-permitted by planning commission.
- A = Administrative permit.
- Z = Certificate of zoning compliance.
- T = Temporary conditional use permit.
- I = Uses allowed as incidental to a primary use.

Land uses that are not specifically listed are not permitted unless determined, by the development services director, to be substantially similar to a listed use. If the listed land use contains a code section reference in the right column, that reference directs the reader to the additional provisions which apply to that use.

Land Use Category	OS-EC District
Bike/Pedestrian Path	P
Grazing and Pastureland	P
Recreational Facility	C

**21. Rohnert Park Municipal Code 17.06.720.A.5.F. Development Standards Summary Table Parking** is amended to read as follows:

F. Parking			
Description	Downtown Core	Downtown Main Street	Downtown Neighborhood
Parking Requirements (see Subsection 17.06.730.A.2 Additional Parking Regulations in the DDAZ)			
Location (Distance from Property Line/ROW)			

**Exhibit A to Ordinance 991**

Front Setback	50' min.	50' min.	40' min.
Side Street Setback	5' min.	5' min.	5' min.
Side Setback	0' min.	0' min.	0' min.
Rear	5' min.	5' min.	5' min.
Miscellaneous			
Parking Drive Width (Max.)			
Front, ≤ 40 spaces	14' max.	14' max.	14' max.
Front, > 40 spaces	18' max.	18' max.	18' max.
Side Street/Alley	24' max.	24' max.	24' max.

**22. Rohnert Park Municipal Code 17.06.720.B: Use Table** is amended to read as follows:

Residential Uses <sup>1</sup>				Additional Use Regulations
	D-N	D-MS	D-C	
Accessory Building	P	P	P	
Dwelling, Multifamily	P	P	P	
Dwelling, Single Family	P	P	-	
Family Daycare Home (14 or Less)	P	P	P	17.07.070
Guest House	P	P	-	
Home Occupation	P	P	P	17.07.110
Live-Work Unit	P	P	P	17.08.050
Low-Barrier Navigation Center	P	P	P	17.08.030
Residential Care Facilities for the Elderly (RCFE)	A	A	A	
Residential Care Facilities for the Chronically III (RCFCI)	A	A	A	
Residential Mixed Use	P	P	P	
Emergency Shelter	CUP	CUP	CUP	17.08.030
Supportive Housing	P	P	P	
<b>Lodging</b>				
	D-N	D-MS	D-C	
Bed and Breakfast Inn (up to 5 rooms)	P	P	P	17.07.040
Hotel (no room limit)	-	-	P	

**Exhibit A to Ordinance 991**

Inn (up to 12 rooms)	P	P	P	
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<b>Key</b>			
<b>P</b> Permitted	<b>A</b> Administrative Permit	<b>CUP</b> Conditional Use Permit	<b>TUP</b> Temporary Conditional Use Permit
- Not Permitted			
<b>Land Use Limitations/Notes</b>			
<sup>1</sup> Residential densities between 12 and 75 units per gross acre permitted.			

Retail				Additional Use Regulations
	D-N	D-MS	D-C	
Brewpub	-	A	A	
Commercial Recreation—Indoor	A	A	P	17.07.020
Bar/Tavern/Night Club	-	A	A	8.34 Exempt from 8.34.040 (D & E) 8.34.060 (C & D)
Farmer's Market (daily or weekly, year-round)	-	A	A	
Kiosk	A	A	A	
Liquor Store	-	A <sup>2</sup>	A <sup>2</sup>	8.34 Exempt from 8.34.040 (D & E) 8.34.060 (C & D)
Live-Work Unit	P	P	P	17.08.050
Outdoor and Sidewalk Cafes	P	P	P	17.07.130
On-Site production of items sold	A	P	P	
Restaurant, Cafe, Coffee Shop	P	P	P	
Drive-throughs	-	-	-	17.07.080
Related alcohol sales	A	A	A	8.34 Exempt from 8.34.040 (D & E)

**Exhibit A to Ordinance 991**

				8.34.060 (C & D)
Retail, General				
≤ 2,500 sf	P <sup>1</sup>	P	P	
2,500 sf ≤ 5,000 sf	A	P	P	
> 5,000 sf	-	A	P	
Related alcohol sales	-	A	A	8.34 Exempt from 8.34.040 (D & E) 8.34.060 (C & D)
Smoking/Tobacco Store	-	CUP	CUP	
Tasting room	-	A	A	8.34 Exempt from 8.34.040 (D & E) 8.34.060 (C & D)
Theater/Performing Arts/Cinema	-	P	P	
Temporary Use	TUP	TUP	TUP	

<b>Key</b>			
<b>P</b> Permitted	<b>A</b> Administrative Permit	<b>CUP</b> Conditional Use Permit	<b>TUP</b> Temporary Conditional Use Permit
- Not Permitted			
<b>Land Use Limitations/Notes</b>			

<b>Civic</b>				<b>Additional Use Regulations</b>
	D-N	D-MS	D-C	
Amphitheater (outdoor)	-	CUP	CUP	
Library, Museum, Art Gallery	P	P	P	
Parking, Structured	-	A	P	
Parks	P	P	P	
Public Assembly	A	A	P	
<b>Agriculture, Food, and Animal</b>				
	D-N	D-MS	D-C	

**Exhibit A to Ordinance 991**

Garden, Private or Community (less than 2 acres)	P	P	P	
Garden, Private or Community (more than 2 acres)	A	A	A	
Green Roof/Green Balcony	P	P	P	
Vertical Garden/Green Wall	P	P	P	
<b>Office/Services</b>				
	D-N	D-MS	D-C	
Adult Day Program	A	A	P	
Bank, Financial Services	-	P	P	
Business Support Services	-	P	P	
Catering	-	P	P	
Child Day Care Facility	A	A	P	
Health Care Facility				
Major	-	-	P	
Minor	-	P	P	
Laundry, Coin-Operated	-	P	P	
Maintenance Repair Service—Minor	-	-	P	
Media Production	-	P	P	
Office—Business, Service, Government	P	P	P	
Personal Services	P	P	P	
Printing and Publishing	P	P	P	
Studio—Art, Dance, Martial Arts, Music, etc.	P	P	P	
Veterinary Clinic, Animal Hospital	-	P	P	
<b>Automotive</b>				
	D-N	D-MS	D-C	
Auto Vehicle Sales and Rental	-	-	A	17.07.190
Carshare/Bicycleshare Stations	P	P	P	

**Exhibit A to Ordinance 991**

Electric Vehicle Charging Stations	P	P	P	15.34
Civil Support				
	D-N	D-MS	D-C	
Telecommunication Facility	A / CUP	A / CUP	A / CUP	17.07.050
Education				
	D-N	D-MS	D-C	
Elementary School	P	P	P	
Junior High and High School	P	P	P	
School—Specialized Education and Training	-	-	-	

<b>Key</b>			
<b>P</b> Permitted	<b>A</b> Administrative Permit	<b>CUP</b> Conditional Use Permit	<b>TUP</b> Temporary Conditional Use Permit
- Not Permitted			

**23. Rohnert Park Municipal Code Section 17.06.750.A** is deleted and replaced with the following (with Section 17.06.750.A.1 Definitions of Specialized Terms and Phrases to remain in place unmodified):

**“17.06.750.A: Purpose.** The terms and phrases used in the DDAZ FBC Overlay are technical or specialized and may not reflect common usage. If a definition in this section conflicts with a definition in another provision of the Municipal Code, the definitions in this section shall control. If a word is not defined in this section, refer to Chapter 17.04 of the Zoning Ordinance. The Development Services Director shall determine the meaning of terms when a definition is ambiguous or when a term is not defined in accordance with Section 17.02.090 of the Municipal Code.”

**24. Rohnert Park Municipal Code Section 17.06.840 Table 1** is amended as follows:

**Table 1. Land Uses**

P	Permitted
CUP	Conditional Use Permit Required
A	Administrative Use Permit Required

**Exhibit A to Ordinance 991**

	T3	T4	T5	T6	CS	CP	CB	T7	Additional Use Regulations
<b>A. RESIDENTIAL</b>									
Accessory Building	P	P	P						
Dwelling, Multifamily		P	P <sup>1</sup>	P <sup>1</sup>					
Dwelling, Single Family	P	P							
Guest House	P	P							
Home Occupancy	A	A	A	A					
Large Family Daycare (9—14)	P	P	P	P			P		
Live-Work Unit	P	P	P	P					
Manufactured/Mobile Home		A	CUP						
Recreational Courts	P	P							17.07.140
Row House		P	P <sup>2</sup>	P <sup>1,2</sup>					
Small Family Daycare Home (8 or less)	P	P	P	P					
Temporary Use	See Section 17.06.030 for all transects								
Water Storage Cisterns	P	P	P	P	P	P	P		
<b>B. LODGING</b>									
Bed & Breakfast Inn (up to 5 rooms)		P	P	P					
Hotel (no room limit)			P	P					
Inn (up to 12 rooms)			P	P					
School Dormitory		P	P	P					
<b>C. OFFICE</b>									
Office <sup>2</sup>		CUP	P	P			P	P	
<b>D. RETAIL, GENERAL</b>									
Alcoholic Beverage Establishment			CUP	CUP				CUP	8.34
Cinema			CUP	P				CUP	
Commercial Recreation - Indoor*		A	P	P				CUP	17.07.020
Bar/Tavern/Night Club*			CUP	CUP				CUP	8.34
Farmer's Market (daily or weekly, year-round)		A	A	A	A		A	A	
Groceries, Specialty Foods		A	P	P				P	
Kiosk		A	A	A	A		A	A	
Liquor Store		CUP	CUP	CUP				CUP	8.34
Live-Work Unit	P	P	P	P				CUP	
Mobile Home, RV and Boat Sales									

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Market Hall <sup>3</sup>		P	P	P			P		
Outdoor and Sidewalk Cafes		A	P	P			P	A	17.07.130
Paraphernalia Store			CUP	CUP					8.32 8.33
Plant Nursery	CUP	A	P						
Push Cart			P	P	P		P	A	
Restaurant, Cafe, Coffee Shop		A	P	P			CUP	A	
Retail, General		A	P	P			CUP	A	
Smoking/Tobacco Store			CUP	CUP <sup>7</sup>				CUP	8.32 8.33
Theater/Performing Arts (for Movies, see "Cinema")		CUP	P	P			P	CUP	
<b>E. CIVIC</b>									
Art, Public (fountains, statues, kinetic, participatory)	P	P	P	P	P	P	P	P	
Amphitheater (outdoor)		CUP	CUP	CUP	P/ CUP <sup>6</sup>		CUP	CUP	
Club, Lodge, Private Meeting Hall		P	P	P				CUP	
Auditorium (indoor)		A	P	P			P	CUP	
Library, Museum, Art Gallery		A	P	P			P	P	
Parking, Surface Lot	P	P	P	P		P	P	P	
Parking, Structured		A	P	P		P		P	
Parks	P	P	P	P	P		P	P	
Recycling Facility		A*	A*				A*	A	*17.07.150
Religious Assembly	A	A	P	P			P	CUP	
Temporary Use/Event	A	A	A	A	A		A	A	
<b>F. AGRICULTURE, FOOD AND ANIMALS</b>									
Beekeeping - Commercial Roof (up to 10 hives) <sup>7</sup>			P	P		P	P	P	
Beekeeping - Residential Yard (up to 2 hives)	P	P							
Chickens (up to 2 hens; no roosters)	P	P	A				P		
Crop Production, Horticulture, Orchard, Vineyard	P	A	A						
Domestic Animals	P	P	P	P					

**Exhibit A to Ordinance 991**

Domestic Animal Daycare		A	P	P					
Animal Rescue	CUP	CUP							
Garden, Private or Community (less than 2 acres)	P	P	P	P	P		P	P	
Garden, Private or Community (more than 2 acres)	A	A	A		A			A	
Goats (up to 2 females; no males)	P	P			A				
Green Roof/Green Balcony	P	P	P	P	P	P	P	P	
Greenhouse <sup>8</sup> (commercial)	CUP	CUP	CUP	CUP	CUP		CUP	CUP	
Kennel			CUP					CUP	
Plant Nursery	CUP	A	P					P	
Slaughterhouse	Not allowed in any transect								
Trees - Fruit or Nut	P	P	P	P	P	P	P	P	
Vertical Garden/Green Wall			P	P	P	P	P	P	
<b>G. RENEWABLE ENERGY SYSTEMS</b>									
Solar Photovoltaic System (pole mounted)	A				P	P	P	P	
Solar Photovoltaic System (roof mounted)	P	P	P	P	P	P	P	P	
Solar Water Heater (roof, wall or ground mounted)	P	P	P	P	P		P	P	
Wind Farm					CUP				
Windmill (horizontal axis - propeller type)	P				P	P	P		
Windmill (vertical axis - cylindrical type)	P	P	P	P	P	P	P	P	
<b>H. SERVICES</b>									
Adult Day Program		A	P	P			CUP	P	
Automated Teller Machine (ATM) - no drive-thru		P	P	P			P	P	
Bank, Financial Services	P	A	P	P				P	
Business Support Services	P	P	P	P				P	
Catering		P	P	P				P	
Child Day Care Facility		A	P	P				CUP	
Health Care Facility	P	A	P	P			P	CUP	

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Incinerator (waste, medical waste, cremation)	Not allowed in any transect								
Laboratory - Animal Testing	Not allowed in any transect								
Laboratory - Medical, Analytical and Research			A	A			P	P	
Laundry, Coin-Operated			P					A	
Laundry, Dry Cleaning Plant			A	A				P	
Maintenance Repair Service - Client Site Services			P	P				P	
Maintenance Repair Service - Equipment, Appliances			P	P				P	
Meals Assembly		P	P	P			P	P	
Media Production		A	P	P			P		
Medical Service - Major			P	P			CUP	CUP	
Medical Service - Minor	CUP	P	P	P				P	
Mortuary, Funeral Home		A	A	A					
Office - Business, Service, Government		P	P	P			P	P	
Office - Professional, Administrative, Processing		A	P	P				P	
Personal Services	P	A	P	P				P	
Personal Services - Restricted		A	P	P				A	
Printing and Publishing		P	P	P			P	P	
Seasonal Services					CUP			A	
Storage - Outdoor Storage Yard		CUP	CUP	A				P	
Storage - Warehouse/Indoor		A	P					P	
Studio - Art, Dance, Martial Arts, Music, etc.		P	P	P			P	CUP	
Veterinary Clinic, Animal Hospital		CUP	P	P				CUP	
<b>I. AUTOMOTIVE</b>									
Auto Vehicle Sales & Rental			CUP						
Carshare/Bicycleshare Stations		P	P	P		P	P	P	
Electric Vehicle Charging Stations		P	P	P		P	P	P	15.34

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Fueling Station (alternative fuels only)			CUP					CUP	
Fueling Station (including alternative fuels)			CUP <sup>9</sup>						
Vehicle Services			CUP					CUP	
<b>J. CIVIL SUPPORT</b>									
Cemetery			CUP						
Public Safety Facility	A	A	A	A			P	CUP	
Residential Care Facilities for the Elderly (RCFE)		A	A	A				CUP	
Residential Care Facilities for the Chronically Ill (RCFCI)		A	A	A				CUP	
Homeless Shelter			CUP	CUP				P	17.08.030
Telecommunication Facility			CUP	CUP	CUP		CUP	CUP	CUP
Transitional Housing			CUP	CUP	CUP				
<b>K. EDUCATION</b>									
College			CUP	CUP				CUP	
Elementary School - Private			CUP	CUP	CUP			CUP	
Elementary School - Public			P	P	P			P	
Junior High and High School - Private			CUP	CUP	CUP			CUP	
Junior High and High School - Public			P	P	P			P	
Childcare Center	A	A	A	A			P	A	
Research and Development (R&D)			A	P	P			P	
School - Specialized Education and Training	A	A	P	P			P	P	
<b>L. INDUSTRY, MANUFACTURING AND WHOLESALE</b>									
Commercial Food Processing			CUP	CUP				CUP	
Furniture/Fixtures Manufacturing, Cabinet Shop			P	P				P	
Manufacturing/Processing - Light			CUP	CUP	CUP			P	
Manufacturing/Processing - Heavy					CUP			CUP	
Wholesale Operations			A	A				P	

1 Only allowed on the ground floor where shop front or gallery is not required.

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- 2 For live-work units, see the Residential category.
- 3 A single story building with a taller story of up to twenty-five feet is allowed for this use.
- 4 Paraphernalia stores are subject to Chapter 8.33 of this code.
- 5 Smoking/tobacco stores are subject to Chapter 8.32 of this code.
- 6 Permitted at Village Center Civic Space only. Requires CUP elsewhere.
- 7 Minimum twenty feet away from property line.
- 8 For residential greenhouse, see Accessory Building under Residential. Note that the minimum two-story requirement does not apply to the greenhouse use.
- 9 Only if and when subject to an effective development agreement. Otherwise, the use is prohibited.

**25. Rohnert Park Chapter 17.06 Article XV.A Glossary** is amended to modify the following definition:

"Liquor Store." A retail establishment for the sale of alcoholic beverages, including specialty stores for wine or beer, and general sales of wine, beer and spirits.

**26. Rohnert Park Municipal Code Section Chapter 17.07** is deleted and replaced with the following:

### **“Chapter 17.07 - SITE AND USE REGULATIONS**

#### **17.07.010 - Purpose**

The purpose of this chapter is to establish standards for the approval, conditional approval or disapproval of particular uses that typically have unusual site development features or operating characteristics requiring the establishment of standards to ensure that the use is designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

#### **17.07.020 - Arcade Games and Cyber Cafes (a.k.a. mechanical or electronic games).**

- A. Computers and/or games may be permitted with approval of an administrative permit and subject to the following provisions. Except that these provisions shall not apply to the following uses:
  1. Any operation involving three or fewer computers and/or mechanical or electronic games, except where such computers and/or games provide the main or primary source of income for the proprietor thereof;
  2. The operation or maintenance of such computers and/or games within recreational enterprises, such as bowling alleys or poolrooms, where a use permit has already been obtained for a recreational use; and
  3. Premises or operations licensed by the department of alcoholic beverage control of the state for on-sale consumption of alcoholic beverages, excepting therefrom any such premises or operations that lawfully permit minors, such as bona fide public eating places.

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- B. It shall be unlawful for any proprietor to install, operate, or maintain to be operated more than three computers and/or mechanical or electronic games without first having obtained a use permit.
- C. The permit shall be conspicuously posted at the location of the computers and/or games in the premises and shall not be removed during the period for which the license was issued. In cases where the computers and/or mechanical or electronic games occupy more than fifty percent of the premises' customer floor space, or account for fifty percent or more of the premises' gross revenue, or where ten or more such computers and/or games are proposed, the use permit shall be referred to the council for final approval pursuant to the provisions of this title. The use permit shall state the number of computers and/or games, and the use of additional computers and/or games shall require a new or modified permit.
- D. Applicants for administrative permits shall undergo a background check by the department of public safety. The permit may be denied if the applicant has been convicted of a crime which has relevance to the operation of the premises.
- E. No such administrative permit shall apply to any premises other than the location originally approved. Upon change of ownership, the new owner shall receive clearance from the department of public safety; however, no other use permit proceedings shall be required for such transfer if the new owner received police clearance.
- F. There shall be a minimum of one adult employee managing the cyber cafe or arcade during all operating hours. If the business has more than twenty computers, one additional adult employee shall be added for every additional twenty computers, or fraction thereof. Employees managing the operation shall be required to wear a badge identifying the business, the employee's full name, and the employee's title.
- G. Patrons shall not become a nuisance to the properties within the immediate vicinity.
- H. It shall be unlawful for any proprietor of a computer and/or mechanical or electronic game to cause, permit, or allow such computers and/or game to be located, operated, or maintained to be operated within five hundred feet of the nearest street entrance to or exit from any public playground or public or private school of elementary or high school grades, such distance to be measured from such entrance or exit in the most direct line or route on, along, or across such street or streets adjacent to such public playground or public or private school of elementary or high school grade.
- I. Hours of operation shall be limited to between 8:00 a.m. and 10:00 p.m. Sundays through Thursdays and between 8:00 a.m. and 12:00 midnight on Fridays and Saturdays. No minors shall be allowed in the facility between 8:30 a.m. and 3:30 p.m. on regularly scheduled school days.
- J. "No loitering" signs shall be posted at the front and rear of the operation. A waiting area shall be provided for customers waiting to use the facility, at a ratio of one seat for every eight computers/games, with no fewer than four seats to be provided. No waiting outdoor of the facility shall be permitted and patrons shall not be allowed to become a nuisance to the properties within the immediate vicinity.
- K. All windows shall be kept clear of any item or tint that would obscure views from the exterior into the operation.

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- L. Adult-oriented internet sites shall be prohibited unless the business has an adult business permit issued under Chapter 8.37.
- M. No such administrative permit shall apply to any premises other than the location originally approved. Upon change of ownership, the new owner shall receive clearance from the department of public safety; however, no other use permit proceedings shall be required for such transfer if the new owner receives police clearance.

### 17.07.030 - Automobile Service Station.

- A. Service station uses may be permitted in indicated districts only with approval of a conditional use permit and subject to the following provisions. The provisions of this section shall apply to all new service stations. The provisions of this section shall also apply to the expansion of thirty percent or greater in floor area, or a remodeling or any on-site development that would cost more, than fifty percent of the value of the improvements on the parcel at the time of remodeling, excluding land value, except that the provisions prohibiting the expansion, enlargement, reconstruction, or relocation of features related to the sale of gasoline, diesel, or other motor vehicle fuels shall apply to all service stations. The provisions of this section shall also apply to a service station which after being closed for more than one hundred eighty days is to be reopened.
- B. Combustion Engine Fuel Sale Uses Prohibited.
  - 1. No automobile service station may be established, or re-established for stations closed in excess of one hundred eighty days, that involves the sale or distribution of gasoline, diesel, or other motor vehicle fuels for use in vehicles with combustion engines. Alternative, clean fuels, such as hydrogen are permitted.
  - 2. All existing automobile service station uses involving the sale or distribution of gasoline, diesel, or other motor vehicle fuels for combustion engines, shall not be enlarged, extended, or moved to a different portion of the lot or parcel occupied by such use, with respect to the portion of such use dedicated to the sale of gasoline, diesel, or other motor vehicle fuels for use in combustion engines, including those site features such as storage tanks, pumps, and fuel dispensers.
- C. Minimum Site Standards.
  - 1. No service station shall be constructed or operated on a lot having a depth or width less than one hundred fifty feet.
  - 2. No building or structure (including canopies) shall be located within twenty feet from any curb face, or within ten feet of any interior parcel. No service station building shall be located nearer than thirty-five feet from any street property (such setback shall be measured at the building foundation).
  - 3. No facility for dispensing fuel, and no dispenser in which the same is or may be located, shall be nearer than twenty feet from any property line nor nearer than thirty-five feet from any parking space. Further, no dispenser, pump, or facility for dispensing fuel shall be located on a residential street frontage serving as a secondary access to the service station site.

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4. All outdoor storage shall be screened as provided for in this section, however, a display rack for automobile products no more than four feet wide may be maintained at each dispenser area of a service station. If display racks are not located on dispenser areas, they shall be placed within three feet of the principal building, and shall be limited to one per street frontage. The location of display racks and vending machines shall be specified by the use permit. The storage of inoperative vehicles is prohibited.
  5. Gas tank vent pipes or venting equipment for other fuels shall be incorporated into the structures and concealed from public view.
- D. Site Development Standards.
1. If a lot upon which a service station is constructed or maintained abuts a residential use or a residentially zoned parcel, a six-foot high solid masonry wall shall be constructed along the full length of each property line abutting such properties; provided, however, such wall height shall be reduced to three feet adjacent to the front yard of each adjacent residential property or residentially zoned property.
  2. All restroom entrances, unless interior to a main building, shall be screened from the view of all adjacent properties and streets by means of decorative screens six feet in height. The bottom of such screens shall be raised no less than twelve inches and no more than eighteen inches above the finished grade for visibility and ventilation. Public restrooms that are accessible to the general public and physically handicapped shall be provided during all hours that the service station is open to the public.
  3. All outside trash, garbage, refuse and recycling storage areas shall be enclosed by a gated masonry structure not less than six feet in height, ten feet in width (outside dimension), and ten feet in length (outside dimension). Openings to the storage areas shall be designed so as to prevent a view of trash or materials stored from the street or adjacent properties. Provisions for adequate vehicular access for the collection of such trash and materials shall be provided to and from such areas.
  4. Provisions shall be made in the area where Class II flammable liquids may be spilled to prevent liquids from flowing into the interior of the service station buildings. Such provisions may include grading driveways, raising doorsills, or other equally effective means. Crankcase drainings and flammable liquids shall not be dumped into sewers but shall be stored in tanks or tight drums outside buildings in a designated screened area until removed from the premises by a licensed disposal company.
  5. Tanks installed for crankcase drainings shall be installed in accordance with the requirements for flammable liquid storage. In addition thereto, drainage lines terminating inside a building shall be equipped with a suitable trap or check valve.
  6. Service stations constructed in areas that are predominantly of residential character shall be designed to maintain a residential atmosphere.

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7. A water and air supply station, if provided for public use, shall be located out of traffic flow areas and be shielded so to not create noise audible beyond the property line and shall be kept in working condition.
  8. Any loudspeaker system shall not be audible above daytime ambient noise levels beyond the property boundaries. The system shall be designed to compensate for ambient noise levels in the immediate area, and shall be directed away from, and not be located within thirty feet of, any residential uses or residential districts.
  9. Car wash facilities located next to residential uses or residential districts shall not be operated between the hours of 10:00 p.m. and 7:00 a.m. More restrictive time requirements may be established as a condition of any conditional use permit.
- E. Landscaping Standards.
1. Planters shall be installed and maintained adjacent to every street frontage for the full length thereof except for driveways. The street frontage landscaping shall be bermed to be of sufficient height to help screen the dispenser areas from passing motorists.
  2. A planting area shall be installed and maintained at the intersection of property lines at a street corner to conform to the radius of such corner; provided, however, at no time shall such planting area be less than one hundred fifty square feet. All plants shall respect the visibility triangle provided in this section.
  3. All planting areas shall be separated from adjacent asphalt paving by concrete curbing at least six inches in height. The site shall be entirely paved, except for buildings and landscaped areas.
  4. Planters shall comply with the parking lot landscaping requirements of this section.
  5. All plants in any planter adjacent to a perimeter wall shall, when required by the planning commission, be of a variety capable of growing to the height of such wall.
  6. Permanent underground sprinkler systems shall be installed and maintained for every landscaped area, and all such landscaped areas shall be planted and maintained in a neat, orderly, and healthy manner.
- F. Surface Drainage. Flow lines shall be shown on all service station plans. Sheet flow shall not be permitted across property lines. Surface runoff shall be carried under sidewalks into the gutter or other drainage facility by means of a drainage structure approved by the city engineer.
- G. Utilities. All utilities, including electrical, telephone, C.A.T.V., and similar service wires or cables which provide direct service to the property, shall, within the exterior boundaries of the station property, be installed underground. Related electrical equipment, such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets, may be placed above ground if they are enclosed and screened by fencing and/or landscaping as appropriate.

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- H. Equipment. All hydraulic hoists and pits and equipment for lubrication, greasing, automobile washing, and permitted repairs shall be enclosed entirely within a building.
- I. Exterior Lighting. All exterior lighting shall be so arranged and shielded as to prevent any glare or reflection upon and cause any nuisance, inconvenience, or hazardous interference of any kind with adjoining streets or properties.
- J. Architectural Control. All exterior walls should be constructed of rock, brick, stucco, wood, treated metal or any combination thereof. All exterior elevations shall be compatible in design with adjacent structures. Service bays should be oriented to have minimal visibility from adjacent roadways. Service stations within shopping centers/business parks or similar complexes shall be designed to reflect the architectural theme of the complex. Signage and exterior elevations shall be subject to review and approval by the planning commission.
- K. Access, Parking, and Circulation.
  - 1. No such site shall have more than two driveways or means of access to any one street.
  - 2. Each driveway shall be separated from adjacent residential property by a full height curb extending at least five feet in length from the residential property line.
  - 3. No driveway shall exceed a width of twenty feet at the sidewalk.
  - 4. No driveway shall be permitted to encroach onto the return or curve of a street corner. A distance of twenty feet, or more if needed for vehicle stacking distance, shall be maintained between the return point and the beginning of the driveway depression.
  - 5. Every service station shall have access to a collector or arterial standard street.
  - 6. All deliveries shall be made on the service station site itself.
  - 7. If a towing service is combined with a service station, a storage area completely screened from public view, by a six-foot high solid wall or fence, shall be provided at the rear of the site. The size of the storage area, and extent of screening, shall be determined through the use permit process. This area shall be added to the minimum lot size requirements.
  - 8. No vehicles, trailers, or campers on any service station premises may be advertised or offered for sale. There shall be no permanently disabled, junked, or wrecked vehicles stored on site, except in cases of a tow service. Towed permanently disabled, junked, or wrecked vehicles shall be stored on-site no longer than one week and they shall be stored within the designated storage area.

### 17.07.040 - Bed and Breakfast Inn

- A. General Standards. Bed and breakfast inns may be permitted in all indicated districts only with approval of a conditional use permit and subject to the following provisions.
  - 1. A bed and breakfast inn shall be operated by a property owner living on the premises.

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2. The bed and breakfast inn shall conform to the design and development standards below and be compatible with adjacent buildings in terms of building materials, colors and exterior finishes. Facilities requiring conversion of existing structures shall maintain existing elevations to the extent feasible.
3. Public and utility services including emergency access shall be adequate to serve the maximum number of occupants proposed.
4. No more than five rooms shall be rented for lodging unless the planning commission can make an additional special finding that due to the size of the property, the relationship to surrounding residential properties and the availability of on-site parking, that more guest rooms will not negatively impact the residential neighborhood. In no case shall there be more than ten guestrooms.
5. Rooms shall be rented for no more than fourteen consecutive days.
6. No internal illumination of any signage from an interior light source shall be permitted and all signs shall be subject to planning commission approval. Signage shall only identify, rather than advertise, the establishment. The words "hotel" or "motel" shall not be allowed.
7. The facility is located on or within five hundred feet of an arterial or collector street.
8. No bed and breakfast inns shall be located on a lot closer than five hundred feet from any other lot containing a bed and breakfast inn.
9. The only meal provided shall be breakfast. Other meals may be served at special events.
10. On-site required parking that is not located within a garage or on the paved driveway for the garage shall be screened from view.
11. The planning commission may allow special events at the facility if such events are permitted or conditionally permitted in the district in which the bed and breakfast is located. If the planning commission determines that the proposed bed and breakfast inn is an appropriate location for special events to occur with regard to, but not limited to, access, property size, parking, and surrounding uses, additional conditions relating to hours of operation, number of guests, additional parking requirements and music or entertainment provisions may be imposed.

### 17.07.050 - Wireless Communication Facilities

#### A. Purpose and Intent.

1. The purpose of this section is to provide a uniform and comprehensive set of regulations and development standards for the permitting, development, siting, installation, design, operation, and maintenance of wireless communication and similar facilities. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless communications facilities. This section provides standards necessary to:

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- a. Promote and protect public health and safety, community welfare, visual and environmental resources, and the unique visual character and quality of the of the city consistent with the goals, objectives and policies of the general plan;
  - b. Preserve and promote harmonious land uses;
  - c. Provide for the orderly, managed, and efficient development of wireless communications facilities in accordance with the state and federal laws, rules, and regulations;
  - d. Acknowledge the community benefit associated with the provision of communication services and ensure that a broad range of wireless communication facilities is provided to serve the community and to serve as an important part of the city's emergency response network;
  - e. Provide incentives for well-designed and well-placed facilities.
2. This section is not intended to, nor shall it be interpreted or applied to:
- a. Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
  - b. Prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules;
  - c. Unreasonably discriminate among providers of functionally equivalent services;
  - e. Deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such wireless communication facilities comply with the Federal Communication Commission's (FCC) regulations concerning such emissions;
  - f. Prohibit any collocation or modification that the city may not deny under federal or state law; or
  - g. Otherwise authorize the city to preempt any applicable federal or state law.
3. In establishing the rights, obligations and conditions set forth in this section, it is the intent of the city to treat each applicant in a competitively neutral and nondiscriminatory manner, to the extent required by law, and with considerations that may be unique to the technologies, situation and legal status of each proposed use.
- B. Applicability. This section applies to the operation and maintenance of all existing wireless communication facilities and all applications and requests for approval to construct, install, modify, collocate, relocate or otherwise deploy, operate, and maintain wireless communication facilities in the city.
- C. Exemptions. This section is not applicable to:

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1. Wireless communication facilities owned and operated by the city or any other agency of the state for public purposes;
2. Authorized amateur radio service facilities requiring a license issued by the FCC to operate (i.e., a "HAM" radio transmission), including antenna structures. See Section 17.07.090 (Amateur Radio Service Installations);
3. Any OTARD devices;
4. Wireless communication facilities installed completely indoors and intended to extend signals for personal wireless services in a personal residence or a business (such as a femtocell or indoor distributed antenna system); and
5. Wireless communication facilities or equipment owned and operated by CPUC-regulated electric companies for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D.

**D. Permit Requirements.**

1. Permit Required. No wireless communications facility shall be located or modified within the city on any property without the issuance of a permit as required by this section as set forth in the table below. Such permit shall be in addition to any other permit required pursuant to the municipal code.
2. For service providers who plan to establish multiple wireless communication facilities within the city, the service provider is encouraged to apply for approval of all facilities of the same permit type under a master use permit application. The master use permit shall be subject to the same permit approval requirements that would apply to a permit for a single facility of such type, and shall be acted on by the approval authority that would have authority to approve a permit for a single installation of such type of facility, but all proposed facilities would be acted on as a single permit application. No approval shall be construed as any warranty of title.

3. Telecommunications Facility Permit Requirement Table

Telecommunications Facility	Private Property				Public Right-of-Way
	Residential Districts	Mixed Use Districts	Commercial Districts	Other Districts	
New telecommunications tower	Not Permitted		Conditional Use Permit		Encroachment Permit, pursuant to Chapter 12.04
Roof or building-mounted facility, not visible from a public right-of-way or other property	Administrative Permit				

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Roof or building-mounted facility, visible from a public right-of-way or other property and/or located on a historic structure	Conditional Use Permit		
Facility with a backup generator	Conditional Use Permit	Permitted	
Facility with an ancillary fuel storage tank(s) to support the backup power supply	Conditional Use Permit		Encroachment Permit, pursuant to Chapter 12.04
Eligible facilities request or application for collocation facility pursuant to California Government Code Section 65850.6 <sup>1</sup>	Administrative Permit		
Small Cell Facility	Administrative Permit		
Temporary Wireless Facility	Temporary Conditional Use Permit		
Temporary Wireless Facility for Emergencies	Permitted		

E. Application Requirements.

1. Application Required. The approval authority shall not approve any request for a permit except upon a duly filed application consistent with this section, Chapter 12.04 of this code (Encroachment Permits), and/or any other written rules the city or the director may establish from time to time in any publicly-stated format.
2. Application Content. All applications for a conditional use permit, an administrative permit, temporary conditional use permit, or an encroachment permit must include all the information and materials required by the director for the application, including:
  - a. Compliance with any permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the director finds necessary, appropriate or useful for processing any application governed under this section.
  - b. Applicants shall ensure applications demonstrate compliance with all applicable health and safety laws, regulations or other rules, which includes

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without limitation all building codes, electric codes and all FCC rules for human exposure to RF emissions.

- c. The city council further authorizes the director to establish other reasonable rules related to permit processing as the director deems necessary to manage the application intake process. All such rules must be in written form and publicly available to all applicants.
  3. Applicants shall provide reports evaluating for potential interference with city communication frequencies (e.g., HF, UHF, VHF, eight hundred MHz) in conjunction with all applications.
  4. Applications will be processed, and notices of incompleteness provided, in conformity with state, local, and federal law. If such an application is incomplete, the director shall notify the applicant in writing, and specifying the material omitted from the application in conformance with timeframes established under 47 C.F.R. Section 1.6003(c)(1).
  5. Application fee(s) shall be required to be submitted with any application. The city council shall set the amount, type, and other terms of such fee(s) from time to time by means of resolution. Notwithstanding the foregoing, no application fee shall be refundable, in whole or in part, to an applicant unless paid as a refundable deposit.
  6. Pre-Submittal Conference. Before application submittal, the applicant is encouraged to schedule and attend a pre-submittal conference with the director for all proposed projects.
  7. Requests for waivers from any requirement of this subsection shall be made in writing to the director or his or her designee. The director may grant or deny a request for a waiver pursuant to this subsection. The director may grant a request for waiver for an application requirement if it is demonstrated that, notwithstanding the issuance of a waiver, the city will be provided all information necessary to understand the nature of the construction or other activity to be conducted pursuant to the permit sought. All waivers approved pursuant to this subsection shall be (1) granted only on a case-by-case basis, and (2) narrowly-tailored to minimize deviation from the requirements of the city code.
  8. Peer and Independent Consultant Review. The 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. The applicant shall pay all the costs of said technical review, including any administrative costs incurred by the city, and is required to make a deposit, consistent with the city's adopted fee schedule, at the time of application to account for this contingency.
- F. Notice.
1. General Notice Requirements. Public notice in accordance with the provisions in Chapter 17.25 (Administrative and Enforcement Procedures) shall be required for all permit applications.

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2. Deemed-Approval Notice. Not more than thirty days before the applicable FCC timeframe for review expires, and in addition to the public notice required in Section 6.a (General Notice Requirements), an applicant for a use permit must provide a posted notice at the project site that states the project will be automatically deemed approved pursuant to California Government Code Section 65964.1 unless the city approves or denies the application or the applicant tolls the timeframe for review within the next thirty days. The posted notice must be compliant with all applicable provisions in Chapter 17.25 (Administrative and Enforcement Procedures). The public notice required under this section will be deemed given when the applicant delivers written notice to the director that shows the appropriate notice has been posted at the project site.
  3. Decision Notices. Within five days after the approval authority acts on an application for a use permit or before the FCC shot clock expires (whichever occurs first), the approval authority or its designee shall send a written notice to the applicant. In the event that the approval authority denies the application (with or without prejudice), the written notice to the applicant must contain the reasons for the decision.
- G. Decisions; Limited Exemptions; Appeals.
1. Required Findings for Approval.
    - a. Required Findings for Approval for all Facilities Requiring a Conditional Use Permit or an Administrative Permit, Except for an Eligible Facilities Request. The approval authority may approve or conditionally approve an application for a conditional use permit or administrative permit submitted under this section when the approval authority finds all of the following:
      - i. The proposed facility complies with all applicable provisions of this section;
      - ii. The proposed wireless facility complies with all required findings for conditional use permit approval in Section 17.25.014 (Findings) or administrative permit approval in Section 17.25.53 (Findings/Conditions), or qualifies for a limited exception pursuant to Section 17.07.050(G)(3)(Limited Waiver to Avoid Prohibitions on Service);
      - iii. The applicant has demonstrated that its proposed wireless facility will be in compliance with all applicable FCC rules and regulations for human exposure to RF emissions and this information has been verified as provided for in E(5)(h) above;
      - iv. The applicant has demonstrated a good-faith effort to identify and evaluate preferred alternative locations and potentially less visually intrusive alternative designs for the proposed wireless facility;
      - v. The applicant has provided the approval authority with a meaningful comparative analysis that shows all preferred alternative locations and less-intrusive alternative designs

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identified in the administrative record are either infeasible or unavailable;

- vi. The applicant has submitted a statement of its willingness to allow other carriers to collocate on the proposed wireless communications facility wherever technically and economically feasible; and
  - vii. Noise generated by equipment will not be excessive, annoying nor be detrimental to the public health, safety, and welfare and will not exceed the standards set forth in Chapter 17.12 and Chapter 9.44.
2. Conditional Approvals; Denials. Subject to any applicable limitations in federal or state law, nothing in this section is intended to limit the approval authority's ability to conditionally approve or deny without prejudice any application for a use permit as may be necessary or appropriate to protect and promote the public health, safety and welfare, and to advance the goals or policies in this section, this code or the general plan. In conjunction with any denial, the approval authority shall issue a written decision stating the reasons therefore.
  3. Limited Waiver to Avoid Prohibitions on Service. In the event that an applicant claims that strict compliance with the site location guidelines in Section 17.07.050(J) (Location and Configuration Preferences) or the development standards and regulations in Sections 17.07.050(K) through 17.07.050(M)(Development Standards and Regulations for All Wireless Communication Facilities, Freestanding Wireless Communication Facilities, Building-Mounted Wireless Communication Facilities) would prohibit or effectively prohibit the applicant's ability to provide personal wireless services, the approval authority may grant a limited waiver from such requirements only to the minimum extent necessary to prevent such prohibition or effective prohibition, provided the approval authority finds the following:
    - a. The proposed wireless facility qualifies as a "personal wireless service facility" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended or superseded;
    - b. The applicant has provided the approval authority with the technical service objective to be achieved by the proposed wireless facility;
    - c. The applicant has provided the approval authority with a written statement that contains a detailed and fact-specific explanation as to why the proposed wireless facility cannot be deployed in accordance with the standards in this section;
    - d. The applicant has demonstrated to the approval authority that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant's technical service objective or that would avoid an actual or effective prohibition of service.
  4. Appeals. Any interested person or entity may appeal any decision by the approval authority in accordance with the below.

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- a. Any person adversely affected by an administrative decision pursuant to this chapter or a decision regarding an encroachment permit for a wireless facility issued under Chapter 12.04 may appeal such decision. The appeal will be considered by a hearing officer appointed by the city manager. The hearing officer may decide the issues de novo and whose decision will be the final decision of the city.
  - b. Where the approval authority grants an application based on a finding that denial would result in a prohibition or effective prohibition under applicable federal law, any appeals must be filed within two business days of the written decision of the approval authority, unless the approval authority extends the time therefore. An extension to file an appeal may not be granted where extension would result in approval of the application by operation of law.
  - c. Any appeal shall be conducted so that a timely written decision may be issued in accordance with applicable law.
  - d. Appeals from an approval will not be permitted on the basis of the environmental effects of the radio frequency emissions of the proposed facility, unless the appeal specifically identifies that the proposed facility does not meet regulations established by the FCC regarding such emissions.
  - e. Unless otherwise modified by this section, appeals of decisions of the planning commission shall be in accordance with Chapter 17.25, Article XII (Appeals).
- H. Conditions of Approval for All Wireless Communications Facilities. In addition to all other conditions imposed by the approval authority, all permits, including encroachment permits, shall be subject to the conditions in this section.
1. Permit Term. The permit will automatically expire ten years from its issuance, except where the approval authority establishes a shorter term due to specific public safety or substantial land use reasons. Any other permits or approvals issued in connection with any collocation, modification or other change to the permitted wireless facility, which includes without limitation any permits or other approvals deemed-granted or deemed-approved under federal or state law, will not extend this term limit unless expressly provided otherwise in such permit or approval or required under federal or state law. An administrative permit issued to authorize installation of an eligible facilities request or a collocation facility subject to Government Code Section 65850.6 shall not be deemed to extend the term of any underlying permit for the originally permitted wireless communication facility.
  2. Permit Expiration. At the end of the term, the permit shall automatically expire, unless an extension or renewal has been granted. A person holding a permit must either: (1) remove the wireless facility within thirty days following the permit's expiration (provided that removal of support structure owned by city, a utility, or another entity authorized to maintain a support structure in the right-of-way need not be removed, but must be restored to its prior condition, except as specifically

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permitted by the city); or (2) at least ninety days prior to expiration, submit an application to renew the permit, which application must, among all other requirements, demonstrate that the impact of the wireless facility cannot be reduced. The wireless facility may remain in place until it is acted upon by the city and all appeals from the city's decision exhausted.

3. **Strict Compliance with Approved Plans.** Before the permittee submits any applications to the Building Department, the permittee must incorporate this permit, all conditions associated with this permit and the approved photo simulations into the project plans (the "approved plans"). The permittee must construct, install and operate the wireless facility in strict compliance with the approved plans. Any alterations, modifications or other changes to the approved plans, whether requested by the permittee or required by other departments or public agencies with jurisdiction over the wireless facility, must be submitted in a written request subject to the director's prior review and approval, who may refer the request to the original approval authority if the director finds that the requested alteration, modification or other change substantially deviates from the approved plans or implicates a significant or substantial land-use concern.
4. **Build-Out Period.** This permit will automatically expire one year from the approval or deemed-granted date unless the permittee obtains all other permits and approvals required to install, construct and/or operate the approved wireless facility, which includes without limitation any permits or approvals required by the any federal, state or local public agencies with jurisdiction over the subject property, the wireless facility or its use. The director may grant one written extension to a date certain, not to exceed one additional year, when the permittee shows good cause to extend the limitations period in a written request for an extension submitted at least thirty days prior to the automatic expiration date in this condition.
5. **Maintenance Obligations; Vandalism.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences and landscape features, in a neat, clean and safe condition in accordance with the approved plans and all conditions in this permit. The permittee shall keep the site area free from all litter and debris at all times. The permittee, at no cost to the city, shall remove and remediate any graffiti or other vandalism at the site within forty-eight hours after the permittee receives notice or otherwise becomes aware that such graffiti or other vandalism occurred.
6. **Compliance with Laws.** The permittee shall maintain compliance at all times with all federal, state and local statutes, regulations, orders or other rules that carry the force of law ("laws") applicable to the permittee, the subject property, the wireless facility or any use or activities in connection with the use authorized in this permit, which includes without limitation any Laws applicable to human exposure to RF emissions. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all laws, In the event that the city fails to timely notice, prompt or enforce compliance with any

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applicable provision in this code, any permit, any permit condition or any applicable law or regulation, the applicant or permittee will not be relieved from its obligation to comply in all respects with all applicable provisions in this code, any permit, any permit condition or any applicable law or regulation.

7. **Radiofrequency Compliance Evaluations.** All facilities must comply with all applicable standards and regulations of the FCC and any other state or federal government agency with the authority to regulate radio frequency emissions. After completion of construction, but prior to unattended operations of the facility, on-site post-installation RF emissions testing shall be performed by a qualified professional (as identified by the city) to demonstrate actual compliance with applicable FCC limitations, including the FCC OET Bulletin 65 RF emissions safety rules for general population/uncontrolled radiofrequency exposure in all sectors. For this testing, the transmitter shall be operating at maximum operating power, and the testing shall occur outwards to a distance where the radiofrequency emissions no longer exceed the uncontrolled/general population limit.
8. **Adverse Impacts on Other Properties.** The permittee shall use all reasonable efforts to avoid any and all undue or unnecessary adverse impacts on nearby properties that may arise from the permittee's or its authorized personnel's construction, installation, operation, modification, maintenance, repair, removal and/or other activities at the site. The permittee shall not perform or cause others to perform any construction, installation, operation, modification, maintenance, repair, removal or other work that involves heavy equipment or machines except during normal construction work hours authorized under this code. The restricted work hours in this condition will not prohibit any work required to prevent an actual, immediate harm to property or persons, or any work during an emergency declared by the city. The director may issue a stop work order for any activities that violates this condition.
9. **Permittee's Contact Information.** The permittee shall furnish the Director with accurate and up-to-date contact information for a person responsible for the wireless facility, which includes without limitation such person's full name, title, direct telephone number, facsimile number, mailing address and email address. The permittee shall keep such contact information up-to-date at all times and immediately provide the director with updated contact information in the event that either the responsible person or such person's contact information changes.
10. **Indemnification.** The permittee shall defend, indemnify and hold harmless the city, city council and its commissions, agents, officers, officials, employees, and volunteers from any and all (1) damages, liabilities, injuries, losses, costs, and expenses and from any and all claims, demands, law suits, writs, and other actions or proceedings ("claims") brought against the city or its agents, officers, officials, employees, or volunteers to challenge, attack, seek to modify, set aside, void or annul the city's approval of this permit, and (2) other claims of any kind or form, whether for personal injury, death, or property damage, that arise from or in connection with the permittee's or its agents', director's, officers', employees', contractors', subcontractors', licensees', or customers' acts or omissions in

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connection with this permit or the wireless facility. In the event the city becomes aware of any claims, the city will use best efforts to promptly notify the permittee and shall reasonably cooperate in the defense. The permittee expressly acknowledges and agrees that the city shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/or permittee (as applicable) shall promptly reimburse city for any costs and expenses directly and necessarily incurred by the city in the course of the defense. The permittee expressly acknowledges and agrees that the permittee's indemnification obligations under this condition are a material consideration that motivates the city to approve this permit, and that such indemnification obligations will survive the expiration or revocation of this permit.

11. **Performance Bond.** Before the building department issues any construction permit in connection with this permit, the permittee shall file with the city, and shall maintain in good standing throughout the term of the approval, a performance bond or other surety or another form of security for the removal of the facility in the event that the use is abandoned or the permit expires, or is revoked, or is otherwise terminated. The security shall be in the amount equal to one hundred percent of the cost of removal of the facility. The bond or security required by this section shall be in a form acceptable to the director in an amount reasonably necessary to cover the cost to remove the improvements and restore all affected areas based on a written estimate from a qualified contractor with experience in wireless communication facilities removal. In establishing the amount of the security, the building department shall take into consideration information provided by the permit applicant regarding the cost of removal.
12. **Permit Revocation.** In accordance with Chapter 17.25 (Administrative and Enforcement Procedures), the approval authority may recall this permit for review at any time due to complaints about noncompliance with applicable laws or any approval conditions attached to this permit. At a duly noticed public hearing and in accordance with all applicable laws, the approval authority may revoke this permit or amend these conditions as the approval authority deems necessary or appropriate to correct any such noncompliance.
13. **Insurance.** Permittee shall obtain and maintain throughout the term of the permit commercial general liability insurance for bodily injury and property damage, including coverage for property/premises liability and completed operations, with limits acceptable to the director. The relevant policy or policies shall name the city, its elected/appointed officials, commission members, officers, representatives, agents, and employees as additional insureds. Permittee shall use its best efforts to provide thirty days' prior notice to the city of to the cancellation or material modification of any applicable insurance policy.
14. **As-Built Drawings.** The permittee shall submit an as-built drawings within ninety days after installation of the facility.
15. **Conflicts with Improvements.** For any portion of a facility located within the city right-of-way, the permittee shall remove or relocate, at its expense and without

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expense to the city, any or all of its facilities when such removal or relocation is deemed necessary by the city by reason of any change of grade, alignment, or width of any right-of-way, for installation of services, water pipes, drains, storm drains, power or signal lines, traffic control devices, right-of-way improvements, or for any other construction, repair, or improvement to the right-of-way.

16. Noninterference. Permittee shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement, or property without the prior consent of the owner of that structure, improvement, or property.
17. Modifications. No changes shall be made to the approved plans without review and approval in accordance with this article.
18. Encourage Colocation. Where the facility site is capable of accommodating a co-located facility upon the same site in a manner consistent with the permit conditions for the existing facility, the permittee shall allow co-location of third-party facilities, provided the parties can mutually agree upon reasonable terms and conditions.
19. Abandonment. If a facility is not operated for a continuous period of ninety days, the wireless encroachment permit and any other permit or approval therefor shall be deemed abandoned and terminated automatically, unless before the end of the period (i) the director has determined that the facility has resumed operations, or (ii) the city has received an application to transfer the permit to another service provider. No later than ninety days from the date the facility is determined to have ceased operation or the permittee has notified the director of its intent to vacate the site, the permittee shall remove all equipment and improvements associated with the use and shall restore the site to its original condition to the satisfaction of the director. The permittee shall provide written verification of the removal of the facilities within thirty days of the date the removal is completed. If the facility is not removed within thirty days after the permit has been discontinued pursuant to this subsection, the site shall be deemed to be a nuisance, and the city may cause the facility to be removed at permittee's expense or by calling any bond or other financial assurance to pay for removal. If there are two or more users of a single facility or support structure, then this provision shall apply to the specific elements or parts thereof that were abandoned, but will not be effective for the entirety thereof until all users cease use thereof.
20. Master Lease or Master License Agreement. Macro cell facilities located on city property outside the right-of-way shall enter into a master lease agreement (MLA) with the city. Small cell facilities located on city-owned infrastructure in the public right-of-way shall enter into a master license agreement (MILA) with the city.
  - I. Permit Extension. If a permit has not expired at the time an application is made for an extension, the Director may administratively extend the term of the permit for a subsequent ten-year term upon verification of continued compliance with the findings and conditions of approval under which the application was originally approved, as well as any other applicable provisions of this code that are in effect at the time the permit extension is considered.

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### J. Location and Configuration Preferences.

1. Purpose. The purpose of this section is to provide guidelines to applicants and the reviewing authority regarding the preferred locations and configurations for wireless communication facilities in the city, provided that nothing in this section shall be construed to permit a wireless communication facility in any location or configuration that it is otherwise prohibited by this section.
2. Review of Location and Configuration. The reviewing authority shall consider the extent to which a proposed wireless communication facility complies with these preferences and whether there are feasible alternative locations or configurations to the proposed facility that are more preferred under this section. If the location or configuration of a proposed facility qualifies for two or more categories of preferred locations or configurations, it shall be deemed to belong to the least preferred category.
3. Collocation. New facilities should be collocated with existing facilities whenever feasible. Where feasible, applicants are encouraged to collocate with other facilities such as light standards, and other utility structures where the collocation will minimize the overall visual impact. The applicant shall take reasonable measures to co-locate their wireless communication facilities on existing towers or with or within existing ancillary support equipment facilities prior to applying for new communication facility sites.
4. Order of Preference—Configurations. The order of preference for the configuration for wireless communication facilities on public property outside the right-of-way or on private property from most preferred to least preferred is:
  - a. Collocations on roofs already containing roof-mounted wireless communication facilities;
  - b. New installations on existing roofs;
  - c. Collocations with existing building-mounted wireless communication facilities, which includes light standards and other utility structures;
  - d. New installations on existing buildings, which includes light standards and other utility structures;
  - e. Collocations with existing wireless communication facilities on an existing pole or utility pole;
  - f. Collocations with existing wireless communication facilities on electric transmission towers;
  - g. Collocations with existing freestanding wireless communication facilities;
  - h. New installations on existing electric transmission towers; and
  - i. New freestanding wireless towers.
5. For small cell facilities in the right-of-way, the order of preference is:
  - a. Installations on an existing pole or utility pole; and
  - b. Installation on a new pole or utility pole.

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6. Order of Preference—Location. The order of preference for the location of wireless communications facilities from most preferred to least preferred is:
    - a. City-owned property or structures outside the public rights-of-way;
    - b. City-owned property and the public rights-of-way adjacent to non-residential zoning districts;
    - c. The public institutional (PI) zone;
    - d. Industrial zones;
    - e. Commercial zones;
    - f. Mixed-use zones;
    - g. Open spaces;
    - h. Public rights-of-way adjacent to residential zoning districts; and
    - i. Residential zones.
  7. Accessory Equipment. Except for pole-mounted small cell facilities in the public right-of-way, in order of preference from most preferred to least preferred, accessory equipment for wireless communications facilities shall be:
    - a. Within a building or structure;
    - b. Located underground;
    - c. In a rear yard if not readily visible from surrounding properties and the roadway;
    - d. On a screened roof top area or structure; and
    - e. Any other location.
- K. Development Standards and Regulations for all Wireless Communication Facilities.
1. Basic Requirements. The design and development standards set forth in this section apply to all wireless communications facilities no matter where they are located. Wireless communications facilities shall be designed and maintained so as to minimize visual, noise, and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the design and development standards in this section.
  2. Antennas. Antenna elements shall be flush mounted, to the extent reasonably feasible. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Antennas shall be situated as to reduce visual impact without compromising their function. Whip antennas need not be screened.
  3. Colors and materials. All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a non-reflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts. Antennas attached to a building shall be painted or otherwise treated to match the exterior of the building or the antenna's background color. All

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ground-mounted equipment shall be covered with a clear anti-graffiti type material of a type approved by the director or shall be adequately secured to prevent graffiti.

4. Signage; Advertisements.
  - a. All wireless communication facilities must include signage that accurately identifies basic contact and facility/site information. The applicant/operator shall notify city of any changes to the information submitted within thirty days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:
    - i. Identity, including name, address, and telephone number, and legal status of the owner of the facility including official identification numbers and FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility;
    - ii. Name, address and telephone number of a local contact person for emergencies; and
    - iii. Type of service provided. Identification signs, including emergency phone numbers of the utility provider, shall be posted at all communication facility sites.
  - b. Wireless communication facilities may not bear any other signage or advertisements unless expressly approved by the city, required by law or recommended under FCC or other United States governmental agencies for compliance with RF emissions regulations.
5. Lighting. No wireless communications facility may include artificial lighting unless either specifically required by the Federal Aviation Administration (FAA) or other government agency. Legally required lightning arresters and beacons shall be excluded when calculating the height of facilities such as telecommunications towers, lattice towers, and monopoles.
6. Noise.
  - a. Each wireless communications facility shall be operated in such a manner so as to minimize any possible disruption caused by noise.
  - b. Backup generators shall only be operated during periods of power outages and shall not be tested on weekends, holidays, or between the hours of five p.m. and seven a.m.
  - c. Each wireless communications facility shall comply with the applicable noise requirements contained in Chapters 9.44 and 17.12.
  - d. Any equipment, including, but not limited to, air conditioning units, that may emit noise that would be audible from beyond three feet from the wireless communications facility in the case of a facility located in the right-of-way, or in the case of other facilities the facility's property line, shall be enclosed

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or equipped with noise attenuation devices to the extent necessary to ensure compliance with applicable noise limitations under this code.

7. Security. Each wireless communications facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight, or attractive nuisances. The approval authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location or accessibility, a facility has the potential to become an attractive nuisance. Site security measures must be designed to enhance concealment to the maximum extent possible, such as installing equipment within an enclosure designed to mimic a trash-can corral rather than within a chain link fence.
8. Backup Power Sources.
  - a. All backup power supplies (e.g., generators) shall be located within an equipment enclosure.
  - b. The approval authority shall not approve any diesel generators or other similarly noisy or noxious generators in or within two hundred fifty feet from any residence; provided, however, the approval authority may approve sockets or other connections used for temporary connection to backup generators.
  - c. The city strongly disfavors backup power sources mounted on the ground or on poles within the public rights-of-way.
9. Future Collocations and Equipment. To the extent feasible, all new wireless communication facilities should be designed and sited in a manner that accommodates potential future collocations and equipment installations that can be integrated with the proposed wireless facility or its associated structures with no or negligible visual changes to the outward appearance.
10. Utilities. All cables and connectors for telephone, primary electric and other similar utilities must be routed underground in conduits large enough to accommodate future collocated wireless communication facilities. Meters, panels, disconnect switches and other associated improvements must be placed in inconspicuous locations to the extent possible. The approval authority shall not approve new overhead utility lines or service drops merely because compliance with the undergrounding requirements would increase the project cost.
11. Electromagnetic and Radiofrequency Radiation. The applicant shall provide certification by a duly licensed engineer, or other qualified professional, as determined by the city, that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to electromagnetic and/or radio frequency radiation established by the FCC.
12. Interference. Interference with city communication systems is prohibited. All proposed facility applications shall include reports, as required by the department of public safety, to evaluate for potential interference (e.g., HF, UHF, VHF, eight hundred MHz).

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- 13. Compliance with Laws. All wireless communication facilities must be designed and sited in compliance with all applicable:
    - a. Federal, state and local laws, regulations, rules, restrictions and conditions, which include without limitation regulations established by the FCC, FAA, CPUC, the California Building Standards Code, and this code;
    - b. Applicable requirements in the Rohnert Park general plan and any applicable specific plan; and
    - c. Any conditions or restrictions in any permit or other governmental approval issued by any public agency with jurisdiction over the facility.
  - 14. Modification. At the time of modification of a wireless communications facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise, and other impacts, including, but not limited to, undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.
  - 15. City Design Guidelines. All new wireless facilities and collocations, modifications, or other changes to existing wireless facilities must conform to any design and development standards adopted by resolution of the city council.
  - 16. Administrative Application Requirements and Design Guidelines. The director may develop and from time-to-time amend application forms and requirements and develop administrative design guidelines, provided that such guidelines are consistent with the generally applicable development standards and any facility-specific development standards in this section, in order to supplement and clarify the standards in this section for city staff, applicants and the public. The director shall publish such guidelines in advance of their effective date.
- L. Development Standards and Regulations for all Wireless Communication Facilities Located Outside of the Public Right-of-Way.
- 1. Basic Requirements. In addition to the requirements in Section 17.07.050(K) (Development Standards and Regulations for all Wireless Communication Facilities), all new wireless communication facilities located outside of the public right-of-way that are not an eligible facilities request or a collocation facility subject to California Government Code Section 65850.6 must conform to the requirements in this subsection.
  - 2. Macrocell Facility Separation and Location Requirements. Macrocell facilities must be separated as follows:

<b>Minimum Distance from a Macrocell Facility to a:</b>	
<b>Macrocell Facility on the Same Parcel</b>	<b>Macrocell Facility on Another Parcel</b>
50 feet	1,000 feet

- 3. Maximum Number of Macrocell Facilities Per Parcel. A maximum of four macrocell facilities may be installed on a parcel.

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4. Concealment. Wireless communication facilities must incorporate concealment elements, measures and techniques that blend the equipment and other improvements into or screen the facilities from the natural and/or built environment in a manner consistent and/or compatible with the uses germane to the underlying zoning district and existing in the immediate vicinity. Concealment methods may include:
    - a. A facility mimicking a native tree species or a rock outcrop in an open space or hillside location where other natural elements exist to provide effective camouflaging and/or concealment;
    - b. Locating a facility on a building's roof, possibly in conjunction with a parapet, a tower, or a similar architectural element, to obscure its appearance from the adjoining public right(s)-of-way;
    - c. Painting and/or covering a building-mounted facility to match the appearance of the building.
  5. Landscaping. All new macrocell facilities and any ground mounted wireless facilities not in the public right-of-way must include a landscape plan when proposed to be placed in a landscaped area. The landscape plan must include existing vegetation, vegetation proposed to be removed or trimmed, and identification of proposed landscaping by species type, size, and location. All plants proposed must be fire safe, native and/or drought-resistant. Landscape plans shall include site features, such as use of vegetation or rock outcrop, designed to screen such facilities from public view or from view of adjacent properties.
  6. Parking; Access. Any equipment or improvements constructed or installed in connection with any wireless communication facilities must not reduce any parking spaces below the minimum requirement for the subject property. Whenever feasible, wireless communication facilities should use existing parking and access rather than construct new parking or access improvements. Any new parking or access improvements should be the minimum size necessary to reasonably accommodate the proposed use. New parking or access improvements shall be prohibited in the open space for agriculture and resource management and open space for environmental conservation districts.
  7. Accessory Equipment. Accessory equipment located within the front or side yard shall be located to be screened by landscaping and placed in close proximity to existing above ground utilities (such as electrical tower or utility poles), light poles, trees of comparable height, water tanks, and other areas where the ground mounted facility will not detract from the image or appearance of the city.
- M. Development Standards for Freestanding Wireless Communication Facilities Located Outside of the Public Right-of-Way.
1. Basic Requirements. In addition to the requirements in Section 17.07.050(K)(Development Standards and Regulations for all Wireless Communication Facilities) and 17.07.050(L)(Development Standards and Regulations for all Wireless Communication Facilities Located Outside of the

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Public Right-of-Way), all new freestanding wireless communication facilities located outside of the public right-of-way that are not an eligible facilities request or a colocation facility subject to California Government Code Section 65850.6 must conform to the requirements in this subsection.

2. Monopoles and Towers.
  - a. All monopoles and towers shall be concealed or screened to reduce their visual presence.
  - b. Monopoles concealed by artificial foliage (i.e., tree monopole, monopine, etc.) must match the appearance of natural tree species that appears in the city.
3. Tower-Mounted Equipment, All tower-mounted equipment must be mounted as close to the vertical support structure as possible to reduce its overall visual profile. Applicants must mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors, and utility demarcation boxes) directly behind the antennas to the maximum extent feasible. All tower-mounted equipment, cables and hardware must be painted with flat colors subject to the approval authority's prior approval.
4. Ground-Mounted Equipment; Shelters. All ground-mounted equipment must be concealed underground or within an existing or new structure, opaque fences, or other enclosures subject to the approval authority's prior approval. Ground mounted enclosures shall incorporate concealment elements to blend the ground-mounted equipment and other improvements into the natural and/or built environment.
5. Height.
  - a. All freestanding wireless communication facilities shall be of a minimum functional height. The maximum heights for these facilities in different locations throughout the city area as follows:

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In a District with a Maximum Height of 35 feet	In a District with a Maximum Height that Exceeds 35 feet	
	Adjacent to a Residential Zone	Adjacent to Other Zones
35 feet <sup>1,2</sup>	65 feet <sup>1,3</sup>	75 feet <sup>3</sup>

Footnotes:

1. Facilities located adjacent to residentially zoned properties shall be setback at a ratio of two horizontal feet for every one foot in height and shall not be readily visible from the nearest residentially zoned property.
2. Facilities may exceed by eight feet the maximum permitted height in the underlying zoning district by conditional use permit.
3. Facilities that exceed thirty-five feet in height require conditional use permit approval.
  
6. Setbacks.
  - a. All freestanding wireless communication facilities shall be setback from any property line by a minimum of twenty-five feet or the zone's required setback, whichever is greater.
  - b. Towers and antennas shall be setback at a ratio of two horizontal feet for every one foot in height and shall be screened and/or concealed from the nearest residentially zoned property.
7. Screening. All freestanding wireless communication facilities shall be sited to be screened by existing development, topography, or vegetation, to the extent feasible. Ground mounted facilities are encouraged to be located within buildings, underground, or in areas where substantial screening by existing buildings or vegetation can be achieved.
  
- N. Development Standards and Regulations for Building-Mounted Wireless Communication Facilities.
  1. Basic Requirements. In addition to the requirements in 17.07.050(K)(Development Standards and Regulations for all Wireless Communication Facilities) and 17.07.050(L)(Development Standards and Regulations for all Wireless Communication Facilities Located Outside of the Public Right-of-Way), all new building-mounted wireless communication facilities that are not an eligible facilities request or a colocation facility subject to California Government Code Section 65850.6 must conform to the requirements in this section.
  2. Preferred Concealment Techniques. All applicants should, to the extent feasible, propose wireless communication facilities that are completely concealed and architecturally integrated into the existing facade or rooftop features with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades

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replaced with RF-transparent material and finished to mimic the replaced materials). Alternatively, when integration with existing building features is not feasible, the applicant should propose completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys, and water tanks). Facilities must be located behind existing parapet walls or other existing screening elements to the maximum extent feasible.

3. Facade-Mounted Equipment. When wireless communication facilities cannot be placed behind existing parapet walls or other existing screening elements, the approval authority may approve facade-mounted equipment in accordance with this section. All facade-mounted equipment must be concealed behind screen walls and mounted as flush to the facade as practicable. The approval authority may not approve "pop-out" screen boxes unless the design is architecturally consistent with the original building or support structure. The approval authority may not approve any exposed facade-mounted antennas, including but not limited to exposed antennas painted to match the facade. To the extent feasible, facade-mounted equipment must be installed on the facade(s) along the building frontage that is the least prominent or publicly visible.
4. Rooftop-Mounted Equipment.
  - a. Rooftop-mounted equipment must be screened from public view with concealment measures that match the underlying structure in proportion, quality, architectural style and finish. The approval authority may approve unscreened rooftop equipment only when it expressly finds that such equipment is effectively concealed due to its low height and/or setback from the roofline.
  - b. Rooftop-mounted equipment must be setback from the nearest roof edge(s) by a minimum of ten feet or distance equivalent to the facility's height, whichever is greater.
5. Height.
  - a. Building mounted wireless communication facilities shall generally not exceed fifteen feet above the maximum height for that zoning district.
  - b. Antennas mounted on the side of a building shall not extend above the top of the building parapet or eave line.
- O. Development Standards and Regulations for Wireless Communication Facilities Located in the Public Right-of-Way:
  1. Basic Requirements. In addition to the requirements in 17.07.050(K)(Development Standards and Regulations for all Wireless Communication Facilities), all new and substantially changed wireless communication facilities located within the public right-of-way and that are not an eligible facilities request or a colocation facility subject to California Government Code Section 65850.6 must conform to the requirements in this section.
  2. Antennas.

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- a. Utility Poles. The maximum height of any antenna mounted to an existing utility pole shall not exceed twenty-four inches above the height of an existing utility pole, nor shall any portion of the antenna or accessory equipment mounted on a pole be less than eighteen feet above any drivable road surface, except for safety shut-off switches, utility meters and associated conduit. The height limitation for antennas in this section may be exceeded only to the minimum necessary to comply with required electrical code safety clearances or applicable safety regulations. All installations on utility poles shall fully comply with the California Public Utilities Commission general orders, including, but not limited to, General Order 95, as may be revised.
  - b. Street Light Poles. The maximum height of any antenna mounted to a street light pole shall not exceed seven feet above the existing height of a street light pole in or adjacent to a non-residential zoning district and shall not exceed three feet above the existing height of a street light pole in or adjacent to any other zoning district. Any portion of the antenna or equipment mounted on such a pole shall be no less than eighteen feet above any drivable road surface.
3. Poles.
- a. Only pole-mounted antennas shall be permitted in the public right-of-way. All other telecommunications towers shall be prohibited, and no new pole installations for the purpose of installing a wireless facility shall be permitted that are not replacing an existing pole.
  - b. Pole height and width limitations:
    - i. All poles shall be designed to be the minimum functional height and width required to support the proposed antenna installation and meet FCC requirements. Poles and antennas and similar structures shall be no greater in diameter or other cross-sectional dimensions than is necessary for the proper functioning of the facility.
    - ii. Notwithstanding the above, no facility shall be located on a pole that is less than twenty-six feet in height.
    - iii. Pole-mounted equipment must be mounted as close to the pole as possible to reduce its overall visual profile.
  - c. If an applicant proposes to replace a pole in order to accommodate the facility, the pole shall match the appearance of the original pole to the extent feasible, unless another design better accomplishes the objectives of this section. Such replacement pole shall not exceed the height of the pole it is replacing by more than seven feet.
  - d. If a limited waiver pursuant to Section 17.07.050(G)(3) is granted for placement of new poles in the right-of-way, new poles shall be designed to resemble existing poles in the right-of-way, including size, height, color, materials and style, with the exception of any existing pole designs that are scheduled to be removed and not replaced, unless another design better

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accomplishes the objectives of this section. Such new poles that are not replacement poles shall be located no closer than ninety feet to an existing pole.

4. Space Occupied. Facilities shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.
5. Location.
  - a. Each component part of a facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, inconvenience to the public's use of the right-of-way, or safety hazards to pedestrians and motorists.
  - b. A facility shall not be located within any portion of the public right-of-way interfering with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital public health and safety facility.
  - c. Pole-mounted equipment, above-ground accessory equipment, or walls, fences, landscaping or other screening methods shall be setback a minimum of eighteen inches from the front of a curb.
  - d. All pole-mounted equipment and required or permitted signage must face toward the street or otherwise placed to minimize visibility from adjacent sidewalks and structures.
  - e. Where feasible, all new wires needed to service the wireless communications facility must be installed within the width of the utility pole. If it is not feasible to install wiring inside of the utility pole due to the pole material, wires shall be installed in a manner that minimizes the use of visible wiring, minimizes bulk and avoids the spooling of excess cable.
6. Accessory Equipment. With the exception of the electric meter, which shall be pole-mounted to the extent feasible, all accessory equipment shall be located underground to the extent feasible. When above-ground is the only feasible location for a particular type of accessory equipment and when such accessory equipment cannot be pole-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five feet and a total footprint of fifteen square feet, and shall be screened and camouflaged to the fullest extent possible, including the use of landscaping or alternate screening. Required electrical meter cabinets shall be adequately screened and camouflaged.
7. Concealment. All wireless communication facilities in the right-of-way must be concealed to the maximum extent feasible with design elements and techniques that mimic or blend with the underlying support structure, surrounding environment and adjacent uses. In addition, wireless communication facilities in the rights-of-way may not unreasonably subject the public use, for any purpose including expressive or aesthetic purposes, to inconvenience, discomfort, trouble, annoyance, hindrance, impediment or obstruction.

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8. Americans with Disabilities Act Compliance. All facilities shall be built and located in compliance with the Americans with Disabilities Act (ADA) and any applicable state law accessibility standards.
  9. Documentation. The applicant shall provide documentation satisfactory to the director establishing compliance with this section.
- P. Temporary Wireless Communication Facilities.
1. General Requirements for Temporary Wireless Communication Facilities. Except as provided in Section 17.07.050(P)(2)(Temporary Wireless Communication Facilities for Emergencies), the requirements, procedures and standards in this subsection shall be applicable to all applications for a temporary conditional use permit for a temporary wireless facility.
    - a. Applications for Temporary Wireless Communication Facilities. The director shall not approve any temporary wireless facility subject to a temporary conditional use permit except upon a duly filed application and any other written application requirements or procedures the director may publish in any publicly-stated format. An application must include the information required by Section 17.25.041 (Application) and the following additional information:
      - i. A site plan that shows the proposed temporary wireless facility and its equipment, physical dimensions and placement on the proposed site relative to property lines and existing structures; and
      - ii. An RF compliance report demonstrating compliance with applicable FCC regulations.
    - b. Review of Temporary Wireless Communication Facilities. Temporary conditional use permit applications for temporary wireless communication facilities are subject to the review process described In Section 17.25.043 (Decision/appeal).
    - c. Required Findings for Temporary Wireless Communication Facilities, The Director may approve or conditionally approve a temporary use permit for a temporary wireless facility only when the director finds all of the following:
      - i. The facility meets the findings required for all temporary conditional use permits listed in Section 17.25.042 (Findings/conditions);
      - ii. The proposed temporary wireless facility will not exceed fifty feet in overall height above ground level;
      - iii. The proposed temporary wireless facility will be placed as far away from adjacent property lines as possible, or otherwise in a location that will be least likely to cause adverse impacts on adjacent properties; and
      - iv. Any excavation or ground disturbance associated with the temporary facility will not exceed two feet below grade;

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- v. The proposed temporary wireless facility will be compliant with all generally applicable public health and safety laws and regulations, which includes without limitation compliance with maximum permissible exposure limits for human exposure to RF emissions established by the FCC;
  - vi. The proposed temporary wireless facility will not create any nuisance or violate any noise limits applicable to the proposed location;
  - vii. The proposed temporary wireless facility will be identified with a sign that clearly identifies the (i) site operator, (ii) the operator's site identification name or number and (iii) a working telephone number answered twenty-four hours per day, seven days per week by a live person who can exert power-down control over the antennas;
  - viii. The proposed temporary wireless facility will be removed within thirty days after the Director grants the temporary use permit, or such longer time as the Director finds reasonably related to the applicant's need or purpose for the temporary wireless facility; and
  - ix. The applicant has not been denied a use permit for any permanent wireless facility in the same or substantially the same location within the previous three hundred sixty-five days.
- d. Appeals for Temporary Wireless Communication Facilities. The appeal of temporary conditional use permit determinations for temporary wireless communication facilities are subject to the review process described in Section 17.25.043 (Decision/appeal).
2. Temporary Wireless Communication Facilities for Emergencies. Temporary wireless communication facilities may be placed and operated within the city without a temporary use permit only when a duly authorized federal, state, county or city official declares an emergency within a region that includes the city in whole or in part. Any temporary wireless communication facilities placed pursuant to this section must be removed within fifteen days after the date the emergency is lifted. Any person or entity that places temporary wireless communication facilities pursuant to this section must send a written notice that identifies the site location and person responsible for its operation to the director as soon as reasonably practicable.
- Q. Eligible Facility Requests and Collocation Facility Requests Pursuant to California Government Code Section 65850.6.
- 1. Applicability. This subsection applies to all collocations or modifications to an eligible facilities request,
  - 2. Approval Required. An eligible facilities request shall be subject to the director's approval, conditional approval or denial without prejudice pursuant to the standards and procedures contained in this subsection.

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3. Other Regulatory Approvals. Approval granted under this subsection shall remain subject to any and all lawful conditions or requirements associated with such other permits or regulatory approvals from the city and state or federal agencies.
4. Application Requirement. The city shall not approve any eligible facilities request except upon a duly filed application consistent with this section and any other written rules the city or the director may establish from time to time consistent with applicable federal law. The applicant shall provide a written statement that explains in plain factual detail the basis under which the proposed project qualifies as an eligible facilities request. As part of this written statement the applicant must also explain in detail and provide evidence that: (a) the support structure qualifies as an existing tower or existing base station; and (b) the proposed collocation or modification does not cause a substantial change, as defined in 47 C.F.R. Section 1.6100(b)(7), to an eligible support structure. Bare conclusions without factual support shall not meet the requirements of this subsection. An application for a wireless communications collocation facility under California Government Code Section 65850.6(a) shall be processed in the same manner as an application for an eligible facilities request is processed, except that where the process requires justification for the approval of an eligible facilities request, the applicant shall instead provide the justification for a collocation facility under California Government Code Section 65850.6(a), and shall also describe or depict the wireless communications collocation facility as built and the proposed collocation facility at full build-out, including, but not limited to, all antennas, antenna support structures, and accessory equipment.
5. Pre-Submittal Conference. Before application submittal, applicants are encouraged to schedule and attend a pre-application meeting with the Director for all proposed modifications submitted for approval.
6. Administrative Review. The director shall administratively review an application for an eligible facilities request and act on such an application without prior notice or a public hearing within the time periods required pursuant to applicable FCC regulations; including 47 C.F.R. Section 1.6001(c)(3).
7. Required Findings for Approval of an Eligible Facilities Request. The approval authority shall approve or conditionally approve an application submitted for an eligible facilities request when the approval authority finds that the proposed project qualifies as an eligible facilities request, and does not result in a substantial change to an eligible support structure, as set forth in 47 C.F.R. Section 1.6100(b)(7).
8. Required Findings for Approval of a Collocation Facility under 65850.6. The approval authority shall approve or conditionally approve an application submitted for a collocation facility under 65850.6 if:
  - a. The wireless telecommunications collocation facility that will host the proposed collocation facility:
    - i. Was approved after January 1, 2007, by discretionary permit;

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- ii. Was approved subject to an environmental impact report, negative declaration, or mitigated negative declaration;
  - b. The proposed colocation facility incorporates all required mitigation measures in the applicable environmental document for the wireless telecommunications colocation facility; and
  - c. The proposed colocation facility complies with all conditions of approval in the original wireless telecommunications collocation facility permit, including all standards for height, location, bulk, size and types of wireless telecommunication facilities allowed for a colocation facility.
- 9. Supplemental Conditions of Approval. In addition to all other conditions set forth in Section 17.07.050(H), all approvals for an eligible facility request shall be subject to the following supplemental conditions set forth in this subsection:
  - a. Permit Term. The city's grant or grant by operation of law of a permit for an eligible facilities request constitutes a federally-mandated modification to the underlying permit or other prior regulatory authorization for the subject tower or base station. The city's grant or grant by operation of law of such approval does not extend the permit term, if any, for any underlying permit, or other underlying prior regulatory authorization. Accordingly, the term for any permit issued for an eligible facilities request shall be coterminous with the underlying permit or other prior regulatory authorization for the subject tower or base station.
  - b. Accelerated Permit Terms Due to Invalidation. In the event that any court of competent jurisdiction invalidates any portion of Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012 or any FCC regulation that interprets Section 6409 such that federal law would no longer mandate approval for eligible facilities requests, all permits for eligible facility requests shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize the termination of previously approved eligible facility request permits or the director grants an extension until the end of the original permit term upon written request from the permittee that demonstrates good cause for the extension, which includes, without limitation, extreme financial hardship or that permit invalidation is prohibited under other applicable state or federal law. A permittee shall not be required to remove its improvements approved under the invalidated approval when it has submitted an application for an appropriate permit for those improvements before the one-year period ends.
  - c. No Waiver of Standing. The city's grant or grant by operation of law of an approval for an eligible facilities request does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409 or any FCC rules that interpret Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012.
- R. Supplemental Conditions for Small Cell Facilities. In addition to the conditions provided in Section 17.07.050(H) and any supplemental conditions imposed by the

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approval authority, all permits for a small cell facility shall be subject to the following condition, unless modified by the approval authority:

1. No waiver of standing. The city's grant of a permit for a small cell facility does not waive, and shall not be construed to waive, any standing by the city to challenge any FCC orders or rules related to small cell facilities, or any modification to those FCC orders or rules.
- S. Operation and Maintenance Standards.
1. All wireless communication facilities must comply at all times with the following operation and maintenance standards. All necessary repairs and restoration shall be completed by the permittee, owner, or operator within five business days, unless the condition of the facility is considered by the director to be a public safety emergency. In the case of a public safety emergency then the time limit to complete repairs and restoration is forty-eight hours. The time period shall commence:
    - a. After discovery of the need by the permittee, owner, operator or any designated maintenance agent; or
    - b. After permittee, owner, operator, or any designated maintenance agent receives notification from a resident or the director.
  2. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:
    - a. General dirt and grease;
    - b. Chipped, faded, peeling, and cracked paint;
    - c. Rust and corrosion;
    - d. Cracks, dents, and discoloration;
    - e. Missing, discolored, or damaged artificial foliage, or other camouflage;
    - f. Graffiti, bills, stickers, advertisements, litter, and debris;
    - g. Vandalism;
    - h. Broken and misshapen structural parts; and
    - i. Any damage from any cause.

Any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instances more than forty-eight hours from the time of notification by the city.

3. All trees, foliage, or other landscaping elements approved as part of the facility shall be maintained in good condition at all times in accordance with the approved landscape plan, and the permittee, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping as promptly

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as reasonable possible. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the director or designee.

4. Monopoles concealed by foliage must be maintained over time to provide for the continuing concealment of the facility. Replacement leaves and branches must match the color and architecture of the existing foliage.
  5. The permittee shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.
  6. Each facility shall be operated and maintained at all times in compliance with applicable federal regulations, including FCC radio frequency emissions standards.
  7. Each facility shall be operated and maintained to comply at all times with the noise regulations of this section and shall be operated and maintained in a manner that will minimize noise impacts to surrounding residents. Except for emergency repairs, any testing and maintenance activities that will be audible beyond the property line shall only occur between the hours of seven a.m. and five p.m. on Monday through Friday, excluding holidays, unless alternative hours are approved by the director. Backup generators, if permitted, shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of ten p.m. and seven a.m. on weekday nights. At no time shall equipment noise from any source exceed an exterior noise level of sixty dB at the property line.
  8. Each facility shall not interfere with city communication systems.
  9. If a flagpole is used for camouflaging a wireless communications facility, flags shall be flown and shall be properly maintained at all times.
  10. Each owner or operator of a facility shall routinely inspect each site to ensure compliance with the standards set forth in this section and the conditions of approval.
- T. Cessation of Use or Abandonment.
1. A wireless communications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless communications services for ninety or more consecutive days.
  2. The operator of a facility shall notify the city in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within thirty days of ceasing or abandoning use. For facilities to be located on public property, this removal requirement, and appropriate bonding requirement, shall be included within the terms of the lease. For facilities to be located on private property, since the subject property owner may be held responsible for removal of the equipment, the terms of private leases are encouraged to include the equipment removal as a provision of the lease.
- U. Removal and Restoration, Permit Expiration, Revocation or Abandonment.

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1. Permittee's Removal Obligation. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the permit or abandonment of the facility, the permittee, owner or operator shall remove its wireless communications facility and restore the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the city. The facility shall be removed from the property within thirty days, at no cost or expense to the city. If the facility is located on private property, the private property owner shall also be independently responsible for the expense of timely removal and restoration.
  2. Failure to Remove. Failure of the permittee, owner, or operator to promptly remove its facility and restore the property within thirty days after expiration, earlier termination, or revocation of the permit, or abandonment of the facility, shall be a violation of this code, and be grounds for:
    - a. Prosecution;
    - b. Calling of any bond or other assurance required by this section or conditions of approval of permit;
    - c. Removal of the facilities by the city in accordance with the procedures established under this code for abatement of a public nuisance at the owner's expense; and/or
    - d. Any other remedies permitted under this code.
  3. Removal of Facilities by City. In the event the city removes a facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the city for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the city may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this code. Unless otherwise provided herein, the city has no obligation to store such facility. Neither the permittee nor the owner nor operator shall have any claim if the city destroys any such facility not timely removed by the permittee, owner, or operator after notice, or removed by the city due to exigent circumstances.
- V. Definitions. For the purposes of this section, the following words, phrases, and terms shall have the meanings set forth herein. Words not defined shall be given their common and ordinary meaning.
1. "Accessory equipment" means any equipment associated with the installation of a wireless communications facility, including, but not limited to, cabling, generators, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, and surface location markers.
  2. "Antenna" means that part of a wireless communications facility designed to radiate or receive radio frequency signals or electromagnetic waves for the

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provision of services, including, but not limited to, cellular, paging, personal communications services (PCS) and microwave communications. Such devices include, but are not limited to, directional antennas, such as panel antenna, microwave dishes, and satellite dishes; omnidirectional antennas; wireless access points (Wi-Fi); and strand-mounted wireless access points.

3. "Approval authority" means the city official, commission, or governing entity responsible for review of permit applications and vested with the authority to approve or deny such applications. The approval authority for a conditional use permit is the planning commission or, on appeal, the city council. The approval authority for an administrative permit or temporary use permit is the director, or on appeal, the planning commission, unless the administrative permit is for an eligible facilities request or approval for collocation pursuant to California Government Code Section 65850.6, in which case the appeal shall be considered by the city manager.
4. "Base station" means "base station" as defined in 47 C.F.R. Section 1.6100(b)(2), as may be amended.
5. "Building-mounted" means mounted to the side or facade, but not the roof, of a building or another structure such as a water tank, pump station, church steeple, freestanding sign, or similar structure.
6. "Cellular" means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.
7. "Collocation" means the same as defined by the FCC in 47 C.F.R. Section 1.6100(b)(2) as may be amended.
8. "Communication facility" means an unstaffed facility, generally consisting of antennas, and equipment cabinet or structure, and related equipment, which receives and/or transmits electromagnetic waves, light waves, radio frequencies or other types of signals.
9. "CPCN" means a "certificate of public convenience and necessity" granted by the CPUC or its duly appointed successor agency pursuant to California Public Utilities Code Sections 1001 et seq., as may be amended.
10. "CPUC" means the California Public Utilities Commission established in the California Constitution, Article XII, § 5, or its duly appointed successor agency.
11. "Director" means the director of the development services department of the City of Rohnert Park, or the director's designee.
12. "Eligible facilities request" means the same as defined by the FCC in 47 C.F.R. Section 1.6100(b)(3), as may be amended.
13. "Eligible support structure" means the same as defined by the FCC in 47 C.F.R. Section 1.6100(b)(4), as may be amended.
14. "Equipment cabinet" means a cabinet or structure used to house equipment associated with a wireless, hard wire, or cable communication facility.

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15. "Existing" means the same as defined by the FCC in 47 C.F.R. Section 1.6100, as may be amended, which provides that a constructed tower or base station is existing for purposes of the FCC's Section 6409 regulations if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.
16. "FCC" means the Federal Communications Commission or its duly appointed successor agency.
17. "FCC shot clock" means the reasonable time frame within which the city generally must act on a given wireless application as set forth in 47 C.F.R. Section 1.6003, as may be amended.
18. "Light standard" means a raised light source, supported by a concrete, metal, or wood pole, located on the edge of a sidewalk, street, and/or pathway.
19. "Macrocell facility" is any proposed personal wireless service facility that does not meet the definition of a "small wireless facility," as defined in 47 C.F.R. Section 1.6002(1), and that does not meet the definition of an eligible facilities request under 47 C.F.R. Section 1.6100(b)(3).
20. "Modification" means any change to an existing wireless communications facility that involves any of the following: Collocation, expansion, modification, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, a change in size, shape, color, visual design, or exterior material. Modification does not include repair, replacement, or maintenance if those actions do not involve a change to the existing facility involving any of the following: Collocation, expansion, modification, alteration, enlargement, intensification, reduction, or augmentation.
21. "Monopole" means a structure consisting of a single pole used to support antennas or related equipment and includes a monopine, monoredwood, and similar monopoles camouflaged to resemble trees or other objects.
22. "OTARD device" means any antenna or mast meeting the requirements set forth in 47 C.F.R. Sections 1.4000(a)(1)(i)—(iv).
23. "Personal wireless services" means the same as defined in 47 U.S.C. Section 332(c)(7)(C)(i), as may be amended.
24. "Personal wireless service facility" means a facility that is used to provide personal wireless services.
25. "Pole" means a single shaft of wood, steel, concrete, or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this code.
26. "Public right-of-way or "right-of-way" means any public street, public way, public alley or public place, laid out or dedicated, and the space on, above or below it, and all extensions thereof, and additions thereto, under the jurisdiction of the city.

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27. "RF" means radio frequency or electromagnetic waves between thirty kHz and three hundred GHz in the electromagnetic spectrum range.
28. "Roof-mounted" means mounted directly on the roof of any building or structure, above the eave line of such building or structure.
29. "Service provider" means any authorized provider of personal wireless services to end users.
30. "Site" means the same as defined by the FCC in 47 C.F.R. Section 1.6100(b)(6), as may be amended, which provides that for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.
31. "Small cell facility" shall have the same meaning as "small wireless facility" in 47 C.F.R. Section 1.6002(1), or any successor provision (which is a personal wireless services facility that meets the following conditions that, solely for convenience, have been set forth below):
  - a. The facility:
    - i. Is mounted on a structure fifty feet or less in height, including antennas, as defined in 47 C.F.R. Section 1.1320(d); or
    - ii. Is mounted on a structure no more than ten percent taller than other adjacent structures; or
    - iii. Does not extend an existing structure on which it is located to a height of more than fifty feet or by more than ten percent, whichever is greater;
  - b. Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 C.F.R. Section 1.1320(d)), is no more than three cubic feet in volume;
  - c. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than twenty-eight cubic feet in volume;
  - d. The facility does not require antenna structure registration under 47 C.F.R. Part 17;
  - e. The facility is not located on tribal lands, as defined under 36 C.F.R. Section 800.16(x); and
  - f. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 C.F.R. Section 1.1307(b).
32. "Substantial change" means the same as defined by the FCC in 47 C.F.R. Section 1.6100(b)(7), as may be amended.

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33. "Telecommunications tower" or "tower" means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for personal wireless services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. This definition does not include utility poles.
34. "Temporary wireless communication facilities" means portable wireless communication facilities intended or used to provide personal wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a confined location or when a disaster disables permanent wireless communication facilities. Temporary wireless communication facilities include, without limitation, cells-on-wheels ("COWs"), sites-on-wheels ("SOWs"), cells-on-light-trucks ("COLTs") or other similarly portable wireless communication facilities not permanently affixed to site on which is located.
35. "Transmission equipment" means the same as defined by the FCC in 47 C.F.R. Section 1.6100(b)(8), as may be amended, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
36. "Utility pole" means a pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical, phone or other utility services. A tower is not a utility pole.
37. "Wireless" or "wireless services" means personal wireless service, as defined in 47 U.S.C. Section 332(c)(7)(C)(i).
38. "Wireless communication facility" or "wireless telecommunication facility" means any facility constructed, installed, or operated for personal wireless service, as defined in 47 U.S.C. Section 332(c)(7)(C)(i), and includes, but is not limited to, antennas or other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting such equipment, related accessory equipment, equipment buildings, parking areas, and other accessory development. "Wireless telecommunications facility" specifically excludes the following:
  - a. A facility that qualifies as an amateur station as defined by the FCC, 47 C.F.R. Part 97, of the Commission's Rules, or its successor regulation;
  - b. Any OTARD device;
  - c. Portable radios and devices including, but not limited to, hand-held, vehicular, or other portable receivers, transmitters or transceivers, cellular

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phones, CB radios, emergency services radio, and other similar portable devices as determined by the director.

### 17.07.060 - Amateur Radio Service Installations.

- A. Purpose. The purpose of this section is to regulate amateur radio service facilities subject to licensing by the FCC, in a manner consistent with FCC regulation 47 C.F.R. Section 97.15 and California Government Code Section 65850.3. The city finds that regulation of the size, location, height and screening of antennas is necessary for the preservation of the health, safety and welfare of the community. More stringent regulation of antennas is necessary in residential areas compared to nonresidential areas in order to preserve the appearance of the community.
- B. Amateur radio service facilities requiring a license issued by the FCC to operate (i.e., a "HAM" radio transmission), including antenna structures, shall be considered a permitted use, provided there is no more than one antenna structure on a single parcel and the antenna structure does not exceed the maximum building height limits of the zoning district.
- C. Exceeding the maximum height limits of the applicable zoning district, or having more than one antenna structure, shall be permitted upon first obtaining a use permit. A use permit may be granted by the planning commission upon a demonstration by the applicant that:
  - 1. That the antenna structures, including antennas, guy wires, support structures and accessory equipment shall be located, sized and designed so as to minimize the amount of the antenna that is visible from surrounding properties, public streets and all public rights-of-way, recognizing that complete screening may not be possible; and
  - 2. That the proposed height or number of installations will not pose a public safety hazard; and
  - 3. That issuance of a use permit is necessary to reasonably accommodate the desire for communication using the amateur radio service, and this desire cannot be sufficiently accommodated by a single antenna structure meeting the height limits of the applicable zoning district.

### 17.07.070 - Day Care Home, Family

A family day care is a home which provides family day care to fourteen or fewer children, on a less than twenty-four hour basis, including children under the age of twelve who reside in the home. Family day cares are permitted in all districts where residences are permitted. The use of residences as family day care homes shall be considered a residential use of property.

### 17.07.080 - Drive-Through Window

- A. Drive-through window service may be permitted in indicated districts only with approval of a conditional use permit and subject to the following provisions. The provisions of this section shall apply to all new drive-through windows and existing businesses with drive-through window service proposing to expand their gross floor area by more than thirty percent or increase by more than fifty percent the number of

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restaurant seats. Floor area added for the purpose of compliance with state and local health laws or access requirements of the disabled shall not be included in floor area calculations for the purpose of determining the applicability of this section.

### B. Minimum development standards.

1. When located on a site adjacent to, or separated by an alley from, any residentially zoned property, a drive-through window shall not open prior to 6:00 a.m., nor remain open after 10:00 p.m.
2. Premises with drive-through windows shall have two points of ingress/egress.
3. Drive-through windows shall have a capacity for queuing a minimum of six vehicles behind menu board. Queuing area shall not interfere with on or off-site circulation patterns and shall be reviewed and approved by the city engineer prior to approval of a conditional use permit.
4. A parking and vehicular circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval by the city engineer and planning and community development director prior to approval of a conditional use permit.
5. A minimum of one outdoor trash receptacle shall be provided on-site adjacent to each driveway exit or as approved by the planning and community development director. At least one additional on-site outdoor trash receptacle shall be provided for every ten required parking spaces.
6. Any drive-up or drive-through speaker system shall be limited to one that emits no more than fifty decibels four feet between the vehicle and the speaker, and shall not be audible above daytime ambient noise levels beyond the property boundaries. The system shall be designed to compensate for ambient noise levels in the immediate area, and shall not be located within thirty feet of any residential uses or residential districts.
7. Premises with drive-through windows shall be located on a permanent foundation.
8. Premises with drive-through windows shall obtain development plan approval from the county health department.
9. Pedestrian walkways should not intersect the drive-through drive aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping.
10. Drive-through aisles shall have a minimum fifteen-foot width on curves and a minimum eleven-foot width on straight sections. The outside radius of the curves shall be a minimum of thirty feet.
11. All service areas, rest rooms and ground-mounted and roof-mounted mechanical equipment shall be screened from view.
12. Landscaping shall screen drive-through or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of reader board signs and directional signs.

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13. Drive-through aisles shall be paved.
14. Parking areas and the drive-through aisle and structure shall be setback from the ultimate curb face a minimum of fifteen feet.

### 17.07.090 - Firearm Dealers and Firearm Ammunition Dealers

- A. Firearm dealers and firearm ammunition dealers may be permitted in indicated districts only with approval of a conditional use permit and subject to the following provisions, except these provisions shall not apply to the following uses:
  1. Dealers that sell five or less firearms per year.
  2. Retail establishments where the sale of firearms is incidental to the primary business (i.e., less than five percent of the floor area is devoted to the sale, display and storage of firearms; e.g., sporting goods store or big box retailer).
- B. The words and phrases "firearms" and "firearm dealer" shall be defined as set forth in Chapter 9.92, Retail Firearms Dealers, of this code. The words and phrases "firearm ammunition" and "firearm ammunition dealer" shall be defined as set forth below:
  1. "Firearm ammunition" means any cartridge or encasement containing a bullet or projectile, propellant or explosive charge, and a primer which is used in the operation of firearms, and any component thereof.
  2. "Firearm ammunition dealer" means any person engaged in the business of selling, leasing, or transferring of any firearm ammunition, or the preparation for such conduct of business, as evidenced by the application for or securing of applicable state or federal licenses; or the holding of oneself out as engaged in the business of selling, transferring, or leasing of any firearm ammunition; or the selling, transferring or leasing of firearm ammunition in quantity, in series or in individual transactions, or in any other manner indicative of trade.
- C. The planning commission may approve a conditional use permit for a firearm dealer or a firearm ammunition dealer, provided that the use conforms to any and all applicable use permit or other criteria set forth in the particular zoning district regulations, and to all of the following criteria:
  1. The dealer in firearms or dealer in firearm ammunition shall not be located within two hundred fifty feet of the exterior limits of:
    - a. Any premises occupied by a public or private day care center, family day care home, or school;
    - b. A public park, recreation center or other similar public property at which children regularly congregate; or
    - c. Any premises occupied by a dealer in firearms, a business engaged in whole or in part in the retail sale of any alcoholic beverage whether for on-site or off-site consumption, massage establishments as defined in Chapter 8.36.010 of this code, or an adult business, as defined in Section 8.37.020 of this code.

All distances referred to in this subsection shall be measured between the closest points of the exterior property lines or area boundaries of the parcels or areas involved,

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except that when a dealer in firearms subject to the provisions of the chapter occupies one unit of a multi-unit structure located on a single parcel, distances shall be measured from the exterior boundaries of the unit so occupied;

2. Prior to the commencement of operation of a firearm dealer and at all times thereafter, the firearm dealer shall have a valid and current license from the department of public safety pursuant to Chapter 9.92 of this code and shall be in full compliance therewith;
3. Prior to the commencement of operation of a firearm dealer or a firearm ammunition dealer and at all times thereafter, compliance with all of the following requirements:
  - a. Adequate security measures to secure the premises where the firearms or firearm ammunition is sold and/or stored, subject to approval of the director of public safety or designee;
  - b. Storage of firearms and firearm ammunition at all times in a secured locked location so that access is controlled by the dealer or employee, representative or agent thereof to the exclusion of others, with the adequacy of such storage methods subject to the approval of the director of public safety or designee;
  - c. Storage of ammunition and other firearms-related merchandise classified as hazardous materials shall be subject to the approval of the fire marshal or designee;
  - d. The firearm dealer and the firearm ammunition dealer at all times shall maintain in full force and effect all required federal, state and local licenses and/or permits.

### 17.07.100 - Hazardous Materials

- A. Applicability. The provisions in this section shall govern all projects and activities that involve hazardous waste or hazardous materials. The purpose of this section is to establish a basis for the issuance of conditional use permits for projects and activities which could significantly and/or adversely affect public health or the environment and which generate, store, transport, treat or dispose of significant amounts of hazardous materials. Further, the intent is to encourage reductions in the amounts of hazardous wastes or materials managed for the benefit of the health, safety and general welfare of the residents and persons within the city of Rohnert Park. This section is not intended, and should not be deemed, to preempt or prevent compliance with Federal, State, and/or County laws, regulations, etc. In case of any conflict among Federal, State, County or local laws, then the most restrictive provisions will apply.
- B. Definitions. For the purposes of this section, the following words, phrases, and terms shall have the meanings set forth herein. Words not defined shall be given their common and ordinary meaning.

"Dispose" means to discharge, deposit, inject, dump or place any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may not enter the environment or be emitted into the air or discharged into any waters, including ground waters.

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"Generate" means an act or process of producing hazardous waste.

"Hazardous material" means any substance that is regulated as a hazardous material and classified in the Appendix VI-A of the Uniform Fire Code, 1988 Edition. This reference to the 1988 Uniform Fire Code is for the purpose of definition only. These terms are also further defined under Fed-OSHA Title 29 and CFR Title 49 (Transportation). Hazardous materials belonging in more than one category are subject to the regulations of the more stringent category.

"Hazardous waste" means any substance that is regulated as a hazardous waste by the California Department of Health Services under Title 25 California Administrative Code, Division 4, Chapter 30.

"Bulk plant" means a plant primarily engaged in the manufacturing, synthesizing, processing, blending or packaging of hazardous materials. Materials are stored in large fixed containers. Bulk plant quantities are larger than the amount transported in or out in a single shipment.

"Bulk storage and/or distribution" means the storage and/or distribution of hazardous materials which are collected, repackaged, blended or stored on-site; and may be used or sold on-site. The materials are generally transported to the site in an unpackaged form and are then transferred to storage containers by hose, pipeline, conveyor belt, etc. On-site usage of rail car, tanker truck or similar vehicle for storage is considered at this quantity level.

"Commercial packaged" means hazardous materials that are stored in discrete containers which are handled individually, pelletized or utilized for purposes of transportation. Packaged materials are used or sold on site. Packages may include cylinders, drums, boxes, glass, jars, etc.

"Lab amounts" means amounts of hazardous materials which are less than commercial packaged amounts, and are generally recognized by the industry as that which is required for normal laboratory research and development activities and which if an incident were to occur, would not have impacts beyond the immediate premises.

"Household packages" means packaged and distributed hazardous material in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care or household use.

- C. Permitted Uses. The following table indicates under what conditions various uses and activities will be permitted:

(Note: P = Permitted, C = Conditional Use Permit, NP = Not Permitted)

ACTIVITY/ USE	I-L DISTRICT			
	Bulk Mfg. Plant	Bulk Storage/ Distribution	Commercial Package Amounts	Lab Amounts
Explosives and Blasting Agents including High Explosives, Peroxides capable of detonation,	NP	NP	NP	P

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Low explosives and Blasting Agents.				
Toxic Materials including Class A and B Poisons	NP	C	C	P
Highly Unstable Materials including Organic Peroxides Class I-II, Oxidizers Class 4, Phosphoric Materials, Unstable Materials Class 4-3 and Water-reactive Materials Class 3	NP	C	C	P
Radioactive Materials in amounts licensed by State	NP	NP	C	P
Moderately Hazardous Materials including Corrosives, Flammable Gases, Flammable Liquids, Flammable Solids, Organic Peroxides Class III, Oxidizers Class 3-2, Water-reactive Materials Class 2	C	C	P	P

Exceptions. The following are exceptions to the activities/uses allowed in the table above:

1. In addition to these regulations, all storage or use of hazardous materials must be approved by the fire Marshall and be in conformance with all applicable fire and building codes;

2. Unless otherwise stated in the preceding table, packaged quantities of hazardous substances for on-site use or sale are permitted in the zones. Household packaged hazardous materials that are packaged and distributed in a form intended or suitable for sale through retail sales outlets for purposes of personal care and household use are also permitted in zones where such retail sales is allowed;

3. An existing use would be subject to the table's requirements if the quantity of material used increases to a higher quantity level or the category of chemicals used changes to a higher (more hazardous) category (e.g., a change from a moderately hazardous material to a toxic material).

D. Conditional use permit. Where a conditional use permit is required for this section, the procedure will be as set forth in Section 17.25, Article I.

1. Application criteria. The project description for a conditional use permit shall also include, but is not limited to, the following:

- a. The amount and level of hazard presented by the substance;
- b. Safety measures being proposed;
- c. The potential for odors and toxic fumes;
- d. The maximum number of people and amount of land and structures which would be at risk if there were an accident;

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- e. Location of the site in relation to identified areas or special areas of environmental concern such as water courses, water wells, underground aquifers, or fish and wildlife habitats;
  - f. Location of the site in relation to designated routes for the transport of hazardous substances; and
  - g. Any other public welfare concerns identified by the staff.
2. Findings. In approving an application for hazardous materials or hazardous waste, the planning commission shall also make the following findings:
    - a. The activity will not create an unreasonable risk to the public health and safety or to the surrounding properties and activities;
    - b. The activity is consistent with the character and economic function of the surrounding area;
    - c. The proposed activity with any required conditions will not result in significant impact on environmentally sensitive areas;
    - d. The request has been approved by the department of public safety.
    - e. The applicant demonstrates ability to comply with state and regional regulations.
  3. Professional assistance for city determinations. Whenever an approval by the planning commission may be required in this section, the planning and community development director may, at such applicant's sole cost and expense, retain a suitably qualified independent engineer, or chemist, or other appropriate professional consultant regarding the adequacy of the application to achieve the purposes of this section. The planning commission shall be entitled to rely on such evaluation and/or opinion of such engineer, chemist or professional consultant in making the relevant determinations provided for in this section.

### 17.07.110 - Home Occupations

#### A. Criteria for Home Occupation Authorization.

1. Criteria. A home occupation in a residential district shall require a business license and no business license shall be granted unless the use conforms to all of the criteria listed below.
  - a. Primary use must be the residence of the person conducting the occupation.
  - b. The home occupation is conducted entirely within the principal dwelling. A garage shall not be used in connection with a home occupation, if such use interferes with its primary use as vehicular storage.
  - c. There shall be no exterior indication of home occupation. The appearance of the dwelling in no way shall be altered, nor shall the occupation be conducted in a manner which would cause the residence to differ from its original residential character, either by the use of colors, materials, construction, lighting or signs.

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- d. No outdoor storage, parking, or display of vehicles, equipment, materials or supplies related to the home occupation shall be permitted. Exception: one business vehicle, up to one-ton capacity, with signage, used for the home occupation shall be permitted.
- e. No more than one person other than resident(s) of the dwelling shall be employed on-site or report to work at the site of the home occupation except for other employees of licensed child care facilities. This prohibition also applies to independent contractors.
- f. The home occupation shall not generate vehicular or pedestrian traffic in excess of that which is normally associated with residential uses in the same district. Exceptions for home occupations in a single-family detached residence:
  - i. Child care up to fourteen children .
  - ii. Individual instruction or tutoring, professional services (e.g., tax services, insurance sales, etc.), massage, chiropractor, hairstyling, and consulting provided they serve one client at a time.
- g. The home occupation shall not create noise, odor, dust, vibration, smoke, electrical disturbance, or any other interference which is detectable to the normal senses beyond the property line or outside the dwelling unit if the occupation is conducted in other than a detached single-family dwelling unit.
- h. There shall be no excessive use of, or unusual discharge into, any one or more of the following utilities: water, sewers, electrical, garbage, or storm drains.
- i. Delivery vehicles shall be limited to those types of vehicles which typically make deliveries to single-family neighborhoods, such as the United States Postal Service, United Parcel Service, pickup trucks, and light vans.
- j. There shall be no repair of large appliances, internal combustion engines, automobiles, trucks, or motorcycles at the home.
- k. There shall be no motor power other than electrically operated motors. The horsepower of any single motor shall not exceed one-half horsepower, and the total horsepower of such motors shall not exceed one horsepower.
- l. There shall be no cooking or food preparation at the site for the purpose of retail sales from a vehicle and any permitted food preparation shall first receive a permit from the health department.
- m. Other than normal household quantities, there shall be no hazardous materials on-site.
- n. Home occupations shall comply with all other applicable city codes and ordinances;
- o. Home occupation business licenses apply to a specific site and owner and shall not be transferable to different persons or to different locations.

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2. Content of application. An application for a home occupation authorization shall contain:
  - a. The name, address and telephone number of the applicant;
  - b. A complete written description of the proposed home occupation, including number of persons employed, in the case of child care facilities or consistent with exceptions noted above, amount of floor space occupied, provisions for storage of materials, and number and type of vehicles used.
  - c. A signed statement that the applicant has read and understands the criteria outlined above for a home occupation and agrees to comply with the criteria.

### 17.07.120 - Kennel

Commercial kennels may be permitted in indicated districts only with approval of a conditional use permit and subject to the following provisions.

- A. The kennel area shall be sound attenuated so the noise level measured at the property line does not exceed standards set for the adjacent use.
- B. No animal runs, exercise areas, or keeping of the kenneled animals for commercial or noncommercial purposes shall be located within the required setback area.

### 17.07.130 - Outdoor and Sidewalk Cafe

#### A. General Provisions.

1. Permit Required. Outdoor dining on a public sidewalk may be permitted in designated districts only with approval of an administrative permit and subject to the following provisions. A revocable license shall also be required if the activity is located in the public right-of-way.
2. Prohibited Locations. Outside dining will not be permitted on sidewalks designated as bicycle paths.
3. Permit Transfer. A revocable license may be transferred to a subsequent operator of the same establishment subject to approval by the city engineer and payment of a revocable license transfer fee established by the city council. Prior to approval of the transfer the city engineer may modify the terms of the permit as deemed appropriate to protect public health, safety and welfare.
4. Zoning Requirements. A revocable license may be processed concurrently with the administrative permit.
5. Conditions of Approval. The city engineer shall have the authority to apply conditions to the approval of a revocable license as appropriate to ensure compliance with the provisions of this policy.

#### B. Development Standards.

1. Horizontal Clearance: A clear, continuous pedestrian path not less than six feet in width shall be required for sidewalk cafes. The city engineer may require more than six feet if necessary to protect the public safety. This requirement may be modified at the discretion of the city engineer in locations where unusual circumstances exist and where public safety would not be jeopardized.

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2. Setbacks from corners, streets and alleys: When an outdoor dining area is located at a street corner, all furniture, barriers, etc. over three feet in height must be located outside of the clear vision zone for that street corner. When an outdoor dining area is located adjacent to a driveway or an alley, a five-foot setback shall be maintained from the driveway or alley. These requirements may be modified at the discretion of the city engineer in locations where unusual circumstances exist and where public safety would not be jeopardized (e.g., the sidewalk adjacent to the proposed outdoor dining areas is wider than usual or the perimeter of the building has an unusual configuration).
  3. Extension to Adjacent Properties. Subject to approval of the city engineer, an outdoor dining area may extend onto the sidewalk in front of an adjacent business with the written consent of both the adjacent business owner and property owner.
- C. Barriers.
1. Establishments that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that meets the requirements of this subsection and of the Alcoholic Beverage Control Board.
  2. Barriers should compliment the building facade as well as any street furniture and be somewhat transparent (such as wrought iron) and shall be able to withstand inclement weather.
  3. Barriers and furniture shall be removed at the end of each business day unless otherwise approved by the city engineer.
  4. The height of any barrier shall not exceed thirty-six inches.
- D. Awnings and Umbrellas. The use of awnings over the outdoor dining area and removable table umbrellas may be permitted, provided they do not interfere with street trees or are located within the clear vision zone. No portion of an awning or umbrella shall be less than eight feet above the sidewalk. Awnings may extend up to five feet from the building front or cover up to fifty percent of the outdoor dining area, whichever is less. Awnings shall have no support posts located within the public right-of-way. A building permit must be obtained prior to installation of an awning. A revocable license shall be required for awnings projecting into the public right-of-way.
- E. Lighting. Outdoor lighting fixtures should compliment the style of the building. Lighting fixtures shall not be glaring to motorists or pedestrians on the adjacent right-of-way, and shall illuminate only the outdoor dining area. Outdoor lighting may be installed on the facade of the building. Electrical fixtures shall not be permitted in the public right-of-way. Lighting shall be subject to an electrical permit from the building department. Battery operated lamps or candles will be permitted. Extension cords shall not be used in place of permanent wiring.
- F. Design. The design, material, and colors used for chairs, tables, umbrellas, awnings and other fixtures should compliment the architectural style and colors of the building facade and street furniture.
- G. Heaters. Portable propane heaters may be allowed within the outdoor dining area as approved by the fire marshal.

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- H. Furniture Removal. When the establishment stops serving for the day and patrons already seated in it leave, further seating in the outdoor dining area shall be prohibited and the outdoor dining furniture shall be removed from the right-of-way unless otherwise approved in the revocable license.

### 17.07.140 - Recreational Courts

- A. Permanent private recreational courts may be permitted with approval of an administrative permit subject to the following provisions, except as modified by a conditional use permit.
- B. The maximum height of fences enclosing recreational courts shall be six feet, unless a conditional use permit is obtained allowing a greater height.
- C. Recreational courts shall be set back a minimum of ten feet from side and rear property lines.
- D. All lighting shall be:
  - 1. Designed, constructed, mounted, and maintained such that the light source is cut off when viewed from any point above five feet.
  - 2. Used only between the hours of seven a.m. and ten p.m.
- E. The surface of any recreational court shall be designed, painted, colored, and/or treated reduce reflection from any lighting thereon.
- F. The above standards shall be considered minimum standards.

### 17.07.150 - Recycling Facility.

- A. Reverse Vending Machine(s). Reverse vending machine(s), as defined in Section 17.04.030 of this title, may be permitted in indicated districts with zoning compliance approval subject to the following provisions.
  - 1. Shall be established in conjunction with a commercial use or community service facility that is in compliance with the zoning, building and fire codes of the city of Rohnert Park;
  - 2. Shall be located within thirty feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
  - 3. Shall not occupy parking spaces required by the primary use. (Reverse vending machines do not require additional parking spaces for recycling customers);
  - 4. Shall occupy no more than fifty square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet in height;
  - 5. Shall be constructed and maintained with durable waterproof and rust-proof material;
  - 6. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative; a notice shall be displayed stating that no material shall be left outside of the machine;

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7. Shall provide a trash receptacle or receptacles, as needed, in the immediate vicinity of the machine or machines. The receptacle or receptacles shall be a minimum of thirty-two gallons and made of durable waterproof and rustproof material with an attractive exterior. The site shall be maintained in a clean, litter-free condition on a daily basis;
  8. Operating hours shall be at least the operating hours of the host use;
  9. Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn.
- B. Small collection facility. A small collection facility, as defined in Section 17.04.030 of this title, may be permitted in indicated districts only with approval of a conditional use permit and subject to the following provisions.
1. Shall be established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and fire codes of the city of Rohnert Park;
  2. Shall be no larger than five hundred square feet and occupy no more than five parking spaces not including space that will be periodically needed for removal of materials or exchange of containers (see limitation "p" below);
  3. Shall be set back at least ten feet from any street line and shall not obstruct pedestrian or vehicular circulation;
  4. Shall accept only glass, metals, plastic containers, papers and reusable items. Used motor oil may be accepted with approval of the Rohnert Park fire marshal and in accordance with all state and local regulations;
  5. Shall use no power-driven processing equipment except for reverse vending machines;
  6. Shall use containers that are constructed and maintained with durable waterproof and rust-proof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;
  7. Shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
  8. Shall provide adequate trash receptacles in the immediate vicinity of the collection facility. The receptacles shall be a minimum of thirty-two gallons and made of durable waterproof and rust-proof material with an attractive exterior. The site shall be maintained free of litter and any other undesirable materials; mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
  9. Shall not exceed noise levels of sixty dBa as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed seventy dBa;
  10. Attended facilities located within one hundred feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;

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11. Containers for the twenty-four hour donation of materials shall be at least thirty feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;
12. Containers shall be clearly marked to identify the type of materials which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers;
13. The facility shall not impair the landscaping required by local ordinances or by any permit issued pursuant thereto;
14. No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space will be provided for the attendant, if needed;
15. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
16. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:
  - a. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;
  - b. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;
  - c. The permit will be reconsidered at the end of twelve months.

A reduction in available parking spaces in an established parking facility may then be allowed as follows:

For a commercial host use:

Number of Available Parking Spaces	Maximum Reduction
0-25	0
26-35	2
36-49	3
50-99	4
100+	5

For a community facility host use: A maximum five spaces reduction will be allowed when not in conflict with parking needs of the host use.

17. If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration.

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- C. Large collection facility. A large collection facility, as defined in Section 17.04.030 of this title, may be permitted in indicated districts only with approval of a conditional use permit and subject to the following provisions.
1. Facility does not abut a property zoned or planned for residential use;
  2. Facility shall be screened from the public right-of-way by operating in an enclosed landscaping;
  3. Setbacks and landscape requirements shall be those designated for the zoning district in which the facility is located;
  4. All exterior storage of material shall be in sturdy containers that are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of non-flammable material. Used oil may be accepted with approval of the Rohnert Park fire marshal and in accordance with state and local regulations. Oil storage must be in containers approved by the Rohnert Park fire marshal. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;
  5. Adequate trash receptacles shall be provided in the immediate vicinity of the collection facility. The receptacles shall be a minimum of thirty-two gallons and made of durable waterproof and rust-proof material with an attractive exterior. The site shall be maintained free of litter and any other undesirable materials; and, site shall be cleaned of loose debris on a daily basis;
  6. Space shall be provided on site for six vehicles or the anticipated peak customer load, whichever is higher, to circulate and to deposit recyclable materials, except where the planning commission determines that allowing overflow traffic above six vehicles is compatible with surrounding businesses and public safety;
  7. One parking space shall be provided for each commercial vehicle operated by the recycling facility. Parking requirements shall be as provided for in the zone, except that parking requirements for employees may be reduced when it can be shown that parking spaces are not necessary such as when employees are transported in a company vehicle to a work facility;
  8. Noise levels shall not exceed sixty dBa as measured at the property line of residentially zoned or developed property, or otherwise shall not exceed seventy dBa;
  9. If the facility is located within five hundred feet of property zoned, planned or occupied for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m.;
  10. Any containers provided for after-hours donation of recyclable materials will be at least fifty feet from any property zoned or occupied for residential use, shall be of sturdy, rust-proof construction, shall have sufficient capacity to accommodate materials collected, and shall be secured from unauthorized entry or removal materials;
  11. Containers shall be clearly marked to identify the type of material that may be deposited, the name and phone number of the facility operator, and the hours of

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operation; facility shall display a notice stating that no material shall be left outside recycling containers;

12. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be permitted if approved by the planning commission;
  13. Landscaping and irrigation plan shall be approved by the planning and community development director.
- D. Light processing facility. A light processing facility, as defined in Section 17.04.030 of this title, may be permitted in indicated districts only with approval of a conditional use permit and subject to the following provisions.
1. Facility does not abut a property zoned, developed, or planned for residential use;
  2. Processors shall operate in a wholly enclosed building except for incidental storage, or:
    - a. Within an area enclosed on all sides by a solid fence not less than eight feet in height and landscaped on all street frontages;
    - b. Located at least one hundred fifty feet from property zoned or planned for residential use;
  3. Power-driven processing shall be permitted, provided all noise level requirements are met;
  4. A light processing facility shall be no larger than forty-five thousand square feet and shall have no more than an average of two outbound truck shipments of material per day and may not shred, compact or bale ferrous metals other than food and beverage containers;
  5. Used motor oil may be accepted with approval of the Rohnert Park fire marshal and in accordance with state and local regulations;
  6. Landscaping and irrigation plan shall be approved by the planning and community development director.
  7. All exterior storage of material shall be in sturdy containers or enclosures that are covered, secured, and maintained in good condition. Storage containers for flammable material shall be constructed of nonflammable material. Oil storage must be in containers approved by the Rohnert Park fire marshal. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;
  8. Site shall be maintained free of litter and any other undesirable materials, and shall be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present;
  9. Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recyclable materials. If the facility is open to the public, space shall be provided for a minimum of ten customers or the peak load,

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which ever is higher, except where the planning commission determines that allowing overflow traffic is compatible with surrounding businesses and public safety;

10. One parking space shall be provided for each commercial vehicle operated by the processing center. Parking requirements shall otherwise be as mandated by the zone in which the facility is located;
11. Noise levels shall not exceed sixty dBa as measured at the property line of residentially zoned, developed or occupied property, or otherwise shall not exceed seventy dBa;
12. If the facility is located within five hundred feet of property zoned, developed, or planned for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility will be administered by on-site personnel during the hours the facility is open;
13. Any containers provided for after-hours donations of recyclable materials will be at least fifty feet from any property zoned, developed, or planned for residential use; shall be of sturdy, rust-proof construction; shall have sufficient capacity to accommodate materials collected; and shall be secured from unauthorized entry or removal of materials;
14. Containers shall be clearly marked to identify the type of material that may be deposited, the name and number of the facility operator, and the hours of operation; facility shall display a notice stating that no material shall be left outside the recycling containers;
15. No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties.

### 17.07.160 - Small Animals

4-H, FFA and other youth organizations' animal husbandry projects are permitted without limitation of parcel size and spacing provided a letter of project authorization is first submitted by the project advisor to the planning and community development director. Furthermore, the applicant shall obtain a copy of and comply with all conditions stipulated by the city relative to number of animals and setbacks from adjacent property lines. Pot-bellied pigs shall be subject to the approval of a conditional use permit.

### 17.07.170 - Small Wind Energy Systems

- A. Purpose and intent. The purpose and intent of this section is to comply with California Government Code Section 65892.13 which encourages local governmental agencies to adopt zoning standards which enable construction of small wind energy systems for on-site home, farm and small commercial use.
- B. Definitions. For the purposes of this section, the following words, phrases, and terms shall have the meanings set forth herein. Words not defined shall be given their common and ordinary meaning.

"Small wind energy system" means a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics, which has a

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rated capacity that does not exceed the allowable rated capacity under the Emerging Renewables Fund of the Renewables Investment Plan administered by the California Energy Commission and which will be used primarily to reduce on-site consumption of utility power.

"Tower height" means the height above grade of the fixed portion of the tower, excluding the wind turbine.

- C. **Applicability.** A conditional use permit is required for all small wind energy systems, in compliance with Section 17.25 Article I of this title. All proposed small wind energy systems shall also require environmental review in accordance with the California Environmental Quality Act.
- D. **Application requirements.** A conditional use permit application for a small wind energy system shall include all information and materials required by Section 17.25.012 of this title, and the following:
  - 1. Standard drawings and an engineering analysis of the system's tower, showing compliance with the Uniform Building Code (UBC), and certification by a California-licensed professional mechanical, structural, or civil engineer. A "wet stamp" shall not be required on the drawings and analysis if the application demonstrates that the system is designed to meet the most stringent wind requirements (UBC wind exposure D), the requirements for the worst seismic class (UBC Seismic 4), and the weakest soil class, with a soil strength of not more than one thousand pounds per square foot.
  - 2. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
  - 3. Information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
  - 4. Evidence 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 system will not be connected to the electricity grid.
  - 5. Evidence that the proposed height of the windmill tower does not exceed the height recommended by the manufacturer or distributor of the system.
- E. **Site development criteria.** The following development standards shall apply to the development of all new small wind energy systems within the city of Rohnert Park:
  - 1. **Minimum parcel size.** A small wind energy system shall only be located on a parcel that is a minimum one acre in size.
  - 2. **Spacing and collocation.** A small wind energy system shall not be located on a parcel that is:
    - a. Within a scenic corridor identified by the community design element of the city general plan or a scenic highway corridor designated pursuant to Article

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- 2.5 (commencing with Section 260) of Chapter 2 of Division I of the Streets and Highways Code;
- b. Subject to a conservation easement established in compliance with Civil Code Section 815 and following, that does not specifically authorize wind energy conversion systems; or
  - c. Subject to an open space easement established in compliance with Government Code Section 51070 and following, that does not specifically authorize wind energy conversion systems.
3. Setback requirements. A windmill shall not be located closer to a property line than the height of the tower; provided that it also complies with any applicable fire setback requirements.
  4. Height limit. A small wind energy system tower shall not exceed a maximum height of sixty-five feet on a parcel less than five acres, or a maximum height of eighty feet on a parcel of five acres or more; provided that, in all cases, the system shall comply with all applicable Federal Aviation Administration (FAA) requirements, including subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports, and the State Aeronautics Act (Part I (commencing with Section 21001) of Division 9 of the Public Utilities Code).
  5. Turbine. The turbine proposed for the system shall have been approved by the California Energy Commission (CEC) as qualifying under the Emerging Renewables Fund of the CEC's Renewables Investment Plan, or certified by a national program recognized and approved by the CEC.
  6. Noise. Except during short-term events including utility outages and severe wind storms, a small wind energy system shall be designed, installed, and operated so that noise generated by the system shall not exceed the sixty decibels (dBA), as measured at the closest neighboring inhabited dwelling, or the maximum noise levels established by Section 17.12.030 of this title for the applicable zoning district, whichever is the strictest requirement.
- F. Discontinuation of use. All equipment associated with a small wind energy system shall be removed within thirty days of the discontinuation of the use and the site shall be restored to its original pre-construction condition.

### **17.07.180 - Swimming Pools, Spas and Hot Tubs**

Swimming pools, spas and hot tubs used solely by persons resident on the site and their guests, provided swimming pool and accessory mechanical equipment shall not be located in a required front or side yard and shall meet the provisions of Chapter 15.36 of the Rohnert Park Municipal Code.

### **17.07.190 - Vehicular Dealerships/Rental Agencies (including boats, R.V.s, and farm and construction equipment)**

- A. Vehicular dealerships/rental agencies may be permitted in indicated districts only with approval of a conditional use permit and subject to the following conditions.

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- B. Areas designated for employee and customer parking shall not be used for vehicle, boat, or equipment storage or display.
- C. A minimum ten-foot landscape and decorative curb strip shall be provided along the street frontage perimeter of all vehicles/boat/equipment display areas. Final design treatment shall be subject to review and approval by the planning and community development director. All parking areas not used for vehicle/boat/equipment display shall be subject to applicable screening requirements.
- D. All lighting shall comply with the provisions of Section 17.12.050 of this title.
- E. The operator of the dealership shall load and unload or cause the loading and unloading of vehicles/boats only in conformance with the following:
  - 1. Loading and unloading of vehicles is limited to the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday, excluding legal holidays.
  - 2. Off-loading shall be on-site, or off-site subject to the approval of the city engineer. Loading and unloading shall not block the ingress or egress of any adjacent property or public right-of-way unless approved by the city engineer.
- F. Vehicles, boats, R.V.s or equipment to be repaired shall be stored on-site.
- G. The repair and service facility portion of any vehicle, boat, or equipment dealership shall comply with Section 17.07.200. No vehicle repair work shall occur on the premises of an automobile rental facility unless the rental agency is otherwise permitted and licensed to repair vehicles.
- H. An adequate on-site queuing area for service customers shall be provided. The queuing area or lanes shall be large enough to hold at least one and a half vehicles for each service bay in the facility. On-site driveways may be used for queuing, but may not interfere with access to required parking spaces. Regular parking spaces may not double as queuing spaces.
- I. Noise control:
  - 1. There shall be no outdoor loudspeaker (e.g., amplified sound). Interior loudspeakers shall produce not more than forty-five dBA at a boundary abutting a residential parcel under normal operating conditions.
  - 2. All noise generating equipment exposed to the exterior shall be muffled with sound absorbing materials to minimize noise impacts on adjacent properties, and shall not be operated before 8:00 a.m. or after 6:00 p.m. if reasonably likely to cause annoyance to abutting properties.
- J. Gasoline storage tanks shall meet all applicable state and local health regulations, and shall be constructed and maintained under the same conditions and standards that apply to service stations.
- K. A security plan shall be approved by the department of public safety.
- L. The city of Rohnert Park shall be indicated as the point-of-sale for sales conducted within the city.

### 17.07.200 - Vehicle Repair/Body Shops

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- A. Vehicle repair facilities may be permitted in indicated districts only with approval of a conditional use permit.
- B. The site shall be entirely paved except for buildings and landscaping.
- C. Entrances to individual service bays shall not face public rights-of-way or abutting residential uses or districts. All structures shall be constructed to achieve a minimum standard transmission coefficient (STC) sound rating of 45-50.
- D. All repair activities and operations shall be conducted entirely within an enclosed building. Outdoor hoists are prohibited.
- E. Repair facilities performing body and fender work or similar noise-generating activities shall be conducted in fully enclosed structures with walls of concrete block or similar materials and doors in maximum half open position during operating hours. All painting shall occur within a fully enclosed booth.
- F. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside the main building.
- G. Exterior parking area shall be used for employee and customer parking only, and not for the repair or finishing work or long term (over seventy-two hours) storage of vehicles. Vehicles to be repaired shall be stored on-site.
- H. Vehicle sales shall be subject to the same provisions as vehicular dealerships/rental facilities.

### 17.07.230 - Short-Term Rental

- A. Short-term rentals as described in Section 17.04.030 (Definitions) are permitted by administrative use permit in all residential districts per Section 17.06.030.
- B. Permit Required. No person shall establish, operate or maintain a short-term rental without first obtaining a valid administrative use permit (See RPMC § 17.25.050 et seq.) for operation of a short-term rental.
- C. Short-term rentals are distinct from bed and breakfast inns as described in Section 17.07.040.
- D. Short-term rentals are prohibited in accessory dwelling units and accessory structures.
- E. Short-term rentals shall be subject to the following conditions:
  - 1. No more than one bedroom of a primary dwelling unit shall be rented, let, or leased as a short-term rental.
  - 2. The short-term rental shall be rented for no more than fourteen consecutive days.
  - 3. The owner/operator of an approved short-term rental shall be required to obtain and maintain a city business license prior to operation of a short-term rental.
  - 4. All applications for short-term rentals shall include the property owner's authorization.

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5. Short-term rentals are subject to the city's transient occupancy tax. The person in whose name the administrative use permit (referenced in Section 17.07.230(B)) is issued, shall be responsible for compliance with the city's transient occupancy tax regulations as described in Chapter 3.24 (Transient Occupancy Tax).
6. No on-site exterior signage of any kind shall be allowed in conjunction with the short-term rental.
7. In every advertisement for the short-term rental, the owner/operator shall include the city issued permit number.
8. All short-term rentals must provide smoke and carbon monoxide detectors in compliance with the Rohnert Park Building Code for new construction.
9. The short-term rental shall comply with all applicable sections of the Rohnert Park Municipal Code. Any violation of this section or of the Rohnert Park Municipal Code will be considered a violation of the administrative use permit.
10. The host (owner/operator) shall provide a written manual to guests providing important contact numbers, a copy of this RPMC code section, parking limitations, and other helpful information to minimize conflict within the neighborhood.
11. The host (owner/operator) shall maintain a liability insurance policy that covers this use.

**27. Chapter 17.08** is hereby added to the **Rohnert Park Municipal Code** as follows:

### **“Chapter 17.08 – HOUSING REGULATIONS**

#### **17.08.010 - Inclusionary Housing.**

##### A. Purpose.

The purpose of this chapter is to: (1) implement the goals and objectives of the housing element of the city of Rohnert Park, (2) provide housing affordable to persons of very low, low and moderate income (3) mitigate the housing impacts caused by new residential development in the city of Rohnert Park, and (4) establish an inclusionary housing requirement or an in-lieu fee for developers of for-sale residential development projects and a fee requirement for rental residential development projects. The inclusionary requirements and/or fees required by this chapter do not replace other regulatory, development and processing fees or exactions, funding required pursuant to a development agreement or reimbursement agreement, assessments charged pursuant to special assessments or benefit assessment district proceedings, etc., unless so specified.

##### B. Definitions.

For the purposes of this chapter, the following words, phrases, and terms shall have the meanings set forth herein. Words not defined shall be given their common and ordinary meaning.

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"Affordable rent" means the maximum monthly rent an owner may charge for an allocated unit in accordance with Section 50053 of the California Health and Safety Code, less the appropriate allowance for utilities.

"Affordable sales price" means the maximum purchase price that will be affordable to the specified target income household. A maximum purchase price shall be considered affordable only if the owner-occupied monthly housing payment is equal to or less than one-twelfth of thirty percent of income for the specified target income household. Affordable sales price shall be based on presumed occupancy levels of one person in a studio unit, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.

"Affordable units" means those dwelling units which are required to be rented at affordable rents or purchased at an affordable sales price to specified households.

"Annual household income" means the combined gross income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor.

"Building permit" means a permit issued pursuant to Chapter 15.08 of Title 15 of the Rohnert Park Municipal Code.

"Building official" means the chief building official of the city of Rohnert Park, or the designee of such individual.

"Concession" or "incentive" shall have the same meaning and applicability as set forth in Government Code Section 65915. Concessions and incentives may include, at the discretion of the city, any of the following: (1) a reduction in site development standards, or a modification of zoning requirements or architectural design requirements which exceed the minimum building standards approved by the State, including but not limited to minimum lot size, open space, yard, landscape maintenance, fencing, utility undergrounding, sidewalk, right-of-way dedication (not including curb-to-curb street width standards), parking and/or setback requirements; (2) approval of mixed use zoning in conjunction with the housing project if the non-residential uses will reduce the cost of the residential development and if the city determines that the non-residential uses are compatible with both the housing project and the existing or planned development in the area in which the housing project will be located; or (3) other regulatory incentives or concessions proposed by the developer which the developer shows will result in identifiable cost reductions, including but not limited to a waiver, reduction and/or reimbursement of taxes and fees which otherwise would be imposed on the project.

"Construction costs" means the estimated cost per square foot of construction, as established by the building department of the city of Rohnert Park for use in the setting of regulatory fees and building permits, multiplied by the total square footage, minus the garage floor area, to be constructed.

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"Developer" means every person, firm, or corporation constructing, placing, or creating residential development directly or through the services of any employee, agent, independent contractor or otherwise.

"Dwelling unit" shall have the meaning set forth in Chapter 17.04 of Title 17 of the city of Rohnert Park Municipal Code.

"For-sale residential development project" means a residential development project, or portion thereof, whose units are sold to individual home owners.

"Housing in-lieu fee" means the fee established for for-sale residential development projects that can be paid in lieu of constructing affordable units.

"Low-income households" means those households with incomes of up to eighty percent of median income.

"Market rate units" means those dwelling units in a residential development project which are not affordable units.

"Median income" means the median income, adjusted for family size, applicable to Sonoma County as published annually pursuant to Title 25 of the California Code of Regulations, Section 6932 (or its successor provision) by the United States Department of Housing and Urban Development.

"Moderate income households" means those households with incomes of up to one hundred twenty percent of median income.

"Owner-occupied monthly housing payment" means the sum equal to the principal, interest, property taxes, homeowner's insurance and homeowner's association dues paid on an annual basis divided by twelve.

"Rental affordable housing fee" means the fee established for rental residential development projects that is paid to offset the impacts of a rental residential development project.

"Rental residential development project" means a residential development project, or portion thereof, owned by one or more entities whose units are rented to tenants.

"Residential development project" or "residential project" means a project for the construction or placement of any dwelling unit in a permanent location, or the subdivision of land which is planned, designed, or used for the following land use categories:

- a. Single-family residential: This category consists of single-family detached units and duplexes.
- b. Multi-family residential: This category consists of buildings containing three or more dwelling units and mobile home parks.

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"Very low-income households" means those households with incomes of up to fifty percent of median income.

### C. For-sale residential development projects: Inclusionary requirements.

1. In a for-sale residential development project of over fifty (50) units, at least fifteen percent of all new dwelling units shall be affordable, and shall be constructed and completed not later than the related market rate units. For a for-sale residential development project of fifty (50) units or less, which is not part of a larger project, the developer may elect, at his or her option, to construct fifteen percent of the units as affordable as provided herein, or to pay the in-lieu fee specified in Section 17.08.010(F).
2. One half of the affordable units shall be affordable to low-income households and the other half shall be affordable to moderate-income households. Where the number of required affordable units is an odd number, the number of units affordable to moderate income households may be one greater than the number affordable to low income households.
3. For fractions of required affordable units, the developer may elect, at his or her option, to construct the next higher whole number of affordable units, perform an alternative equivalent action, which has received the approval of council pursuant to Section 17.08.010(D) or pay the in-lieu fee specified in subsection 17.08.010(F) for such fraction.
4. If a developer elects to make all of the units required to be affordable to moderate-income households, affordable to median-income households, low-income households, or very-low income households, the developer shall be entitled to an additional density bonus of five percent for the proposed development.
5. Affordable units shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the same residential project. While the square footage of affordable units and interior features may not be equivalent to those in market rate units in the same residential project, all features shall be of good quality and consistent with contemporary standards for new housing.
6. Affordable units shall be dispersed throughout the residential project unless an alternative design, which furthers affordable housing opportunities, approved by the City Council.
7. Every discretionary permit for a for-sale residential development project approved after the effective date of this chapter shall contain a condition detailing the method of compliance with this chapter.
8. Prior to the issuance of building permits for the affordable units, regulatory agreements, resale restrictions, deed restrictions, deeds of trust and/or other documents, in a form approved by the City Manager and City Attorney must be recorded against parcels having such affordable units. The agreements should include the following terms:
  - a. The term of any and all agreements shall be a minimum of ninety-nine (99) years.
  - b. The maximum sales price of any affordable unit shall not exceed an affordable sales price.
  - c. The resale restrictions shall provide that in the event of the sale of an affordable unit, the city shall have the right to purchase or assign its right to purchase such unit at an affordable sales price.
  - d. The current owner may be required to pay a transfer fee for any change of ownership during the term of the agreement.

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- D. For-sale Residential Development Project: Alternative equivalent action.
1. A developer of a for-sale residential development project may propose to meet the requirements of Section 17.08.010(C)) by an alternative equivalent action, subject to the review and approval by the city council. An alternative equivalent action shall be considered on a case-by-case basis and may be approved at the city council's sole discretion, if the council determines that such alternative action will further compliance with city's adopted housing element to an equal or greater extent than compliance with the express requirements of subsection Section 17.08.010(C).
  2. An alternative equivalent action may include, but is not limited to, donation of vacant land suitable for housing to a non-profit housing developer, transfer of inclusionary unit credits, construction of affordable units on another site, enforcement of required rental/sales price restrictions on existing market-rate dwelling units, and/or development of second dwelling units.
    - a. Land donation. An applicant may donate land to a non-profit housing developer in place of actual construction of required affordable units upon approval of the city council. The dedicated land must be appropriately zoned, buildable, free of toxic substances and contaminated soils. It must be large enough to accommodate the number of required affordable units as indicated by a conceptual development plan. The land that is donated shall include lots that are fully improved with infrastructure, adjacent utilities, and grading, and fees paid.
    - b. Transfer of inclusionary unit credits. The requirements of this section may be satisfied by acquiring inclusionary unit credits that are transferable from one residential development project to another. The city council may approve issuance of a specified number of credit certificates for that number of affordable units provided by a particular residential development project in excess of the minimum number required for the project. Credit certificates shall be issued for specific income categories and may only be used to satisfy the requirements for affordable units within that same income category. All credit transfers must be approved by the City Manager and documented in a form suitable to the City Attorney.
    - c. Second dwelling units. Not more than fifty percent of the requirements of this section may be satisfied through the development of second dwelling units at a ratio of two second dwelling units counted as one affordable housing unit. All second units counted toward meeting the affordable unit requirement shall be subject to the provisions of Section 17.08.010(C)(8). Second dwelling units shall only be allowed for meeting the affordability requirements for very-low and low-income households.
- E. Affordable housing concessions or incentives.
1. For-sale residential projects which meet or exceed the requirements specified in 17.08.010(C) and/or for rental residential projects that propose to include affordable units within the project, the city council may consider, in its sole discretion, the provision of the following additional concessions or incentives identified in Government Code Section 65915 which are consistent with state law and the housing element of the city of Rohnert Park general plan.
    - a. An additional density bonus or other incentives of equal financial value subject to the city council's review and approval.

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- b. Waiver or modification of city standards that have a direct impact on reducing total project costs while remaining consistent with the latest edition of the California Building Code. The developer shall be responsible for documenting that the waiver or modification is necessary for the feasibility of the residential development project and is consistent with all applicable provisions of the California Building Code.
- c. Provision of direct financial assistance in the form of a loan or grant using trust fund or other appropriate available funds subject to the recommendation of the city manager.
- d. Deferral of payment of all city-required fees on market rate units until issuance of a certificate of occupancy.
- e. Any additional concessions or incentives consistent with state law and the housing element of the city of Rohnert Park general plan.

### F. Housing In-Lieu Fee.

- 1. Developers of for-sale residential projects proposing 50 units or less, which are not part of a larger project, and developers of for-sale residential projects with fractional inclusionary housing requirements may elect to pay a residential affordable housing in-lieu fee in the amount set forth by City Council.
- 2. Unless otherwise preempted by law, the housing in-lieu fee shall be paid prior to the issuance of a building permit.
- 3. In establishing the residential affordable housing in-lieu fee, the City Council shall consider the affordability gap between development costs and the value of the affordable units, based on income levels.

### G. Rental Affordable Housing Fee

- 1. Developers of all new rental residential development projects must pay a rental affordable housing fee in the amount set forth by the City Council.
- 2. Unless otherwise preempted by law, the rental affordable housing fee shall be paid prior to the issuance of a building permit.

### H. Exceptions. Section 17.08.010 shall not apply to a residential development project which falls into one or more of the following categories:

- 1. A residential development project to the extent it has received a vested right to proceed without payment of housing impact fees pursuant to state law.
- 2. Building permits for residential development projects if compliance with this section for such project has already been satisfied including, but not limited to, building permits on newly created lots where the subdivider has built affordable units or otherwise satisfied this section.
- 3. Any dwelling unit or residential development project which is damaged or destroyed by fire or natural catastrophes so long as the square footage and use of the building remains the same.
- 4. A residential development project subject to a development agreement that provides for alternative means of addressing the affordable housing requirements of this section, such as an alternative equivalent action.

### I. Adjustment or Waiver Procedures

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1. A developer of any project subject to the requirements of 17.08.010 may appeal to the city council for a reduction, adjustment, or waiver of the requirements based upon the absence of any reasonable relationship between the impacts of development and the amount of the fee charged or the inclusionary requirement, as applicable.
2. A developer subject to the requirements of this chapter who has received an approved tentative subdivision or parcel map, use permit or similar discretionary approval and who submits a new or revised tentative subdivision or parcel map, use permit or similar discretionary approval for the same property may appeal for a reduction, adjustment or waiver of the requirements with respect to the number of lots or square footage of construction previously approved.
3. Any such appeal shall be made in writing and filed with the city clerk not later than ten calendar days before the first public hearing on any discretionary approval or permit for the development, or if no such discretionary approval or permit is required, or if the action complained of occurs after the first public hearing on such permit or approval, the appeal shall be filed within ten calendar days after payment of the fees objected to.
4. The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment. The city council shall consider the appeal at the public hearing on the permit application or at a separate hearing within sixty calendar days after the filing of the appeal, whichever is later. The appellant shall bear the burden of presenting substantial evidence to support the appeal including comparable technical information to support appellant's position and shall bear the cost of the appeal.
5. No waiver shall be approved by the city council for a new tentative subdivision or parcel map, use permit or similar discretionary approval on property with an approved tentative subdivision or parcel map, use permit or similar discretionary permit unless the council finds that the new tentative subdivision or parcel map, use permit or similar discretionary approval is superior to the approved project both in its design and its mitigation of environmental impacts. The decision of the council shall be final. If a reduction, adjustment, or waiver is granted, any change in the project shall invalidate the waiver, adjustment, or reduction of the fee or inclusionary requirement.

### J. Use of Affordable Housing Fees

1. All rental affordable housing fees and in-lieu fees shall be deposited into a segregated account and all expenditures of these funds shall be documented and included in an annual report which shall be available for public inspection.
2. Fee and in-lieu fee payments, together with any interest earnings on such monies, shall be used in accordance with and in support of activities to implement the city's adopted housing element and increase, improve and maintain the supply of housing affordable to very low, low and moderate income households. The affordable housing funds may be expended for the benefit of both rental and for-sale housing. Allowable activities shall include:
  - a. Acquisition of property and property rights;
  - b. Direct expenditure for capital projects or incidental noncapital expenditures, related to capital projects, including, but not limited to, construction and rehabilitation of new and existing affordable housing stock;
  - c. Reimbursement to the city for eligible costs if funds were advanced by the city from other sources;

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- d. Reimbursement of developers or property owners who have been required or permitted to install facilities which are beyond that which can be attributed to a specific development;
- e. Subsidies and counseling for qualifying households;
- f. Assistance to other governmental entities, private organizations or individuals to expand affordable housing opportunities for qualifying households; and
- g. Reasonable administrative expenses not reimbursed through processing fees, including reasonable consultant and legal expenses related to the establishment and/or administration of the residential affordable housing fund and reasonable expenses for administering the process of calculating, collecting, and accounting for the fees and any deferred city fees authorized by this section.

### K. Enforcement Provisions.

- 1. It is unlawful, a public nuisance and a misdemeanor for any person to sell or rent an affordable unit at a price or rent exceeding the maximum allowed under this chapter or to a household not qualified under this chapter, and such person shall be subject to a five hundred dollar fine per month from the date of original noncompliance until the affordable unit is in compliance with this section.
- 2. The Rohnert Park city attorney's office or the Sonoma County district attorney, as appropriate, shall be authorized to abate violations of this chapter and to enforce the provisions of this chapter and all implementing regulatory agreements and resale controls placed on affordable units by civil action, injunctive relief, and any other proceeding or method permitted by law.
- 3. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the city from any other remedy or relief to which it otherwise would be entitled under law or equity.

### 17.08.020 - Density Bonus.

- A. Purpose. This section shall apply to any housing development project that is eligible to receive a density bonus pursuant to the State Density Bonus Law.
- B. Applicability. This section shall apply to any housing development project that is eligible to receive a density bonus pursuant to the State Density Bonus Law.
- C. Definitions. The following terms are defined for purpose of this section:
  - “Affordable units” means the proposed housing units available for rent or sale to households pursuant to the State Density Bonus Law, as defined herein.
  - "Base units" means the total number of units in a housing development, not including units added through a density bonus pursuant to this section.
  - "Concession" shall have the same meaning as the term "concession or incentive" pursuant to the State Density Bonus Law, as defined in Government Code Section 65915 subdivision (k), as may be amended.

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"Housing development" shall have the same meaning as the term "housing development" pursuant to the State Density Bonus Law, as defined in Government Code Section 65915 subdivision (i), as may be amended.

"Identifiable and actual cost reduction to provide for affordable housing cost" means a reasonably quantifiable cost reduction that would be achieved for a housing development through a concession.

"Maximum allowable residential density" means the maximum residential density allowed for a housing development under this section and the land use element of the general plan. If the density allowed under Title 17 of the Rohnert Park Municipal Code is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. For purposes of this definition, residential density shall be calculated based upon the gross acreage of a housing development. If a housing development is proposed to be located on any property without a defined dwelling units per acre standard, the maximum allowable residential density shall be the base density as established by the applicant pursuant to Section 17.08.020(E)(12).

"Reasonable documentation to establish eligibility for a concession" means a credible written explanation or other documentation demonstrating to the reasonable satisfaction of the development services director or designee that a concession will achieve an identifiable and actual cost reduction to provide for affordable housing cost.

"State Density Bonus Law" means California Government Code Section 65915, et seq, as the same may be renumbered or amended.

D Adoption of State Density Bonus Law. The State Density Bonus Law is hereby adopted by reference. The development service director shall have the authority to prepare, adopt, and periodically update administrative guidelines consistent with this division and State Density Bonus Law, without further action of the planning commission or city council, to reflect changes in state law.

E. Application requirements. An applicant requesting a density bonus pursuant to State Density Bonus Law shall submit the following information as part of an application or application for a housing development:

1. A project summary table demonstrating the basis under the State Density Bonus Law on which the applicant is requesting a density bonus, including the maximum allowable density permitted by the zoning and general plan designations excluding any density bonus; base units; proposed number of affordable units by income level; proposed bonus percentage; total number of dwelling units; residential gross floor area and total gross floor area proposed; density per acre; proposed number of parking spaces; and unit and bedroom counts and unit types for the purpose of calculating parking requirements;
2. A preliminary site plan, drawn to scale, showing the number and location of all proposed units;
3. A legal description of the site;
4. A boundary survey;

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5. An identification of the maximum density bonus to which the housing development is entitled on the basis requested;
6. An identification of any concession(s) sought and reasonable documentation consisting of a detailed written statement to establish eligibility for the concession(s).
7. An identification of any waiver(s) sought and a detailed written explanation of why the development standard from which any waiver is sought would have the effect of physically precluding the construction of the housing development at the density and with any concession(s) or parking ratio reduction sought.
8. If the housing development is proposed on any property that includes a parcel or parcels with existing dwelling units or dwelling units that have been vacated or demolished in the five-year period preceding the application, an explanation of how the project meets the State Density Bonus Law's replacement housing requirements, if applicable, set forth in Government Code Section 65915 subdivision (c)(3), as may be amended.
9. If the density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control and reasonable documentation that each of the requirements pursuant to State Density Bonus Law, set forth in Government Code Section 65915 subdivision (g), as may be amended, can be met.
10. If the density bonus or concession requested is based all or in part on the inclusion of a child-care facility, a written summary addressing the eligibility requirements pursuant to State Density Bonus Law, as set forth in Government Code Section 65915 subdivision (h), as may be amended, have been met.
11. If the density bonus or concession is based all or in part on the inclusion of affordable units as part of a condominium conversion, written summary addressing the eligibility requirements pursuant to State Density Bonus Law, set forth in Government Code Section 65915.5, as may be amended, have been met.
12. If the housing development is proposed to be located on any property that includes a parcel or parcels for which no maximum density is established by the general plan or zoning, then the applicant shall determine a base density by determining the maximum number of units that could be provided by a hypothetical housing development consistent with all applicable development standards. The average unit size for the hypothetical housing development shall be at least as large as the average unit size for the housing development proposed. The application for a density bonus shall include a table with calculations and diagrams for the hypothetical housing development used to determine the base density.

### F. Application Review Procedure.

1. The development services director shall process the density bonus application concurrently with all other applications required for the housing development. The development services director shall provide the applicant with notice whether the application is complete consistent with Government Code Section 65943.
2. At the time the application is deemed complete, the development services director shall provide the applicant with a determination regarding the amount of density

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bonus and the parking ratio for which the housing development is eligible and whether adequate information has been submitted for the development services director to make a determination regarding any requested concessions and waivers.

3. If the proposed housing development would be inconsistent with the State Density Bonus Law, then the development services director shall provide the applicant notice describing the inconsistency(ies) pursuant to the Housing Accountability Act, Government Code Section 65589.5.
4. All requests for density bonuses, concessions, parking ratios, or waivers shall be considered and acted upon by the approval body with authority to approve the housing development within the timelines prescribed by Government Code Sections 65950 et seq. The approval body shall grant the request(s) pursuant to State Density Bonus Law if the following findings are met:
  - a. The project is a housing development that qualifies for a density bonus and meets all applicable eligibility requirements;
  - b. The housing development has provided sufficient affordable units or otherwise meets all eligibility requirements;
  - c. If a reduced parking ratio is requested, the housing development meets all eligibility requirements, unless the city makes certain findings pursuant to state density bonus law, as set forth in Government Code Section 65915 subdivision (p)(8), as may be amended;
  - d. If concessions are requested, the housing development meets all eligibility requirements, unless the city makes certain findings pursuant to state density bonus law, as currently defined in Government Code Section 65915 subdivision (d)(1), as may be amended; and
  - e. If waivers are requested, the development standards requested to be waived would physically preclude construction of the housing development at the density and with any concession(s) or parking ratio reduction sought, unless the city makes certain findings pursuant to state density bonus law, as set forth in Government Code Section 65915 subdivision (e)(1), as may be amended.

### G. Affordability Requirements

1. Affordable rental units provided by a housing development to meet State Density Bonus Law requirements shall be subject to an affordable housing agreement recorded against the housing development with a fifty-five (55) year term commencing upon the issuance of certificates of occupancy. The form of the affordable housing agreement shall be approved by the city attorney.
2. For-sale affordable units provided by a housing development to meet State Density Bonus requirements shall be subject to a recorded affordable housing agreement approved as to form by the city attorney commencing upon the issuance of certificates of occupancy. The affordable housing agreement shall, at a minimum, require that:

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- a. Each for-sale affordable unit shall be sold to an income qualified household at an affordable housing cost, as defined in Section 17.08.010(B); and
- b. Each for-sale affordable unit shall be sold to the initial purchaser subject to a recorded resale restriction agreement approved as to form by the city attorney, which shall:
  - i. Have a forty-five (45) year term or longer if required by another public financing source or law;
  - ii. Restrict the resale price of the unit to an affordable housing cost, as defined in the resale restriction agreement; and
  - iii. Require that if the unit is sold to a subsequent purchaser during the term of the agreement, the purchaser shall purchase the unit subject to a resale restriction agreement approved as to form by the city attorney with a new forty-five (45) year term or longer if required by another public financing source or law.

### H. Appeal process

1. Any actions of the approval body relating to the overall project approval shall be subject to the appeal provisions under Chapter 17.25, Article XII.
2. An applicant may initiate judicial proceedings to contest a final decision on an application for a density bonus, incentive or concession, as authorized under Government Code Section 65915.

### 17.08.030 - Emergency Shelters and Low-Barrier Navigation Centers.

- A. Unless the context clearly indicates to the contrary, the terms used in this section shall have the same meaning as provided for in Section 17.04.030 of this code.
- B. Applicability. This section provides standards and guidelines for the siting, development and management of emergency shelters and low barrier navigations centers.
- C. Standards Specific to Emergency Shelters. An emergency shelter is a permitted or conditionally permitted use within the zones outlined in Chapter 17.06. Emergency shelters must meet the following requirements:
  1. Off-Street Parking. Facilities shall have one off-street parking spaces for every employee working during the peak shift. If the requirement applicable to another use within the same zone would require fewer parking spaces for an emergency shelter, that requirement shall apply instead. If multiple requirements meet this provision, the lowest requirement shall apply.
  2. Client Waiting / Intake Area. An indoor client waiting/intake area shall be provided, with a floor area not less than 100 square feet.

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3. On-Site Management. On-site management personnel shall be provided continuously from at least one hour before the facility opens to clients until one hour after the last client leaves.
  4. Proximity to Other Shelters. There shall be a minimum distance requirement of three hundred feet between such facilities as measured between the closest points on the exterior property lines or area boundaries of the parcels or areas involved.
  5. Exterior Lighting. Exterior lighting must be provided at all building entrances and outdoor activity areas, and must be activated between sunset and sunrise of each day. All exterior lighting must comply with Code Section 17.12.050.
- D. Standards Specific to Low Barrier Navigation Centers. A low barrier navigation center is allowed by-right in mixed-use and nonresidential zones permitting multifamily uses, if it meets the following requirements:
1. Connected Services. The center offers services to connect people to permanent housing through a services plan that identifies services staffing.
  2. Coordinated Entry System. The center is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. "Coordinated entry system" means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate client intake, assessment, and referrals.
  3. Code Compliant. The center complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
  4. Homeless Management Information System. It has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

### **17.08.040 - Accessory Dwelling Units and Junior Accessory Dwelling Units.**

- A. Accessory dwelling units (ADUs) or junior accessory dwelling unit (JADUs) shall be a permitted use on any lot zoned to allow for single-family or multi-family residential uses, including mixed-use zones, subject to the requirements of this subsection.
- B. ADUs or JADUs shall not be sold separately from the primary structure on the lot nor shall any subdivision of the land separating the ADU and the primary structure be permitted by the City, except for a separate sale or conveyance as authorized under Government Code Section 66341. No separate sale of a JADU from the primary structure, nor subdivision of the land separating a JADU and the primary structure be permitted by the city.

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- C. The application for an ADU or JADU shall be considered ministerially without discretionary review or a hearing within sixty days after receiving the application if there is an existing single family or multi-family dwelling on the lot, unless the applicant requests a delay. If the application for the ADU or JADU is proposed in conjunction with an application for a new single-family dwelling or multi-family dwelling, the application will be processed ministerially after the application for such dwelling unit(s) has been acted on.
- D. General Design Requirements. The following standards shall apply to ADUs or JADUs, unless the Streamlining Provisions and Exemptions set forth in Section 17.08.040(E) are applicable:
1. The ADU or JADU shall also comply with any objective standards in the City's adopted design guidelines for residential development.
  2. The maximum square footage of interior livable space for either an attached or detached ADU shall be:
    - a. Eight hundred fifty square feet for an ADU with one bedroom or less.
    - b. One thousand square feet for an ADU with two bedrooms or more.
    - c. For an attached ADU over eight hundred square feet constructed on a lot with an existing primary dwelling unit, the total floor area of the attached accessory dwelling unit shall not exceed fifty percent of the floor area of that existing dwelling.
  3. For ADUs larger than eight hundred square feet, the ADU together with the primary residence shall not cover more than fifty percent of the lot area. No lot coverage requirement shall be applied to an ADU of eight hundred square feet or less.
  4. No passageway shall be required in conjunction with the construction of an ADU.
  5. Fire sprinklers are only required in ADUs where they would also be required under this code for the primary dwelling. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in any existing dwelling.
  6. The following height limits shall apply:
    - a. A height of sixteen feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multi-family dwelling unit.
    - b. A height of eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multi-family dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, subject to an additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.
    - c. A height of eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed multi-family, multistory dwelling.

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- d. A height of twenty-five feet or the height limitation specified in Chapter 17.10 that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling.
7. Any standard that does not allow for the construction of at least one ADU of at least eight hundred square feet that meets four-foot side and rear setback requirements and applicable height limits shall not be imposed, including any minimum or maximum size for an ADU, any setback requirement (including front yard setback), size based on percentage of the proposed or existing primary dwelling unit, or limits on lot coverage, floor area ratio, open space, lot size, or landscaping. Only the minimum deviation needed to construct an eight hundred square foot ADU shall be considered.
8. Notwithstanding anything in this code to the contrary, any procedural requirement such as zoning clearance or separate zoning review that does not allow for the construction of at least one ADU of at least eight hundred square feet shall not be imposed.
- E. Streamlining Provisions and Exemptions. Except as provided for in this section no more than one ADU and one JADU shall be permitted per single-family, multi-family or mixed use lot in compliance with all other requirements in this section. Notwithstanding the foregoing limitation or anything in this code to the contrary, the zoning administrator and building official shall cause certificates of zoning compliance and building permits to be ministerially approved for the following projects:
  1. For any lot with a proposed or existing single-family dwelling, one attached ADU and one JADU shall be permitted when all of the following apply:
    - a. The ADU or JADU is within the existing or proposed single-family dwelling or accessory structure. The limits of the "existing structure" may include an expansion of not more than one hundred fifty square feet to accommodate ingress and egress.
    - b. The ADU or JADU has exterior access that is separate from the exterior entrance for the proposed or existing single-family dwelling.
    - c. The side and rear setbacks are sufficient for fire and safety.
    - d. The JADU, if applied for, meets all the requirements for JADUs outlined in this section.
  2. For a lot with a proposed or existing single family dwelling, one detached ADU shall be permitted when all of the following apply:
    - a. Four-foot side and rear yard setbacks are maintained.
    - b. The total height complies with the requirements of this section.
    - c. The detached ADU may be combined with the JADU, described in Section 17.08.840(E)(1), provided all requirements for JADUs outlined in this section are met.

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3. For a lot with an existing multi-family dwelling, not more than eight detached ADUs, not to exceed the number of existing units on the lot, shall be permitted when all of the following apply:
    - a. Four-foot side and rear yard setbacks are maintained.
    - b. The total height complies with the requirements of this section. .
  4. For a lot with a proposed multi-family dwelling, not more than two detached ADUs shall be permitted when all of the following apply:
    - a. Four-foot side and rear yard setbacks are maintained.
    - b. The total height complies with the requirements of this section.
  5. Conversion of portions of existing multi-family dwelling structures which are not currently used as livable space (e.g. storage rooms, boiler rooms, attics) shall be permitted to ADUs provided that each ADU complies with state building standards for dwellings. At least one new ADU created from such conversions shall be permitted per existing multi-family structure, up to a maximum of a twenty-five percent increase in the total number of units in the existing structure, to a maximum of eight ADUs.
- F. Additional Requirements for Junior Accessory Dwelling Units.
1. The maximum interior livable space of a JADU shall be no more than five hundred square feet, and a JADU shall be contained entirely within an existing or proposed dwelling unit except that an expansion to accommodate an entrance may be permitted under Section 17.08.840(E)(1). For purposes of this paragraph, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.
  2. Utilities may be shared with the primary dwelling unit.
  3. A JADU may include interior entry to the main living area. A second interior door may be included for sound attenuation. A separate entrance from the main entrance to the proposed or existing single-family residence is required.
  4. A JADU shall include an efficiency kitchen, with the following minimal requirements:
    - a. A sink with a maximum waste line diameter of one and one-half inches;
    - b. A cooking facility with appliances that do not require electrical service greater than one hundred twenty volts, natural gas, or propane gas; and
    - c. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the dwelling unit.
  5. Owner occupancy shall be required for each JADU that has shared sanitary facilities with the primary dwelling. The owner shall reside either in the primary dwelling unit or the newly created JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

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6. Each JADU shall be subject to a deed restriction, in a form approved by the city and recorded prior to issuance of certificate of occupancy, with provisions specifying that:
    - a. If the junior accessory dwelling unit has shared sanitation facilities with the existing structure, owner occupancy of either primary dwelling or JADU shall be required.
    - b. The JADU is restricted to the size and attributes approved by the city.
    - c. A prohibition on sale of the JADU separate from the primary dwelling, and notice to future purchasers regarding the enforcement of this restriction.
    4. No JADU shall be rented for a period of fewer than thirty consecutive days.
    5. Restrictions requiring that on purchase, any subsequent owner either remove the JADU (including obtaining all required permits) or demonstrate compliance with owner-occupancy requirements specified in this section, except such requirements shall not apply to an owner who is a governmental agency, land trust, or housing organization.
- G. Parking Requirements.
1. No parking shall be required for a new ADU or JADU.
  2. Notwithstanding other provisions of this code, when a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU or JADU, there shall be no requirement imposed to replace the off-street parking spaces.
- H. Capacity, Connection and Impact Fees.
1. Except for the case where an ADU or JADU is constructed within an existing single family dwelling unit in accordance with Section 17.08.840(E)(1), a new, separate or upgraded utility connection may be required between the primary residence/ADU and the public water or sewer utility if site specific conditions necessitate a new connection in order to provide minimum levels of utility service. Connection fee or capacity charges may be calculated proportionate to the burden of the proposed ADU based upon either its square feet, the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, or any other method that reasonably estimates the proportional impact of the ADU.
  2. Before obtaining a certificate of occupancy for an ADU or JADU, the applicant shall demonstrate adequate water and sewer service available to serve the ADU or JADU, as determined by the city engineer.
  3. For the purposes of providing services for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit. An ADU shall not be considered a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU is constructed with a new single-family dwelling.

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4. No impact fee shall be assessed upon the development of an ADU less than seven hundred fifty square feet or any JADU, and impact fees charged for an accessory dwelling unit of seven hundred fifty square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- I. No certificate of occupancy for an ADU or JADU shall be issued before a certificate of occupancy has been issued for the primary dwelling.
- J. No ADU or JADU shall be rented for a period of fewer than thirty consecutive days.
- K. Enforcement. In addition to other requirements of this code, notices issued to correct a violation of a building standard pertaining to an ADU or JADU shall comply with Section 17980.12 of the Health and Safety Code.

### 17.08.050 -Live/Work.

- A. Purpose. The purpose of this section is to make new and existing commercial buildings available for joint living and work quarters for individuals and families engaged in art-making, small-scale custom manufacturing and similar creative endeavors. The cultural and economic life of the city is enhanced by the residents regularly engaged in the arts. It is the intent of these regulations to:
  1. Allow the reuse of existing buildings as live/work space.
  2. Allow for the construction of new buildings specifically designed for live/work.
  3. Ensure that the permitted commercial uses shall not be interfered with or compromised by the live/work uses allowed under these regulations.
- B. Permitted Use. Live/work uses will be permitted in commercial and mixed-use districts only with approval of a conditional use permit and subject to the following provisions, except as modified by a conditional use permit.
- C. Live/Work Standards. Live/work buildings shall comply with the following standards:
  41. The minimum total gross square footage of a live/work space shall be seven hundred fifty square feet. The maximum density for a live/work development is one live/work space for each three thousand square feet of lot area.
  2. The workspace must meet the requirements of the building code for the type of activity/use being undertaken. The living portion of the unit shall be incidental to the live/work space and the live/work space shall be maintained and classified as a business use.
  3. The parking and loading requirements for live/work shall be the same as for the similar commercial/industrial use. A minimum of two parking spaces per unit shall be provided.
  4. The yard/setback requirements shall be the same as the base zoning designation.
  5. The height limit requirements shall be the same as the base zoning designation.
  6. The permitted work activities shall be in accordance with the base zoning designation.

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7. The reuse of existing commercial or industrial buildings for live/work occupancy shall not necessarily constitute a change of use.
8. The occupant of a live/work space, by selecting this type of occupancy accepts the conditions found in the area including, but not limited to, industrial noise, pollution, fumes, dirt, traffic, and odors to the extent that they are permitted by law in the base district. The planning commission may include conditions to this effect that would be recorded as part of the approval of a live/work application.
9. The live/work use must be in compliance with all applicable performance standards.
10. The living space shall not be rented separately from the working space.
11. Signs that identify the location of an occupation in a live/work unit provided the sign does not exceed one square foot, is attached to the wall of the building in which the use is housed and is nonilluminated. For building groups that involve four or more live/work units, an integrated sign program shall be required in accordance with Section 17.27.030(B) (Sign programs).
12. Live/work units shall be occupied and used only by a business operator, or a family of which at least one member shall be the business operator.

### 17.08.060 - Single Room Occupancy Units.

- A. Single room occupancy (SRO) living unit facility. An SRO living unit facility may be permitted or permitted with approval of an administrative permit in indicated districts subject to the following conditions:
  1. Excluding the closet and the bathroom area, a SRO living unit shall be a minimum of one hundred fifty sq. ft. in floor area. The average unit size in a living unit facility shall be no greater than two hundred seventy-five sq. ft. and no individual unit may exceed 400 sq. ft.;
  2. Each SRO living unit shall be designed to accommodate a maximum of two persons;
  3. An SRO living unit may contain partial kitchen facilities that are built-in and approved by the building department;
  4. Individual SRO living units shall not have separate external entryways;
  5. An SRO living unit shall be provided with a kitchen equipped with a kitchen sink; however, an SRO unit may contain partial kitchen facilities so long as a sink is provided and kitchen facilities are provided on each floor accessible from a public hallway; all complete and partial kitchen facilities shall be built-in and approved by the building department;
  6. An SRO living unit shall be provided with a separate closet and a bathroom equipped with facilities consisting of a water closet, lavatory, and either a bathtub or shower;

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7. The SRO living unit facility shall have a management plan approved by the development services director. The management plan shall contain management policies, operations, rental procedures, and maintenance plans, staffing needs and security procedures. An on-site, twenty-four hour manager is required in every living unit project. The rental procedures must allow for both weekly and monthly tenancies and specify deposit requirements for each type of tenancy. A manager's unit shall be a complete dwelling unit and so designated on all plans;
8. Laundry facilities shall be provided in a separate room at the ratio of one washer and one dryer for every twenty units or fractional number thereof. The laundry facility shall be located near the interior common space. Washers and dryers shall be coin operated;
9. A closet and separate storage space, as approved by the development services director, is required in every SRO living unit facility;
10. A cleaning supply storeroom and/or utility closet with at least one laundry tub with hot and cold running water shall be provided on each floor of the living unit building.
11. The SRO living unit facility shall provide interior common space at a minimum of four sq. ft. per unit. An SRO living unit facility must provide at least two hundred sq. ft. in area of interior common space, excluding janitorial storage, laundry facilities, and common hallways.

The planning commission or development services director shall deny an application for a SRO living unit facility hereunder where the information submitted by the applicant and/or presented at the public hearing fails to substantiate that the project will comply with these criteria.

### **17.08.070 - Residential Conversion to Non-Residential Uses.**

- A. The conversion of a residential use to a non-residential use shall be allowed upon the issuance of a zoning compliance approval. The proposed use shall be consistent with the underlying zoning district and general plan land use designation(s) for the site, or the designation(s) for the site must be amended to permit the intended the use. In reviewing an application for a conversion the planning and community development director shall consider the potential impacts of the conversion, on surrounding properties and may impose any conditions necessary to mitigate those impacts.
- B. Further, the city council may only approve an amendment to the zoning map or zoning regulations if adequate and available sites remain (refer to the Quantified Housing Objectives in the city's housing element of the general plan) to mitigate the loss of residential density on the subject property to accommodate the city's "Fair Share" regional housing needs used by the State Department of Housing and Development in determining compliance with Housing Element Law pursuant to Government Code Section 65863(b).

### **17.08.080 - Condominium Conversions.**

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- A. Purpose. Condominium ownership of property creates a unique distribution and/or aggregation of property rights and responsibilities among a number of persons, which is not inherent in other types of property ownership. This section provides condominium development standards that are consistent with the City of Rohnert Park General Plan and the requirements of the Subdivision Map Act, to insure that a diminution of property rights and responsibilities does not occur. Accordingly the purpose of this chapter is to:
1. Establish criteria for the conversion of existing multiple family rental housing to condominiums, community apartments, stock cooperatives, and any similar subdivision;
  2. Reduce the impact of such conversions on residents in rental housing who may be required to relocate due to the conversion of apartments to condominiums;
  3. Assure that purchasers of converted housing have been properly informed of the physical condition of the structure being offered for purchase;
  4. Ensure that converted housing achieves a high degree of appearance, quality, and safety and is consistent with the goals of the city;
  5. Provide a reasonable balance of ownership and rental housing in the city and a variety of choices of tenure, type, price and location of housing;
  6. Maintain a supply of rental housing for low and moderate income persons; and
  7. Ensure that the conversion of rental housing incorporates affordability opportunities for families of low and moderate-income households.
- B. Application Submittal Requirements and Procedures. Application for conversion of any rental housing to condominiums, community apartments, and stock cooperatives shall only be accepted for review and processing when no rental shortage exists and when such application includes all materials listed below. A rental shortage shall be deemed to exist when the citywide vacancy rate is five percent or less as determined by a qualified professional and using the average of the past four quarters from a vacancy trend report for local rental markets.
1. General. All application submittal requirements and procedures as set forth by Title 16 of this code shall be applicable to this section. Application submittal requirements are due at tentative map application in accordance with Title 16.
  2. Physical Elements Report. A report shall be prepared by a California registered civil or structural engineer or California licensed architect describing the physical elements of all structures and facilities and shall include, but not be limited to, the following:
    - a. A report detailing the structural condition of all elements of the property, including foundations, electrical, plumbing, utilities, walls, roofs, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. The report shall state, to the best knowledge or estimate of the applicant and based on existing documentation (e.g., building permit records), when such element was built; the condition of each element; when such element was replaced;

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the approximate date upon which such element will require replacement; the cost of replacing such element; and any variation of the physical condition of such element from the current zoning and from the city housing code and city building code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.

- b. A report from a licensed structural pest control operator, approved by the city, on each structure and each unit within the structure.
  - c. A report on soil and geological conditions regarding soil deposits, rock formations, faults, groundwater, and landslides in the vicinity of the project and a statement regarding any known evidence of soil problems relating to the structures. Reference shall be made to any previous soils reports for the site and a copy of each submitted with such report.
  - d. A statement of necessary repairs and improvements to be made by the subdivider to refurbish and restore the project to achieve a high degree of appearance and safety.
3. Development Plan. The plan shall include the following information:
- a. Locations, height, gross floor area, and proposed uses for each existing structure to remain and for each proposed new structure. The new and existing elements, features, and structures shall be clearly differentiated on the development plan;
  - b. The location and size of parking facilities to be used in conjunction with each condominium unit and any applicable guest parking;
  - c. Location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas, and curb cuts;
  - d. Location, height, and type of material for existing and proposed walls and fences;
  - e. Location of all landscaped areas, types of landscaping and statement specifying the method of maintenance to be used;
  - f. The location and description of recreational facilities and a statement specifying method of maintenance;
  - g. A lighting plan;
  - h. Location, type and size of all sewer, water and storm drains, drainage pipes and structures depicted or described to the nearest public drain or watercourse;
  - i. Location and type of the nearest fire hydrant;
  - j. Location, type and size of all on-site and adjacent street overhead utility lines;
  - k. Existing and proposed exterior elevations;

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1. Any other information required by the department.
4. Organizational Documents.
  - a. Documents establishing a Homeowner's Association;
  - b. A summary of proposed management, occupancy and maintenance requirements and responsibilities, of individual owners and the Homeowner's Association;
  - c. A statement identifying the units to be designated as inclusionary units available to low and moderate-income households as required by subsection (N)(10) of this section, which shall also be contained in a recorded document;
  - d. A declaration of covenants, conditions and restrictions which would be applied on behalf of any and all owners of condominium units within the project. The declaration shall include but not be limited to the conveyance of units; the assignment of parking; an agreement for common area maintenance, such as parking facilities and landscaping, together with an estimate of any initial assessment fees anticipated for such maintenance; description of a provision for maintenance of all vehicular access areas within the project; an indication of appropriate responsibilities for maintenance of all utility lines and services for each unit; and a plan for the equitable sharing of any communal water metering;
  - e. A maintenance plan which clearly specifies methods and standards for performance of common responsibilities and maintenance for all common areas including, but not limited to, recreational facilities, parking facilities, vehicular access areas, common refuse collection and an indication of appropriate responsibilities for maintenance of all utility lines and services for each unit. If applicable, maintenance of all building exteriors will also be outlined in the maintenance plan. The maintenance plan shall assign responsibilities and provide assurances that the premises will be kept free from trash and debris and include a list of equipment and fees to be assessed for such purposes. The maintenance plan shall include the establishment of a contingency fund for major repairs and extraordinary expenses;
5. Demographic Information. Specific information concerning the demographic characteristics of the project, including but not limited to the following:
  - a. Square footage and number of rooms in each unit;
  - b. Rental rate history for each type of unit for the previous five years;
  - c. Monthly vacancy rate for each month during the preceding five years;
  - d. Makeup of existing tenant households, including family size, length of residence, age of tenants, and any federal or state rent subsidies received;
  - e. Documentation prepared by the Sonoma County Public Housing Authority that shows the number of families currently on a waiting list for Section 8 Housing;

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- f. Proposed sale price of units;
  - g. Proposed Homeowners' Association fee;
  - h. Financing available for the purchase of the units; and
  - i. Names and addresses of all tenants. When the subdivider can demonstrate that such information is not available, the requirements of this subsection may be modified by the planning department.
6. Vacancy Rates. The applicant shall submit a recent survey of rental housing located within the city of Rohnert Park that shows the current vacancy rate for the city. The survey shall be performed by a qualified professional as determined by the city and shall utilize a method approved by the city prior to it being conducted. The survey shall include a representative sample of all rental housing of five or more units.
  7. Notice of Intent to Convert. Signed copies from each tenant of the notice of intent to convert, as specified in subsection (HH)(7) of this section. The subdivider shall submit evidence that a letter of notification was sent to each tenant for whom a signed copy of such notice is not submitted. This requirement shall be deemed satisfied if such notices comply with the legal requirements for service by mail.
  8. Any other information which, in the opinion of the planning department, will assist in determining whether the proposed project will be consistent with the purposes of this chapter.
- C. Additional Requirements and Procedures.
1. Acceptance of Reports. The final form of the physical elements report and other documents shall be as approved by the city. The reports in their acceptable form shall remain on file with the planning department for review by any interested persons and shall be referenced in the planning commission staff report for each project.
  2. Submittal of Budget. Prior to final map approval, the subdivider shall provide the city with a copy of the proposed budget for maintenance and operation of common facilities including needed reserves. The budget shall show estimated monthly costs to the owner of each unit, projected over a five year period, or such time as is required by the department of real estate. Such budget shall be prepared or reviewed and analyzed by a professional management firm, experienced with management of con-dominium complexes. The management firm shall submit a statement of professional qualifications.
  3. Copy to Buyers. The subdivider shall provide each purchaser with a copy of all submittals (in their final, acceptable form) required by under this section prior to such purchaser executing any purchase agreement or other contract to purchase a unit in the project, and such developer shall give the purchaser sufficient time to review such information. Copies of the submittals shall be made available at all times at the sales office and shall be posted at various locations, as approved by the city, at the project site. Copies shall be provided to the Homeowners' Association upon its formation.

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4. Notice to Tenants and Prospective Tenants. Before tentative map approval, the planning commission shall hold a public hearing. In addition to all other notices required by the Subdivision Map Act and this title, the subdivider shall give notice prior to filing the tentative map to prospective tenants and tenants in the manner provided by Government Code Sections 66452.8 and 66452.9.
- D. Sales Information Submitted for Affordable Units. As a condition of tentative map approval, the subdivider shall record a requirement against the title of the property that requires the current property owner of each unit to submit the following information to the planning department prior to the close of escrow, to:
1. Actual sale price of unit;
  2. Whether prior tenants purchased units;
  3. Whether unit were purchased with intent to be used as rentals; and
  4. That affordable units shall comply with the affordability requirements of the inclusionary housing requirements contained in subsection N of this section.
- E. Inspection and Fees. The developer shall deposit money into a fund which is administered by the building official. The funds shall be adequate to cover the costs associated with hiring a professional who shall perform an inspection and develop a list of deficient conditions that may exist by reason of noncompliance with this code, and to have the deficient items refurbished and restored in accordance with specific physical standards identified under subsection (HH)(6) of this section. The premises to be inspected include structures, common areas, site improvements, public improvements and other related facilities. In addition, the following requirements shall be met:
1. Before submitting the final map, the owner shall request that an inspection of the premises be made by the city for conformance with subsection (HH)(6) of this section.
  2. A project inspection shall be made by the appropriate city representatives and/or their designees. A deficiency list shall be compiled during the inspection of all corrections required to conform to the requirements of this section and any other applicable code requirements.
  3. When the final inspection is complete, a copy of the deficiency list shall be transmitted to the subdivider. All deficiencies must be corrected to the satisfaction of the city before filing of the final map or parcel map. When plans for corrective work are required, they shall be as approved by the appropriate city representative listed above before filing of the final map or parcel map.
  4. The city shall charge the usual fees, if applicable, or an hourly fee (estimated actual hourly cost to the city) for the inspection and processing. The owner shall post a cash deposit in an amount equal to the estimated cost of inspection. The deposit will be applied towards the inspection fee with any refund or balance to be resolved before the approval of the tentative map by the city. Any balance due shall be paid before approval of the final map by the city.

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- F. Specific Physical Standards. As a condition of tentative map approval, the subdivider shall demonstrate conformance with Chapter 17.12, Performance Standards, of the Rohnert Park Municipal Code as well as the following physical standards.
1. Building Regulations. The project shall conform to the applicable standards of the California Building Standards Code - Title 24 in effect on the date that the original building permit was issued for the subject structure or structures except as herein provided.
  2. Health and Safety.
    - a. Ground Fault Circuit Interrupters. All receptacle outlets serving bathrooms, kitchen counters, garages, carports and other exterior locations shall be ground fault circuit interrupter protected as required by the current edition of the California Electrical Code.
    - b. Seismic Retrofit. "Soft story" buildings, as defined in the Health and Safety Code, shall be seismically retrofitted per the standards contained therein, or as required by local ordinance.
  3. Fire Prevention.
    - a. Smoke Detectors. Each living unit shall be provided with approved smoke detectors in type and quantity conforming to Title 24 of the latest California Building Standards Code.
    - b. Maintenance of Fire Protection Systems. All fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be upgraded and maintained and certified as required by current applicable NFPA standards.
    - c. Fire Sprinkler System. Fire sprinkler systems shall be installed in compliance with current NFPA standards.
    - d. Fire Walls. Dwelling units shall be protected by a one-hour dwelling unit separation. Attic fire stops shall be installed in accessible attics as required by the current Title 24 California Building Standards Code.
  4. Sound Transmission.
    - a. Shock Mounting of Mechanical Equipment. All permanent mechanical equipment such as motors, compressors, pumps, and compactors which are determined to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators.
    - b. Noise Standards. The structure shall conform to all interior and exterior sound transmission standards of the California Building Standards Code Title 24 and Section 17.12.030 of this title. In such cases where present standards cannot reasonably be met, the planning commission may require the applicant to notify potential buyers of the noise deficiency currently existing within these units.

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5. Utility Metering. Each dwelling unit shall be separately metered for gas and electricity. A plan for equitable sharing of any communal water metering shall be developed prior to final map approval and included in the covenants, conditions and restrictions. The planning commission may modify this standard where the subdivider can demonstrate that this standard cannot reasonably be met.
6. Private Storage Space. Each unit shall have at least two hundred 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. In such cases where the subdivider can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the planning commission.
7. Laundry Facilities. A laundry area shall be provided in each unit; or if common laundry areas are provided, such facilities shall consist of not less than one automatic washer and one dryer of equivalent capacity for every five units of three or more bedrooms; every seven two-bedroom units, and every ten one-bedroom units. In such cases where the subdivider can demonstrate that this standard cannot or should not reasonably be met, this standard may be modified by the planning commission.
8. Landscape Maintenance. All landscaping shall be restored as necessary and maintained to achieve a high degree of appearance and quality. The landscape standards required under Section 17.14.070 of this title shall apply if a significant amount of new landscaping is required to achieve the above goal.
9. Condition of Equipment and Appliances. 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 one year. 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 one year.
10. Refurbishing and Restoration. All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, and additional elements shall be refurbished and restored as required by the planning department. Design changes shall be subject to site and architectural review in accordance with Section 17.25.030 of this title.
11. Long Term Reserves. 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.

### G. Tenant Provisions.

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1. Notice of Intent. As required by Government Code 66427.1(a), a notice of intent to convert shall be delivered by the subdivider to each tenant at least sixty days prior to filing of the tentative map, in a form compliant with Government Code Section 66452.9.
2. Notice of Public Report. As provided in Government Code Section 66427.1(a), each tenant shall receive ten days' written notice 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.
3. Notice of Final Map Approval. As provided in Government Code Section 66427.1(b), each tenant shall receive written notification within ten days of approval of a final map for the proposed conversion.
4. Tenant's Right to Purchase. As provided in Government Code Section 66427.1(d), any present tenant shall 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 ninety days from the date of issuance of the subdivision public report unless the tenant gives prior written notice of his or her intention not to exercise the right. Evidence of receipt by each tenant shall be submitted to the city prior to approval of the final map.
5. Vacation of Units. Each tenant not in default under the obligations of the rental agreement or lease for his/her unit shall be given one hundred eighty days' written notice of intention to convert his or her unit prior to termination of tenancy. The subdivider shall notify each tenant immediately prior to the time of final map approval of the anticipated date required to vacate the unit and when the one hundred eighty day period will begin. Evidence of receipt by each tenant shall be submitted prior to approval of the final map.
6. Notice to New Tenants. Beginning at a date not less than sixty days prior to the filing of the tentative map, the subdivider or his or her agent shall give notice of such filing in the form outlined in Government Code 66452.8(b) to each person applying after such date for rental of a unit prior to acceptance of any rent or deposit. If the subdivider or his or her agent fails to give notice pursuant to this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice and who does not purchase his or her unit, an amount equal to two times monthly rent for moving expenses.
7. Senior Citizens. At the time of final map approval, all tenant households resident at the time a completed tentative map application was accepted by the planning department in which the head of household or spouse is age sixty or older shall be offered a lifetime lease. Annual rent increases shall not exceed seventy-five percent of the latest annual average percentage increase of the Residential Rent Component of the Consumer Price Index, San Francisco-Oakland SMSA. Tenants shall be informed of the change in this index at the time rent increases are imposed. Starting rents shall be the rent at the time of tentative map application. Lease forms shall be submitted to the planning department for review prior to final map approval.

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8. Low-and-Moderate Income Tenants. At the time of final map approval, all tenant households resident upon acceptance by the city of a completed tentative map application, which meet the income limits of the HUD Section 8 program will be considered low- and moderate-income households and shall be offered at a minimum a three-year lease. Annual rent increases shall not exceed seventy-five percent of the latest annual average percentage increase of the Residential Rent Component of the Consumer Price Index, San Francisco-Oakland SMSA. Tenants shall be informed of the change in this index at the time rent increases are imposed. Starting rents shall be the rent at the time of tentative map application. Lease forms shall be submitted to the planning department for review prior to final map approval.
- H. Effect of Proposed Conversion on the City's Low- and Moderate-Income Housing Supply. The conversion of rental housing into for-sale housing will change the availability of a level of affordable housing to certain income groups, therefore it is imperative that such conversions be subject to the inclusionary housing requirements of subsection N of this section.
- I. Findings. In approving an application for a condominium conversion the planning commission shall make each of the following findings:
  1. All provisions of this article are met;
  2. The proposed conversion is consistent with the objectives, policies, general land uses and programs specified in the city of Rohnert Park general plan inclusive of the general plan housing element, along with applicable specific plans;
  3. The proposed conversion will conform to the Rohnert Park Municipal Code in effect at the time of tentative map approval, including, but not limited to, inclusionary housing requirements and parking standards, except as otherwise provided in this article;
  4. The overall design and physical condition of the condominium conversion achieves a high degree of appearance, quality and safety;
  5. The proposed project will not result in a shortage of rental housing within the city;
  6. The proposed conversion will result in an increase in lower-cost home ownership opportunities within the city;
  7. Vacancies in the project have not been intentionally increased for the purpose of preparing the project for conversion;
  8. The conversion will not be detrimental to the retention of housing stock serving low and moderate income residents or will not reduce or significantly alter the opportunity within the city for the housing of young and elderly citizens; and
  9. The project satisfies the requirements of Government Code Section 66427.1— Tenant Notification requirements.

**28. Rohnert Park Municipal Code Section 17.10.060(A)** is amended as follows:

**“17.10.060 – Accessory Structures.**

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A. For the purposes of this section, an accessory structure does not include an accessory dwelling unit or junior accessory dwelling unit.  
 ...”

**29. Rohnert Park Municipal Code Section 17.10.070(C)** is hereby repealed in its entirety.

**30. Section 17.14.110** is hereby added to the **Rohnert Park Municipal Code** as follows:

**“17.14.110 – Single-Family Residential Front Yard Standards**

Single-family residential front yard paving shall not exceed fifty percent of the total front yard area.”

**31. Rohnert Park Municipal Code Section 17.16.030(A)** is amended as follows:

“A. Residential Uses.

<b>Land Use</b>	<b>Required Off-Street Parking (Spaces)</b>
Convalescent Home	1 per 3 patient beds
Day Care, Residential	1 per assistant (driveway acceptable)
Mobile Home Park	1.5 spaces per unit, one of which must be covered
Multi-Family Residential	1 space per studio or 1 bedroom unit; 2 spaces per 2 bedroom unit; 2.5 spaces per 3 bedroom unit; plus 1 additional space per bedroom for units ≥ 4 bedrooms and 1 guest parking space for every 4 units.
Off-Campus Student Housing	.75 spaces per bedroom unit or occupant, whichever is greater
Senior Housing	1 covered space per unit, plus 1 space per 4 units for guest parking
Single-Family Residential (Attached)	2 spaces per unit, one of which must be covered, plus 1 space per 4 units for guest parking
Single-Family Residential (Detached)	2 spaces per unit in a garage

**32. Subection (E)** is hereby added to **Rohnert Park Municipal Code 17.16.040** as follows:

“E. Parking reductions are allowed, at the discretion of the director of development services, if the parking reductions are consistent with a parking study. The study must be prepared by a professional traffic engineer and demonstrate that the parking reduction would be sufficient for the uses it serves and would not cause a negative impact on circulation or safety.”

**33. Rohnert Park Municipal Code Section 17.16.050** is amended as follows:

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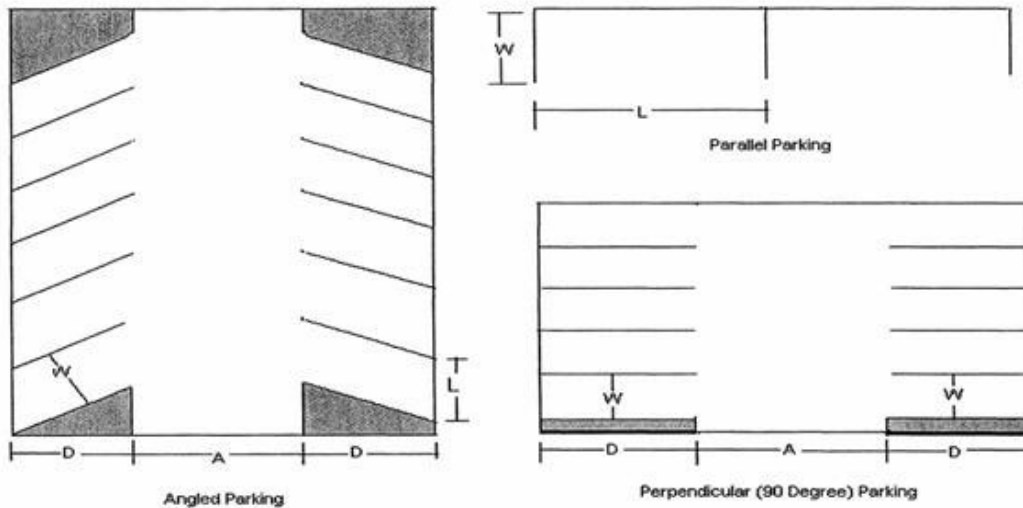
**“17.16.050 - Space dimensions.**

A. Except as otherwise specified in subsections B, C, and D below, required dimensions for parking stalls within commercial, industrial and multi-family residential parking lots are indicated in the following table and depicted in the following parking diagram.

**Minimum Parking Dimensions for Standard-Sized Parking Spaces For Commercial, Industrial and Multi-Family Residential Parking Lots (in feet)**

Parking Angle (PA)	Minimum Stall Dimensions			Minimum Aisle Widths (A)	
	Width (W)	Depth (D)	Length (L)	One-Way	Two-Way
Parallel	9.0	-	22.0	12.0	24.0
30 Degrees	9.0	17.5	18.0	12.0	-
45 Degrees	9.0	20.0	12.7	14.0	-
60 Degrees	9.0	21.0	10.4	15.0	20.0
90 Degrees	9.0	19.0	9.0	26.0	26.0
90 Degrees	9.5	19.0	9.5	25.0	25.0
90 Degrees	10.0	19.0	10.0	24.0	24.0

**Parking Diagram**



- B. Compact spaces. In office and industrial developments up to twenty-five percent of the required parking may be made up of compact spaces. In commercial retail uses up to ten percent of the required parking may be made up of compact spaces. Compact spaces shall be a minimum of eight feet in width and sixteen feet in length ninety degree configuration and shall be clearly marked and located throughout the site so as to not be clustered in one area. For parking located in a garage, see subsection D below.
- C. For shopping center uses, the majority of the required parking spaces shall be situated within easy access of the entrances of the buildings they are intended to serve.
- D. Each parking space adjoining and parallel to a wall, column, or other obstruction greater than six inches in height shall be increased by three feet on the obstructed door side.”

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**34. Rohnert Park Municipal Code Section 17.16.080** is amended as follows:

**“17.16.080 Standards for residential parking.**

- A. The following parking standards apply to multifamily and mixed-use development.
  - 1. Parking spaces must comply with the dimensions in RPMC 17.16.050(A).
  - 2. The exterior design of a garage or carport must be architecturally compatible with the main building.
  - 3. Tandem parking arrangements for required parking spaces may be allowed in the Mixed Use Residential (M-U) District as approved by the development services / community development director with a finding that the tandem spaces result in a more efficient site plan or are necessary to accommodate affordable housing.
  - 4. All parking areas shall be of a durable surface approved by the city engineer.
  - 5. Residential front yard paving reserved for parking shall not exceed fifty percent of the total front yard area.
  - 6. Vehicles shall not be parked on any sidewalk, parkway, driveway aisles, or planting area.
- B. The following parking standards apply to single-family development.
  - 1. Stalls located within a garage shall be a minimum of ten feet in width and twenty feet in length, with a vertical floor to ceiling clearance of seventy-six inches
  - 2. Parking spaces not located within a garage shall be a minimum of eight feet in width and eighteen feet in length. Parking spaces must be paved with a solid surface such as concrete, asphalt, or pavers or other similar surface.
  - 3. Tandem parking arrangements for required parking spaces may be allowed on a single-family parcel approved by the development services/community development director with a finding that the tandem spaces result in a more efficient site plan or are necessary to accommodate accessory dwelling units, affordable housing or other state-mandated housing type.
  - 4. All parking areas shall be of a durable surface approved by the city engineer.
  - 5. Residential front yard paving reserved for parking shall not exceed fifty percent of the total front yard area.
  - 6. Vehicles shall not be parked on any sidewalk, parkway, or planting area.”

**35. Rohnert Park Municipal Code Section 17.16.140** is amended as follows:

**“17.16.140 - Bicycle parking.**

- A. Bicycle parking spaces shall be provided in all districts as required by this section. Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy of any existing building that results in

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the need for additional auto parking facilities consistent with the parking standards required by Chapter 17.16.

B. Bike spaces required. Bicycle parking facilities shall be provided in accordance with the following schedule, with fractional requirements for bike parking over one-half to be rounded up:

1. Office uses: One bicycle parking space for every ten off-street vehicle parking spaces required, but no less than two spaces shall be provided.
2. Commercial, retail, wholesale, and industrial uses: One bicycle parking space for every fifteen off-street vehicle parking spaces required, but no less than two spaces shall be provided.
3. Restaurant: One bicycle parking space for every twenty-five off-street vehicle parking spaces required, but no less than two spaces shall be provided.
4. Fast food restaurant: Five bicycle parking spaces per establishment.
5. Residential: One bicycle parking space per dwelling unit.

C. Location and design of facilities.

1. Each bicycle parking space shall be no less than six feet long by two feet wide and shall have a bicycle rack or other device constructed so as to enable the user to secure by locking the frame and one wheel of each bicycle parked therein.
2. Bicycle racks shall not be placed close enough to a wall or other obstruction so as to make use difficult. There must be a sufficient space (at least twenty-four inches) beside each parked bike that allows access; adjacent bicycles may share this access.
3. An aisle or other space shall be provided for bicycles to enter and leave the facility. This aisle shall have a width of at least six feet to the front or rear of a bike parked in the facility.
4. Racks must be easily useable with both U-locks and cable locks. Racks should support the bikes in a stable upright position so that a bike, if bumped, will not fall or roll down. Racks that support a bike primarily by a wheel such as standard wire racks are damaging to wheels and thus are not acceptable.
5. Bicycle parking facilities shall be securely anchored to the lot surface so they cannot be easily removed and shall be of sufficient strength to resist vandalism and theft.
6. Bicycle parking spaces shall be located near the entrances to major tenants but shall be out of the traffic lanes and shall not impede walkways.
7. Bicycle parking facilities shall be incorporated whenever possible into the building design and street furniture so as to be harmonious with their environment in both design and color.
8. Bicycle parking shall be located in highly visible, well lighted areas to minimize theft and vandalism.
9. Bicycle parking facilities within auto parking areas shall be separated by a physical barrier (e.g., curbs, wheel stops, poles or similar features) to protect bicycles from damage by cars.

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### D. Variations to requirements.

1. Where the provisions of bicycle parking is physically not feasible the requirements may be waived or reduced to a feasible level by the planning and community development director.
2. Residential bicycle parking spaces may be provided within a lockable garage or bicycle storage room reserved for use by residents of a single dwelling unit. In this case, no bicycle rack or similar device shall be required.”

### 36. Rohnert Park Municipal Code Section 17.25.033 is amended as follows:

#### “17.25.033 Factors to consider/conditions.

- A. For nonresidential projects, factors that shall be considered in the approval, conditional approval or denial of a site plan and architectural review application include, but are not limited to the following:
1. That the development's general appearance is compatible with existing development and enhances the surrounding neighborhood;
  2. That the development incorporates a variation from adjacent on-site and off-site structures in height, bulk, and area; arrangement on the parcel; openings or breaks in the facade facing the street; and/or the line and pitch of the roof; and
  3. That the development will be located and oriented in such a manner so as to provide pedestrian, bicycle and vehicle connections with adjacent properties, as appropriate, and avoids indiscriminate location and orientation.
- B. For projects with a residential component, the approval, conditional approval, or denial of a site plan and architectural review application shall be made based on the following finding:
1. That the proposed development is consistent with the objective standards and regulations of the City’s general plan, municipal code, and any applicable specific plan or area plan, and the objective design and development standards as included in this code or adopted by resolution, as may be amended from time to time.”

### 37. Rohnert Park Municipal Code Section 17.25.035 is amended as follows:

#### “17.25.035 Lapse of approval/renewal.

- A. A site plan and architectural review approval shall lapse two years after the date of final approval or at an alternative date specified at the time of approval, unless:
1. A building permit has been issued and construction has diligently commenced; or
  2. A certificate of occupancy has been issued; or
  3. The use is established; or
  4. The site plan and architectural review approval is renewed in accordance with subsection B below.
  5. The project is a residential development that does not require the approval of a tentative subdivision map, or otherwise not vested through a development agreement with the city, then the approval shall expire after a twenty-four-month period, unless extended for special circumstances by the city council.

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- B. A site plan and architectural review approval may be renewed for an additional period of one year, provided that prior to the expiration date, an application for renewal is filed with the planning division. The department services director or their designee may approve an extension request or may refer the application to the planning commission for hearing, consideration, and determination.
- C. The Planning Commission shall not deny the renewal request without first holding a public hearing and making findings supporting the reason for denial. If the Planning Commission denies the renewal request, the applicant shall have ten calendar days to appeal the decision to the city council as set forth in Chapter 17.25 Article XII.”

### **38. Rohnert Park Municipal Code, Chapter 17.25, Administrative and Enforcement Procedures, Article IV. - Temporary Conditional Use Permit is amended as follows:**

#### **“Article IV. – Temporary Conditional Use Permit**

##### **17.25.040 - Purpose.**

The regulations contained in this section establish procedures for the approval, conditional approval, or disapproval of temporary conditional use permits when required by this chapter.

##### **17.25.041 - Application.**

In applying for a temporary conditional use permit, the applicant shall submit the following to the planning department:

- A. The application form provided by the city, which must be signed by the property owner or authorized agent of the property owner, the applicant, and any other party involved as a contingent buyer or lessee;
- B. Written authorization from the property owner that the use may take place during the time period proposed;
- C. A site plan showing how the proposed temporary use will be conducted on the site, including the following, as applicable:
  - 1. Property lines, sidewalks;
  - 2. Existing and proposed temporary structures, off-street parking and loading facilities;
  - 3. Points of entry and exit for vehicles and circulation pattern;
  - 4. Location of walls and fences;
  - 5. Lighting standards and devices (must meet the provisions of the Electrical Code);
  - 6. Temporary electrical hookups (must meet the provisions of the Electrical Code);
  - 7. Existing and proposed temporary signs;
- D. An endorsement of the project applicant's insurance policy, in the amount of one million dollars and in a form acceptable to the city attorney, naming the city of Rohnert Park as an additional insured; and
- E. A clean-up deposit, if appropriate, to ensure that the site is returned to its prior state;
- F. Evidence that the city of Rohnert Park will be identified as the point-of-sale for all sales conducted within the city;

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- G. A security plan for the use; and
- H. The name and telephone number of a twenty-four hour point of contact during the entire period of the use.

### 17.25.042 - Findings/conditions.

- A. The zoning administrator, or his/her designee, shall approve or conditionally approve a temporary conditional use permit application if, on the basis of the application, supporting materials, and comments received by other departments or agencies, it is found:
  - 1. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and
  - 2. The proposed temporary use will comply with each of the applicable provisions of this section.
- B. The zoning administrator, or their designee, may place conditions on the temporary conditional use permit to mitigate any possible impacts identified during review of the application to achieve the general purposes of this section and the specific purposes of the land use district in which the temporary use will be located to:
  - 1. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses in the surrounding area;
  - 2. Provide adequate access and parking; and
  - 3. Ensure that lighting and temporary signage meet the provisions of this chapter.

### 17.25.043 - Decision/appeal.

- A. The planning and community development director or their designee, shall review the application and shall forward it to other departments and agencies that may have an interest in the proposal.
- B. If an application is disapproved, then no new application for the same, or substantially the same, use shall be filed within one year of the date of the denial of the initial application, unless the application is denied without prejudice.
- C. The decision of the planning and community development director shall become final ten calendar days after the decision is rendered, unless appealed to the planning commission as set forth in Chapter 17.25 Article XII.

### 17.25.044 - Periodic temporary events.

For temporary uses that will be conducted more than once during a twelve month period, the project proponent may be required to apply for conditional use permit pursuant to Article I of this chapter.

### 17.25.045 – Temporary Construction Buildings and Uses.

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Temporary buildings and uses for construction purposes may be permitted for periods not exceeding one year, and may be extended for up to one year, provided a temporary permit and a building permit shall first be secured and the building official has provided for the subsequent removal thereof.”

### **39. Rohnert Park Municipal Code, Chapter 17.25, Administrative and Enforcement Procedures, Article V** is amended as follows:

#### **“Article V. – Administrative Permit**

##### **17.25.050 Purpose.**

The regulations contained in this section establish procedures for the approval, conditional approval, or disapproval of Administrative Use Permits when required by this or any other section.

##### **17.25.051 Application for Administrative Use Permit.**

- A. Application for an Administrative Use Permit shall include the following:
  - 1. The application form provided by the city, which must be signed by the property owner or authorized agent of the property owner, the applicant, and any other party involved as a contingent buyer or lessee.
  - 2. The required plans and other documentation pertaining to the application.

##### **17.25.052 Notice.**

The owners of properties contiguous to the project site shall be provided notice of the application a minimum of ten calendar days prior to action being taken on the application. The notice will be emailed to the Planning Commission and the City Council at the same time as the owners of contiguous properties are noticed. If one or more of the neighboring property owners express opposition to the application, the Planning Director shall refer the application to the Planning Commission for review if the concerns cannot be resolved. Any member of the Planning Commission or City Council may refer the item to the Planning Commission for review.

##### **17.25.053 - Findings/conditions.**

- A. The Director or their designee shall approve or conditionally approve an Administrative Use Permit if, on the basis of the application, supporting materials, and comments received by other departments or agencies, it is found:
  - 1. That the proposed location of the use is in accord with the objectives of the zoning ordinance and the purposes of the district in which the site is located;
  - 2. That the proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity; and
  - 3. The proposed use complies with each of the applicable provisions of this title.

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### 17.25.054 - Decision/appeal.

- A. The Director shall review the application and shall forward it to other departments and agencies that may have an interest in the proposal.
- B. The decision of the Director shall become final ten working days after the decision is rendered, unless appealed to the planning commission as set forth in Chapter 17.25 Article XII.
- C. If an application is disapproved, then no new application for the same, or substantially the same, use shall be filed within one year of the date of the denial of the initial application, unless the application is denied without prejudice.

### 17.25.055 - Lapse of approval/renewal.

- A. An Administrative Use Permit shall lapse one year after the date of final approval or at an alternative date specified at the time of approval, unless:
  - 1. A building permit has been issued and construction has diligently commenced; or
  - 2. A certificate of occupancy has been issued; or
  - 3. The use is established; or
  - 4. The Administrative Use Permit is renewed in accordance with subsection B below.
- B. An Administrative Use Permit approval may be renewed for an additional period of one year, provided that prior to the expiration date, an application for renewal of the Administrative Use Permit is filed with the planning division. The Director or their designee may grant the renewal if the original findings of approval remain satisfied. If the Director denies the renewal request, the applicant shall have ten calendar days to appeal the decision to the planning commission as set forth in Chapter 17.25 Article XII.

### 17.25.056 - Revocation/modification.

- A. A violation of a condition of approval or a provision of this section may cause an Administrative Use Permit to be revoked or modified as set forth in Chapter 17.25 Article XIV of this title.
- B. A request to amend one or more of the conditions of approval shall be treated as a new application.”

## 40. Article XV is hereby added to Rohnert Park Municipal Code, Chapter 17.25, Administrative and Enforcement Procedures, as follows:

### “ARTICLE XV. – By-right Administrative Permit

#### 17.25.149 - Purpose.

The purpose of this article is to implement California Government Code sections 65583, subdivisions (c)(1) and 65583.2 subdivisions (c), (h), and (i).

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### **17.25.150 - Applicability.**

- A. This article applies to projects that are required to be allowed with by-right approval pursuant to Government Code sections 65583.2(h) and 65583.2(i), as may be amended from time to time. Specifically, it applies to housing development projects on sites identified in the adopted housing element inventory to meet the lower-income Regional Housing Needs Allocation (RHNA), if at least 20% of units are affordable to lower income households and at least one of the following situations apply:
1. The site is nonvacant and was also identified in one previous housing element inventory.
  2. The site is vacant and was also identified in two previous consecutive housing element inventories.
  3. The site was identified within a program to rezone sufficient sites in order to demonstrate an adequate inventory of sites to meet its lower-income Regional Housing Needs Allocation (RHNA).

### **17.25.151 - Administrative By-right Permit Required.**

A housing development project described in Section 17.25.150 shall be allowed subject to approval of an Administrative By-right Permit processed pursuant to this Article.

### **17.25.152 - Application Requirements.**

Applications for Administrative By-right Permits shall include the following:

- A. The application form provided by the city, which must be signed by the property owner or authorized agent of the property owner, the applicant, and any other party involved as a contingent buyer or lessee and accompanied by the required application fee.
- B. All information required by the City's most recent posted Housing Development Application Checklist.

### **17.25.153 -Notice.**

The Planning Commission, the City Council, and owners of properties contiguous to the project site shall be provided notice of the application a minimum of ten calendar days prior to action being taken on the application.

### **17.25.154.- Decision.**

- A. The Director or their designee shall approve an Administrative By-right Permit if, on the basis of the application, supporting materials, and comments received by other departments or agencies (1) the application meets all of the requirements of Government Code 65583.2(i), and (2) the project meets all applicable objective standards and regulations of the City's general plan, municipal code, any applicable specific plan or area plan, and all applicable objective design and development standards as included in this code or adopted by resolution, as may be amended from time to time.

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- B. The Director or designee may impose standard conditions of approval as long as those conditions are objective and broadly applicable to development within the City, and such conditions implement objective standards that had been adopted prior to submission of a development application.
- C. The decision of the Director shall be final.

### **17.25.155 - Lapse of Approval.**

An Administrative By-right Permit shall lapse one year after the date of final approval, unless:

- A. A building permit has been issued and construction has diligently commenced; or
- B. A certificate of occupancy has been issued.”