



AGENDA

Healdsburg Planning Commission Special Meeting

March 14, 2018 6:00 PM
401 Grove Street, Healdsburg
City Hall - City Council Chamber

1. ROLL CALL

2. ADMINISTRATIVE ACTIONS

- A. Approval of March 14, 2018 agenda
- B. Declarations of Conflicts of Interest
- C. Disclosures of Ex Parte Communications

3. PUBLIC COMMENTS

This time is set aside to receive comments from the public regarding matters of general interest not on the agenda, but related to Planning Commission business. Pursuant to the Brown Act, however, the Planning Commission cannot consider any issues or take action on any request during this comment period.

4. PUBLIC HEARINGS

A. Item

Description: Land Use Amendment LUA 2018-02 (Firearm Sales Ordinance)

Project Description : Amendments to the City of Healdsburg Land Use Code Section 20.08.145 (CD-Downtown Commercial and CS-Service Commercial Districts) to require a conditional use permit for firearm dealers rather than allowing as a permitted use, and amend Section 20.08.155 (MU-Mixed Use District) and Section 20.08.195 (I-Industrial District) to allow firearm dealers with the approval of a conditional use permit, amend Section 20.28.310 Definitions, and add Section 20.20.105 to establish Firearm Dealers as a specific land use subject to specific location criteria and other measures.

Location: City-wide

Applicant: City of Healdsburg

Environmental

Determination: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) Pursuant to CEQA Guidelines Section 15061(b) (3).

5. ADJOURNMENT

Maya DeRosa, Planning Director, March 7, 2018

Posting: This agenda was posted on City bulletin boards and the City's website at least 72 hours prior to the meeting, in accordance with state law.

Availability of Written Materials: All written materials (e.g., staff reports, conditions, resolutions) prepared for items on this agenda are available for public review at least 72 hours prior to the meeting at the Planning and Building Department at 435 Allan Court and on the City's website at www.ci.healdsburg.ca.us. Written materials submitted after the posting of this agenda, but before the Commission meeting, will also be made available for public review in the Planning and Building Department. If written materials are presented to the Commission at the meeting, a copy will be made for public review at the meeting.

Disabled Accommodations: In compliance with the American Disabilities Act, persons requiring special assistance to access, attend or participate in this public hearing should contact the Planning and Building Department at 435 Allan Court or by calling (707) 431-3346 during normal business hours at least 72 hours prior to the meeting to ensure the necessary accommodations are made.

Public Comments: Persons speaking on items on this agenda are requested to provide their name, address and the subject of their comments. Comments are generally limited to five minutes, however additional time may be granted by the Commission Chair as appropriate, depending on the scope of the project.

Appeals: Anyone that does not agree with the Commission's decision may appeal the decision to the City Council, provided that a written appeal is filed within ten (10) calendar days from the date of the Commission's action



Agenda Item #:	<u>4A</u>
Meeting Date:	<u>March 14, 2018</u>
Prepared By:	<u>Joel Galbraith, Senior Planner</u>
Reviewed By:	<u>Maya DeRosa</u> Planning and Building Director

REQUEST FOR PLANNING COMMISSION ACTION

PROPERTY ADDRESS: Citywide

APPLICANT: City of Healdsburg

SUBJECT: Land Use Code Amendment 2018-02; a public hearing to consider a recommendation to the City Council to amend Healdsburg Municipal Code Sections 20.08.145, 20.08.155, 20.08.195, 20.28.310, and add Section 20.20.105 (Firearm sales), to adopt standards regulating the retail sale of firearms.

RECOMMENDED ACTION:

Review the draft revisions to the Land Use Code regarding firearm sales, hear and consider public comments on the project, and recommend approval of Resolution 2018-04 (Attachment 2) recommending revisions (Attachment 1) to firearm sales provisions and related CEQA Exemption.

BACKGROUND:

Currently, the Land Use Code (LUC) allows:

- “Gunsmith shops, sales and repair” as a permitted use in the CD (Downtown Commercial) and CS (Service Commercial) Districts.
- “Sporting goods sales, with rental as an accessory use” as a permitted use in the CD and CS Districts. “Sporting goods sales” is not currently defined in the LUC, and could be interpreted to include firearms sales.
- “Retail, general - Sporting goods and equipment” as a permitted use in the MU (Mixed Use) District. “Retail, general” is not currently defined in the LUC, and could be interpreted to include firearms sales.
- “Hardware, paint and wallpaper stores” as a permitted use in the CD and CS Districts. “Hardware, paint and wallpaper stores” is not currently defined in the LUC, and could be interpreted to include firearms sales.

In late 2017, City staff received an inquiry from a prospective applicant regarding the necessary City approvals to open a gun shop in a vacant building located in the CD district, specifically on the 100 block of North Street in downtown.

On December 18, 2017, the City Council voted unanimously to adopt Ordinance No. 1170,

establishing a 45-day moratorium on the establishment of new retail uses selling firearms. On January 8, 2018, pursuant to California Government Code Section 65858(d) the City Council issued a report stating the measures taken to address the issues covered by the moratorium.

On January 22, 2018, the City Council held a public hearing and adopted Ordinance No. 1171, extending the moratorium for 10 months and 15 days, in order to allow time for staff to study and prepare an ordinance recommending amendments to the Municipal Code regulating the retail sale of firearms.

At the January 22, 2018 meeting, the Council gave direction to staff regarding possible amendments to the Municipal Code. In general, there was consensus that a conditional use permit was appropriate for firearm sales in order to allow for public input and to establish appropriate regulations. The Council discussed various options, including not allowing firearm sales in the downtown at all, and allowing firearms sales downtown as secondary use as a part of a larger business such as a sporting goods store.

The issues staff considered in drafting the ordinance include:

1. In which zoning districts should firearm sales be allowed?
2. Should firearm sales be allowed as a permitted use or should a conditional use permit be required?
3. Should firearms sales be treated as a “Specific Land Use” with criteria specific to the use? Examples of “Specific Land Uses” in the current Code include Automotive Service Stations and Adult Businesses.

Staff has prepared amendments to the Land Use Code, with the goal of allowing the sale of firearms in the CS, CD, MU, and I (Industrial) Districts subject to the approval of a conditional use permit and subject to location and security provisions specific to the sale of firearms.

Federal and State Regulations of Gun Sales

Firearms dealers are regulated by federal and state laws. California generally has stricter regulations than the federal government. For instance, California requires that all gun sellers be licensed, while the federal government allows unlicensed gun sales at gun shows and online. California also does not permit sales of assault rifles; ownership of detachable magazines is currently being litigated. Starting in July 2019, purchasers will need to undergo a background check to buy ammunition. However, there is no limit on how much ammunition a purchaser may buy.

The State of California Department of Justice Bureau of Firearms regulates the sales, ownership and transfer of firearms and safety training. There is a 10-day waiting period before the firearms dealer releases the gun to the purchaser, and a purchaser must provide an application to purchase the handgun. The application must include certification that the applicant has passed a written test and requires the applicant’s thumbprint. The purchaser must also fulfill the safe handling demonstration requirement. During the 10-day waiting period, the Department of Justice conducts a firearms eligibility background check to ensure the purchaser is not prohibited from lawfully possessing firearms (including, for example, convicted felons, persons with mental

disorders, persons on probation, drug addicts, and persons subject to protective orders). California also prohibits openly carrying loaded firearms in public.

PROJECT DESCRIPTION:

Staff prepared the attached resolution (Attachment 2) to amend the firearm sales provisions of the City’s Land Use Code. The resolution references Attachment 1 which shows the proposed amendments to the Land Use Code, including deleting “Gunsmith, sales and repair” as a permitted use in the CS and CD Districts and replacing with “Firearm dealers” as a conditional use in the CS and I Districts. The sale of firearms would still be allowed within the CD and MU Districts, but as a conditional use, and only as secondary use as part of sporting goods or hardware stores.

The proposed amendment also adds “Firearm sales” as a “Specific Land Use” with development criteria specific to the retail sales of firearms. The proposed criteria requires separation from sensitive land uses and limits firearms sales within the CD and MU Districts to a secondary use, in that firearms sales would only be allowed as part of a larger retail business. As a secondary use, the floor area used for the sale, display and storage of firearms could not exceed 5 percent of the gross floor area of the business. A business that proposes to sell ammunition and other gun related products, but not firearms, would not need a conditional use permit; ammunition and other related firearm items, such a scopes and gun safes etc. would not be counted in the 5 percent floor area limitation in the CD and MU Districts.

APPLICABLE GENERAL PLAN AND LAND USE CODE INFORMATION:

General Plan Consistency

The amendments address the following applicable Healdsburg 2030 General Plan policies and programs:

- GOAL ED-A, regarding supporting businesses, is implemented by continuing to allow firearm sales in the CS, CD, MU, and I Districts subject to reasonable regulations.
- GOAL ED-B-2, regarding supporting a diversity of uses in the downtown, is implemented by continuing to allow firearm sales in the CD as a secondary use subject to reasonable regulations.

ENVIRONMENTAL ANALYSIS:

The proposed amendments will not allow for, or encourage any more development than is already anticipated under the City’s existing General Plan, or otherwise allow for or promote physical changes in the environment and, therefore, it can be seen with certainty that there is no possibility that the proposed amendments may have a significant on the environment.

The proposed amendments to the Municipal Code are thus exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3).

DISCUSSION/ANALYSIS:

Prior to the current moratorium, a gun store could locate in the CS and CD Districts without obtaining a conditional use permit. Guns could also be sold in a sporting goods store in the MU,

CD and CS Districts. Similarly, guns could also be sold in hardware stores, which are permitted in the CD and CS Districts. To open a stand-alone gun store, a firearms dealer would have needed to obtain a business license similar to any other business, and a Firearms Dealer Permit from the Healdsburg Police Department. State law requires the Firearms Dealer Permit be renewed annually and allows the Police Department to verify that the firearms dealer meets the State’s legal requirements to sell firearms.

Currently, Healdsburg has no retail businesses that sell firearms; the sale of firearms is not allowed as a home occupation. Staff is not aware of any previous stand-alone gun shops in Healdsburg. Instead, gun sales have traditionally taken place inside a larger business, such as at Garrett Hardware, formerly located on the Plaza, or Coast to Coast, formerly located in the Mitchell Center north of the Plaza, without any separate permitting requirements.

Below is a list of the City’s residential, office, commercial and industrial districts and staff’s rationale for recommending or not recommending firearms sales in each district:

Zoning District	Rationale for recommending or not recommending firearms sales
Residential Districts	The sale of firearms does not meet the stated purpose of the residential districts, which is to provide areas for family living and quasi-public facilities.
O Districts - Office	One of the purposes of the office districts is to provide a buffer between residential and nonresidential districts. The sale of firearms would not provide such a buffer.
CD - Downtown Commercial	The sale of firearms as a secondary use with no more than 5% of floor area devoted to firearms (such as a sporting goods store) in the CD District could be appropriate with a C.U.P. in that a stated purpose of the CD District is to “foster use of vacant buildings by permitting certain conditional uses” and to “encourage ground floor retail and second floor commercial and office uses which are compatible with pedestrian oriented shopping.” A stand-alone gun store would <u>not</u> be compatible with pedestrian oriented shopping and current character.
CS – Service Commercial	The sale of firearms in the CS District could be appropriate with a C.U.P. in that the CS District allows for a wide range of retail stores and commercial services.
GMU – Grove Mixed Use	The sale of firearms in the GMU District is not appropriate in that a stated purpose of the GMU District is to limit commercial development to preserve as many desirable residential characteristics as possible.
MU – Mixed Use	The sale of firearms as a secondary use with no more than 5% of floor area devoted to firearms in the MU District could be appropriate with a C.U.P. in that the MU District allows for a wide range of commercial uses, including sporting goods

	stores, which often sell firearms.
PR – Plaza Retail	The sale of firearms in the PR District is not appropriate in that gun sales would not be “harmonious with the special character of the Plaza” which is a stated purpose of the PR District.
I - Industrial	The sale of firearms in the I District could be appropriate with a C.U.P. in that industrial locations are generally located away from sensitive land uses such as schools.

Rohnert Park is the only city in Sonoma County that requires a conditional use permit. Most cities treat gun sales as “general retail”, which is usually allowed by right in commercial zoning districts.

Zoning Recommendations

While the Second Amendment to the United States Constitution establishes the right of citizens to keep and bear arms, it does not establish the right to sell firearms. Moreover, Courts have continuously upheld local authority to regulate zoning and land use, including by imposing regulations or limitations on the sale of firearms.

Eight of the nine cities in Sonoma County allow gun sales as “general retail” which is a permitted use in their commercial zoning districts. In 1991, Rohnert Park adopted an ordinance that requires firearm dealers obtain a conditional use permit, meet specific performance standards and obtain a license through the Police Department. The City of San Rafael also requires a conditional use permit subject to specific performance standards. Examples of performance standards include:

1. Separation from sensitive uses such as schools, churches, and day care facilities. This separation distance generally ranges from 250 feet to 500 feet depending on the jurisdiction;
2. Imposition of security and public safety measures;
3. Imposition of safe firearm and ammunition storage measures; and
4. Demonstration of compliance with Federal and State regulations.

Staff recommends that all uses that include sales of firearms require a conditional use permit. . Staff recommends that stand-alone gun shops, as well as firearms sales within other retail uses, be permitted with a conditional use permit in the CS and I Districts. Staff recommends that a stand-alone gun shop not be allowed in the CD and MU Districts. Instead, staff recommends that sporting goods and hardware stores be allowed to devote up to 5% of their floor space to gun sales, as secondary use with a conditional use permit, as noted within Attachment 1.

The below chart summarizes staff’s recommendations:

District	Stand-alone gun shop	Retail store more than 5% firearms	Retail store 5% or less firearms
CS	CUP	CUP	CUP
I	CUP	CUP	CUP
CD	Not allowed	Not allowed	CUP
MU	Not allowed	Not allowed	CUP
PR	Not allowed	Not allowed	Not allowed
O	Not allowed	Not allowed	Not allowed
PR	Not allowed	Not allowed	Not allowed
R	Not allowed	Not allowed	Not allowed

Regulation Recommendations

Staff recommends that all firearm sales be surrounded by a 500 foot buffer separating the firearms use by at least 500 feet from sensitive uses. Staff recommends that sensitive uses be defined as churches, schools, youth centers, commercial day care, parks, and other firearm sales establishments.

Staff has identified the location of sensitive use within and adjacent to the CS, I, CD and MU Districts, and has determined that there are locations within all four districts that would be available for firearm sales. (Attachment 4.)

Staff recommends the following safety, security, and storage measures:

- display and storage of firearms and ammunition within a secured locked location (without the use of bars on the windows unless approved by Design Review) subject to the approval of the Police department, and
- storage of ammunition and other merchandise classified as “hazardous material” be subject to the approval of the Fire Department.

Separate from these proposed amendments to the Land Use Code, staff intends to propose to the City Council an amendment to the Municipal Code- Public Safety and Welfare to codify the current Police Department Firearms Dealer Permit Application process. The proposed addition to Chapter 9.16-Weapons is as follows:

9.16.050 Licensing authority – Issuance of firearms dealer permit.

(A) The Chief of Police, or his or her designee, is designated as the duly constituted licensing authority of the City for accepting applications for, and the granting of licenses as provided in Section 12071 of the California Penal Code.

(B) A City processing fee shall be paid at the time an application for a license under this section is submitted. The amount of the fee shall be established from time to time by resolution of the City Council. The City processing fee shall be in addition to and fee

(s) that may be payable to the state or federal government in connection with an application submitted under this section.

The above addition to Public Safety and Welfare Code is included for informational purposes, and is not subject to action by the Planning Commission.

FISCAL INFORMATION:

The ordinance amendments adopting revised standards for firearm dealers would have no direct fiscal impact.

ATTACHMENT(S):

1. Draft Firearm Dealer Land Use Code Amendments
2. Draft Resolution No. 2018-04 Recommending Firearm Dealer Amendments
3. City Council Ordinances 1170 and 1171
4. Buffer zone map for sensitive uses

ATTACHMENT 1

Proposed Revisions to Firearms Sales Requirements (Changes noted through red underlines and strikeouts)

20.08.145 Permitted and conditionally permitted uses: PR, CD, and CS Districts

The following permitted and conditionally permitted uses may be allowed in the PR, CD and CS Districts. Chapter 20.28 HMC, Article V describes the procedures for obtaining a conditional use permit.

Table 10 Permitted and conditionally permitted uses: PR, CD and CS Districts

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS
Residential Uses			
Day care, general	--	C	C
Day care, limited	--	P	P
Homeless shelters	--	--	P
Multi-family dwellings located on the same site as a commercial use – above ground floor	C	P	P
Multi-family dwellings located on the same site as a commercial use – any floor	--	P	P
Residential care, general	--	C	C
Residential care, limited	--	P	P
Single room occupancy dwellings located on the same site as a commercial use – above ground floor	C	P	P
Single room occupancy dwellings located on the same site as a commercial use – any floor	--	P	P
Supportive housing	P	P	P
Transitional housing	P	P	P
Vacation rental homes	--	C	--
Retail Trade and Services			
Ambulance service	--	--	P
Antique car display and sales	--	C	P
Antique sales – above ground floor	P	P	C
Antique sales – ground floor	C	P	C
Art galleries and picture framing with art sales	P	P	P
Arts and crafts schools	--	P	P
Arts, crafts and hobby stores, including instructional classes as an accessory use	P	P	P
Automobile rentals	--	--	P
Automobile washing (self-service)	--	--	P
Automotive repair	--	--	C
Automotive sales and service, new and used, with auto service	--	--	P

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS
Automotive service stations, including smog testing, minor repair (tune-ups and brake repair only), towing services, vehicle storage and mini-markets	--	--	C
Automotive supply stores	--	P	P
Automotive upholstery shops	--	--	C
Bakeries, retail	P	P	P
Banks, savings and loans, thrift and loans, credit unions, including automated teller machines and drive-through facilities	--	C	C
Banks, savings and loans, thrift and loans, credit unions, including automated teller machines (no drive-through)	C	P	P
Barber shops/beauty shops – above ground floor	P	P	P
Barber shops/beauty shops – ground floor	--	P	P
Bars and cocktail lounges	C*	C*	C*
Beer and wine sales (off-premises consumption), ancillary to mini-market retail sales contained within a service station	--	--	C*
Bicycle sales and repair shops, including rentals	--	P	P
Blueprint and photo reproduction shops	--	P	P
Boat sales and service	--	--	P
Bookstores and newsstands – above ground floor	P	P	P
Bookstores and newsstands – ground floor	C	P	P
Bowling alleys	--	--	P
Building material sales	--	--	C
Bus depots	C	C	C
Cabinet shops	--	--	C
Card and stationers' stores	P	P	P
Carnivals and circuses, temporary	--	--	C
Catering shops (food to go only)	--	P	P
Christmas tree sales lots, temporary	P	P	P
Clothing and shoe establishments, including clothing sales (new merchandise only), tailor shops, and dressmaking establishments	P	P	P
Computer retail sales	--	P	--
Consignment sales with incidental sales of used goods and clothing	--	P	P
Contractors' equipment rental yards & equipment rental yards	--	--	C
Contractors' shops with no outdoor storage of heavy equipment	--	--	P
Delicatessens and gourmet food sales with incidental catering	P	P	C
Dental labs	--	P	P
Department stores	--	P	P
Dry cleaners and laundries	--	P	P

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS
Electronic games centers (4 or more games)	--	C	C
Fabric shops	P	P	P
Farmers markets	C	C	C
Firearm dealers, subject to HMC Section 20.20.105		--	<u>C</u>
Floor covering and drapery sales	--	C	P
Florists, including outdoor sales	P	P	P
Food and cold storage lockers	--	C	P
Food stores over 3500 square feet in retail sales	--	P	P
Food stores up to 3500 square feet in retail sales	C	P	P
Furniture repair	--	P	P
Furniture stores, retail	P	P	P
Gift shops	P	P	P
Glass shops (glaziers)	--	--	P
	--		
Hardware, paint and wallpaper stores, with no firearm sales	--	P	P
Hardware, paint and wallpaper stores with firearm sales, subject to HMC Section 20.20.105		<u>C</u>	<u>C</u>
Health clubs, gymnasiums and dance studios	--	C	P
Home electronics and household appliance stores, including television, stereo, radio, telephone, computer and related sales (includes repair and installation services)	--	P	P
Hotels, extended stay hotels and motels	P	P	--
Ice cream parlors, soda fountains and candy stores	P	P	P
Interior furnishing and accessory shops	P	P	P
Jewelry sales and repair, including watch and clock repair	P	P	P
Kennels	--	--	C
Kitchenware shops	P	P	P
Laboratories	--	C	P
Laundries – self-service	--	P	P
Linen supply services	--	--	P
Liquor, beer and wine sales – off-premises consumption	C*	C*	C*
Live-work facilities	--	P	P
Locksmiths	--	P	P
Machinery sales, service, rental	--	--	P
Manufacturing/processing – light; provided, that all of the conditions prescribed by Chapter 20.24 HMC Article I are met, and that no motor power other than electrically operated motors shall be used. The horsepower of any single motor shall	--	C	C

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS
not exceed five horsepower and the total horsepower of all such motors on the site shall not exceed 25 total horsepower. This does not include air conditioning equipment.			
Massage establishments – above ground floor	P	P	P
Massage establishments – any floor	--	P	P
Medical and dental clinics	--	--	P
Mortuaries	--	C	C
Motorcycle sales and service	--	C	P
Music and dance entertainment clubs	--	P	C
Musical instrument sales, repair and lessons; and recorded music sales – above ground floor	P	P	P
Musical instrument sales, repair and lessons; and recorded music sales – ground floor	C	P	P
Nightclubs	C*	C*	C*
Nurseries and garden supply stores	--	C	P
Office equipment sales and service	--	P	P
Offices – professional, administrative and business, including chiropractor, insurance, real estate and financial offices, but excluding medical and dental offices – any floor	--	P	P
Offices – professional, administrative and business, including chiropractor, insurance, real estate and financial offices, but excluding medical and dental offices – above ground floor	P	--	--
Offices – psychologist, psychiatrist, counseling and therapy	--	P	P
Optician and optometrist shops	--	P	P
Outdoor vendors on private property	C	C	--
Parking lots and parking garages	C	P	P
Patio and garden furniture and accessories shops	--	P	P
Pet shops, including pet grooming	--	P	P
Pharmacies and drug stores	C	P	P
Photography shops, studios and photo supply stores	C	P	P
Picture framing shops	--	P	P
Plumbing supply shops	--	C	P
Pool and billiards halls	--	C	P
Pool and spa sales and service	--	--	P
Post office and private mail services	--	C	P
Pottery and woodworking shops	--	--	P
Printing, lithography and engraving	--	C	P
Public information centers – indoor	P	P	P

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS
Public utility installations, including public service pumping stations, power stations and substations, equipment buildings and installations	--	C	C
Radio and television broadcast and recording studios	--	C	C
Radio, television and stereo sales and service	--	P	P
Recreational equipment rental	--	--	P
Recreational vehicle sales, services, repair and storage	--	--	P
Residential visitor lodging	--	C	C
Restaurants, cafes and eating establishments, indoor and outdoor eating, including sale of alcoholic beverages as an ancillary use and indoor music with no sound amplification	P	P	P
• Amplified music	C	C	C
Restaurants, drive-in, walk-up and drive-through	--	--	C
Retail warehouses over 6,000 square feet of floor area	--	--	C
Retail warehouses under 6,000 square feet of floor area	--	--	P
Secondhand stores and pawn shops	--	C	C
Shoe repair	--	P	--
Sign painting	--	C	P
Skating rinks (within bldg)	--	--	P
Spa, day	--	P	P
• Above ground floor	C	P	--
• Any floor	--	P	--
Spa, overnight	P	P	--
Sporting goods sales, with rental as an accessory use, with no firearm sales	--	P	P
Sporting goods sales, with rental as an accessory use, with firearm sales, subject to HMC Section 20.20.105		<u>C</u>	<u>C</u>
Supermarkets (over 3500 square feet of retail sales area)	--	P	P
Tasting room	C*	C*	--
Theaters and auditoriums within buildings	C	P	C
Tire sales, not including tire recapping	--	--	P
Tobacco and pipe shops	P	P	P
Toy stores	P	P	--
Travel agencies – above ground floor	P	P	P
Travel agencies – ground floor	C	P	P
Upholstery shops	--	C	C
Vacation timeshares	--	--	--
Variety stores and dry goods	--	P	P

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS
Vending machine service	--	--	P
Veterinarian offices and small animal hospitals	--	--	C
Recreation, Education and Public Assembly			
Churches and other religious institutions	--	C	C
Private clubs, fraternal lodges and meeting halls	C	C	C
Private museums	P	C	--
Accessory Uses			
Accessory structures and uses located on the same site as a permitted or conditional use	P	P	P

-- = not permitted

* Alcohol beverage establishments are subject to the requirements of HMC 20.20.075.

(Ord. 1166 § 2, 2017; Ord. 1140 § 1, 2014; Ord. 1104 § 2 (Exh. A § 725), 2010; Ord. 1087 § 2 (Exh. A § 725), 2009; Ord. 1076 § 2, 2009; Ord. 1031 § 2, 2006; Ord. 1018 § 2 (Exh. A § 725), 2004; Ord. 1012 § 2 (Exh. D §§ 4, 5), 2004; Ord. 990 § 2 (Exh. A § 1), 2002; Ord. 987 § 2 (Exh. A § 725), 2002; Ord. 972 § 2 (Exh. A § 725), 2001; Ord. 971 § 2 (Exh. A § 2), 2001; Ord. 964 § 2 (Exh. A § 725), 2000; Ord. 956 § 2 (Att. A § 725), 1999; Ord. 950 § 2 (Exh. A § 725), 1998.)

20.08.155 Permitted and conditionally permitted uses: MU District

Table 12 identifies the permitted and conditionally permitted uses for the Mixed Use District. This table is to be used in conjunction with the definitions contained in Chapter 20.28 HMC, Article IX. Refer also to the specific use regulations as noted. Chapter 20.28 HMC, Article V describes the procedures for obtaining a conditional use permit.

Table 12 Permitted (P) and conditionally permitted uses: MU District

Permitted (P) and conditionally permitted (C) Uses		Specific Use Regulations
Residential Uses		
Home occupations	P	Sec. 20.20.005
Residential uses as part of a mixed use development	C	
Multi-family dwellings not part of a mixed use development	P	
Residential care, general	C	
Residential care, limited	P	
Single-family attached dwellings not part of a mixed use development	P	
Supportive housing	P	
Transitional housing	P	
Vacation rental homes	--	
Retail Trade		
Alcoholic beverages (off-sale)	C	Sec. 20.20.075
Artisan shop	P	

Permitted (P) and conditionally permitted (C) Uses		Specific Use Regulations
Convenience store •Beer and wine sales (off-sale), ancillary	C C	Sec. 20.20.075
Grocery and specialty food sales •3,500 square feet or less •More than 3,500 square feet	P C	
Outdoor display and sales	P	Ch. 20.16, Art. V
Retail, general •Extended hours •Secondhand goods	P C C	
Sporting goods sales, with rental as an accessory use, with firearm sales	<u>C</u>	Sec. 20.20.105
Services		
Bank, financial services	P	
Business support services	P	
Catering	P	
Instructional services	C	
Medical services, minor	C	
Personal services	P	
Recycling, small collection facility	C	
Specialty transportation rental, touring services	C	
Storage - indoor	C	
Tasting room	C	Sec. 20.20.075
Vehicle services - service station •Beer and wine sales (off-sale), ancillary	C C	Sec. 20.20.065 Sec. 20.20.075
Visitor lodging	C	
Eating & Drinking Establishments, Entertainment		
Bar, nightclub	C	Sec. 20.20.075
Restaurant •Amplified music audible from outside the building •Extended hours	P C C	Sec. 20.16.080
Food and Beverage Production		
Food and beverage production - limited	C	
Utilities		
Public utility facility	P	
Telecommunication facility - minor	P	Sec. 20.20.080
Telecommunication facility - major	C	Sec. 20.20.080
Accessory Uses		
Accessory uses customarily associated with or essential to a permitted or	P	

Permitted (P) and conditionally permitted (C) Uses		Specific Use Regulations
conditionally permitted use, and operated incidental to the principal use		
Drive-through service	C	

(Ord 1166 § 3, 2017; Ord. 1104 § 2 (Exh. A § 10), 2010; Ord. 1099 § 1, 2010; Ord. 1087 § 2 (Exh. A § 728), 2009; Ord. 972 § 2 (Exh. A § 725), 2001; Ord. 950 § 2 (Exh. A § 725), 1998.)

20.08.195 Permitted and conditionally permitted uses

The following table identifies the permitted and conditionally permitted uses for the Industrial District. This table is to be used in conjunction with the definitions contained in Chapter 20.28 HMC, Article IX. Chapter 20.28 HMC, Article V describes the procedures for obtaining a conditional use permit.

Table 15 Permitted (P) and conditionally permitted (C) uses: I District

Residential Uses	
Home-based business	P
Live/work facilities, including caretaker residence	C
Supportive housing	P
Transitional housing	P
Workforce housing	C
Retail Trade	
Firearm dealers, subject to HMC 20.20.105	<u>C</u>
Retail sales, bulky products • Outdoor display and sales	P C
Retail, general, of products manufactured, assembled or warehoused on the same premises, incidental to the primary use	P
Vehicle and agricultural equipment sales and related equipment and supplies sales	C
Wholesaling and distribution	P
Services	
Adult entertainment	C
Business support services	P
Catering	P
Commercial recreation	C
Equipment rental • With outdoor storage and display	P C
Equipment storage yard	C
Fitness center	P
Furniture repair, refinishing and re-upholstery	P
Instructional services • Abutting a residential or office use or zoning district	P C

Kennel, animal grooming and sales of related equipment and supplies	C
Maintenance/repair service	P
Mortuary	C
Offices, nonmedical	C
Offices, medical, where medical, dental, mental health, surgical and/or other similar health care services are provided on an outpatient basis, and that accommodate no more than four licensed primary practitioners (such as medical doctors, dentists, chiropractors, psychologists) within a single office suite in a building specifically designed for office uses. This classification does not include hospitals, clinics, laboratories and dispensing opticians and optometrists.	C
Recycling facility	C
• Small collection facility	C
• Medium collection facility	C
Restaurant	P
Storage – personal storage facility	P
Vehicle rental	C
Vehicle services	
• Major maintenance and repair	C
• Minor maintenance and repair	P
• Service station	P
Vehicle/boat storage	C
Veterinarian, small animal hospital	C
Industrial Uses	
Alcoholic beverage manufacturing facility	P
• Amplified music	C
• Entertainment and assembly venue	C
• Tasting room	C
Laboratory – medical, analytical	P
Manufacturing/processing – light	P
Manufacturing/processing – moderate	C
Research and development	P
Warehouse	P
Accessory Facilities and Uses	
Accessory uses customarily associated with or essential to a permitted use, and operated incidental to the principal use, including offices	P
Tasting of food and nonalcoholic beverage products produced on site	P
Public & Quasi-Public Uses	
Transit station	P
Mail collection and distribution center	P
Utilities	

Public utility facility	P
Telecommunication facility – minor	P
Telecommunication facility – major	C

(Ord. 1166 § 4, 2017; Ord. 1140 § 2, 2014; Ord. 1088 § 2 (Exh. A § 805), 2009; Ord. 1047 §§ 1, 2, 3, 2006; Ord. 1018 § 2 (Exh. A § 820), 2004; Ord. 1012 § 2 (Exh. D §§ 1, 2), 2004; Ord. 1004 § 3, 2004; Ord. 987 § 2 (Att. A § 6), 2002; Ord. 983 § 2 (Exh. A), 2001; Ord. 971 § 2 (Exh. A § 3), 2001; Ord. 956 § 2 (Att. A § 820), 1999; Ord. 950 § 2 (Exh. A § 820), 1998.)

Add Section 20.20.105, as follows:

20.20.105 Firearm Sales

A. Purpose

The purpose of this section is to regulate all firearm sales, as defined below, to provide for the appropriate location and ensure that the use does not have a negative impact on the surrounding neighborhood and is operated in a safe and secure manner.

B. Definitions. As used herein, the following definitions shall apply:

Firearm. A gun, pistol, revolver, rifle, shotgun, BB gun, airgun, pellet gun, or any other weapon of similar nature designed to discharge a projectile propelled by the expansion of gas. Firearm also means any another such device as defined by the California Penal Code.

Firearm sales. Any and all sale or commercial distribution of a firearm within the City including but not limited to sale or commercial distribution at a sporting goods store; hardware store, paint store, wallpaper store; or firearm dealer.

Firearm dealer. Any person, business, corporation, association, organization or other entity engaged in the business of selling, leasing, transferring, advertising, offering, exposing for sale, of any firearm at a location where the floor area used for the sales, display, or storage of firearms exceeds 5 percent of the gross floor area of the business location.

Sporting goods sales, with rental as an accessory use, with firearm sales. A business, corporation, association, organization or other entity engaged in the business of selling, leasing, transferring, advertising, offering, or exposing for sale, any firearm at a location where the floor area used for the sales, display, or storage of firearms does not exceed 5 percent of the gross floor area of a bona fide sporting goods store selling a full range of non-firearm related sporting goods. The floor area used for gun sales must be contiguous, meaning that floor area devoted to firearm sales and related activities may

not be dispersed throughout the location. Firearm sales must be accessory to the sporting goods sales.

Hardware store, paint and wallpaper stores, with firearm sales. A business, corporation, association, organization or other entity engaged in the business of selling, leasing, transferring, advertising, offering, or exposing for sale, any firearm at a location where the floor area used for the sales, display, or storage of firearms does not exceed 5 percent of the gross floor area of a bona fide hardware store that sells a full range of non-firearm related hardware items. The floor area used for gun sales and related activities, meaning that the floor area devoted to firearm sales and related activities may not be dispersed throughout the location. Firearm sales must be accessory to the hardware, paint or wallpaper sales.

C. Conditional Use Permit Requirement

1. All firearm sales require the approval of a Conditional Use Permit.
2. The application and procedure for the conditional use permit, including notice and hearing requirements, shall be as set forth in Article V of Chapter 20.28 (Administration) of the HMC.
3. The planning and building director may refer the application to other City departments to determine whether the premises where firearm sales will occur complies with the City's building, health, zoning and fire ordinances, and any other applicable ordinances or laws. City departments may conduct an inspection of the premises to determine compliance with the ordinances and laws they administer.
4. Grounds for conditional use approval, denial or revocation.
 - a) In addition to making those findings required for issuance of a CUP as set forth in HMC section 20.28.165, the Planning Commission shall consider the following factors in determining whether to grant or deny a conditional use permit.
 - 1) Whether the applicant has received all required federal and State permits, and the local Firearms Sales Permit from the Healdsburg Chief of Police;
 - 2) Whether the proposed location complies with the requirements of this section;
 - 3) Whether the proposed location is consistent with the character and uses of the surrounding neighborhood;
 - 4) How the proposed use will affect the welfare of the area residents; and

5) Whether the proposed use would be in conflict with any provision contained in this section;

5. Conditional use permit conditions. The planning and building director may recommend that the firearm sales conditional use permit include any conditions necessary to ensure compliance with the provisions of this section and other sections of the HMC, as well as to ensure the public health, safety, and welfare, including but not limited to:

a) a condition that the applicant maintain specified security measures on the premises of the location. Bars on the windows are not permitted unless approved by Design Review.

b) a condition that the applicant maintain all required federal, State and local licenses and permits, including the permit from the Healdsburg Chief of Police described in HMC Section 9.16.050.

c) a condition that the applicant provide regular documentation showing compliance with the provisions in this section.

d) a condition that firearms and ammunition, at all times, whether on display or in storage, be maintained in a secured and locked location so that access is controlled solely by the dealer or employee, to the exclusion of others.

e) a condition that storage of ammunition and other firearms-related merchandise classified by the California Code of Regulations Title 24, Part 9, California Fire Code, as amended by the City of Healdsburg, as “hazardous materials” shall be subject to the approval of the Fire Chief or his or her designee.

6) In addition to the above, any conditional use permit issued to an applicant to establish firearm sales operating as an accessory use to a sporting goods or hardware store shall include a condition requiring that firearm sales, display and storage do not exceed 5% of the floor area of the business location.

D. Location.

1. Firearm sales are only allowed in the Zoning Districts that list “Firearm dealers,” “Hardware, paint and wallpaper stores, with firearm sales,” or “Sporting goods sales, with rental as an accessory use, with firearm sales” in the use table for that Zoning District.

2. No firearm sales shall be located within 500 feet of the following:

a. Churches, chapels, and similar places of worship;

b. Schools, youth centers, and commercial day care establishments;

c. Parks (as used herein, the Foss Creek Pathway shall not be considered a park); or

d. Another location with firearm sales.

3. For the purposes of this section, all distances shall be measured in a straight line, without regard for intervening structures, roads, railroads, or natural features, from the nearest property line on which the firearm sales use is located to the nearest property line of any use listed above.

20.28.310 Definitions

For purposes of this Title, certain words and terms used herein are defined in the following manner.

Above-moderate housing. Housing units affordable to households and individuals with incomes above one hundred and twenty percent (120%) of the median household income for Sonoma County as determined by the U.S.

Department of Housing and Urban Development.

Accessory dwelling unit. See Dwelling unit, accessory.

Accessory uses and structures. Uses and structures that are incidental and subordinate to the principally permitted or conditionally permitted use on a site and are customarily found on the same site. See also Structure, accessory and Use, accessory.

Adult entertainment establishments. Establishments based substantially or primarily on materials or performances that depict, describe, or relate to “specified sexual activities” or “specified anatomical areas” as defined elsewhere in this article. These include:

Adult bookstores. An establishment which has a substantial portion of its stock in trade and offers for sale for any form of consideration, any one or more of the following:

- Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- Instruments, devices or paraphernalia that are designed for use in connection with “specified sexual activities.” This definition does not include such items customarily sold by a bona fide pharmacy.

Adult motion picture theater. An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown to an audience, and, in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas.”

Adult theater. A theater, concert hall, auditorium or other similar establishment, which, for any form of consideration, regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by an emphasis upon the depiction of “specified sexual activities.”

Other adult entertainment establishments. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matters depicting, displaying, describing or relating to “specified sexual activities” or “specified anatomical areas.”

Affordable housing. Housing affordable to very low, low and/or moderate income households, based upon the median incomes for Sonoma County as established annually by the U. S. Department of Housing and Urban Development.

Agency. The Redevelopment Agency (RDA) of the City of Healdsburg.

Alcoholic beverage. Any beverage, including beer, wine and spirits, which is fit for consumption and which contains one-half of one percent or more of alcohol by volume.

Alcoholic beverage establishment. Any establishment where alcoholic beverages are sold or served for consumption on the premises, or off of the premises, pursuant to a valid State Alcoholic Beverage Control (ABC) license.

Alcoholic beverage manufacturing facility. A facility used for the production and distribution of alcoholic beverages including wine, cider, beer or distilled spirits. This use category includes the following related on-site uses:

- Processing of raw products outside or within a structure;
- Aging, processing and storage of products in bulk;
- Bottling and storage of bottled products;
- Shipping and receiving of bulk and bottled products;
- Retail sale of products and items related to the alcoholic beverage manufacturing use;
- Incidental public tours of the premises;
- Laboratories, associated with the sampling and testing of the product;
- Administrative and marketing offices;
- Above-ground storage and processing of wastewater.

Alley. A public way permanently reserved for vehicular service or pedestrian access to abutting properties.

Alter. To make a change in the supporting members of a structure, such as bearing walls, columns, beams, or girders, which will prolong the life of said structure. This shall also include exterior changes to existing structures to enlarge the floor area or volume or to change roofline(s) of said structure. This shall also include any change, addition or modification in the construction or occupancy of a building or structure.

Antique. A decorative or household object that is valued because of its age. Does not include items included under “Retail, secondhand goods” or items accepted as security for the payment of a loan.

Antique stores. Retail establishments selling generally articles of general quality and age which would be of interest to collectors or restorers, such as articles displayed in a fashion similar to a gallery or furniture store. Antique stores shall not engage in accepting items used for securities or deposits for the payment of loans or debts.

Apartments. A structure containing more than one dwelling unit for rental purposes.

Arcade. A covered walk, predominantly open on one or more sides, on the ground floor of a building, and adjacent to the street or front yard.

Arcade, video. An establishment that contains four or more video arcade games.

Arcade games. Any machine or device which may be operated for use as a game, contest, or amusement upon the insertion of a bill, coin, slug, token in any slot or receptacle attached to such machine or connected therewith, which does not contain a payoff service for the return of money, coins, slugs, tokens or merchandise.

Artisan shop. Sale of handcrafted items, such as art glass, ceramics or jewelry. An area for the crafting of the items being sold on the premises may be included with this use.

Automotive service station. A retail place of business engaged primarily in the sale of motor fuels but also supplying goods and services generally required in the operation and maintenance of automotive vehicles and fulfilling motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; lubrication services; washing of automobiles as an incidental part of the business; performance of minor automotive repair, including engine tune ups; tire, battery and brake replacement; and the supplying of other such incidental customer services, including limited food items and sundries as are allowed by this title or by other policies, regulations or laws of the City of Healdsburg.

Balcony. A platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail balustrade or parapet.

Bar. A business where alcoholic beverages are sold for on-site consumption and that is not part of a restaurant, hotel or motel. Includes pubs, wine bars, tap rooms, cocktail lounges and similar establishments where any food service is subordinate to the sale of alcoholic beverages.

Block. The properties abutting on one side of a street and lying between the nearest two intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse or City boundary.

Block-face. The properties abutting each individual street on a block.

Boarding house. A dwelling where lodging and meals, but no other supportive services, are provided to paying guests who reside at the dwelling for 30 or more consecutive days. The owner or a manager must reside within or on the same property as the boarding house.

Breezeway. A structure no more than six feet in length, not exceeding 14 feet in height and having more than 50 percent of the sides of the structure enclosed with material other than necessary for roof supports, for the principal purpose of connecting the main structure on a site with another main structure or an accessory structure on the same site.

Building. Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, chattels or property of any kind.

Building coverage. See *Site coverage*.

Building lot. See *Lot*.

Business support service. An establishment that provides one or more services to other businesses, which may also be utilized by the general public. Examples of these services include:
Copying, quick printing, blueprinting;
Computer rental, repair;
Film processing and photofinishing (retail);
Mailing and mail box services.

Catering. A business that prepares food for consumption on the premises of a client.

Clubs and lodges. Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or guests. This definition includes union halls, social clubs, fraternal organizations and youth centers.

Collectible. An object of a type that is valued or sought after by collectors.

Commercial recreation. An establishment providing amusement or entertainment services for a fee or admission charge, including customarily-associated facilities such as restaurants and video game arcades. Examples of this use include the following:

Bowling alleys;
Indoor climbing walls;
Miniature golf courses;
Skating rinks.

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

Community benefit group. An organization whose primary purpose is to provide civic, cultural, recreational, educational, religious or social services to the community of Healdsburg.

Conditional use. A land use or activity permitted subject to the issuance of a use permit as set forth in this title.

Condominium. An estate in real property consisting of an individual interest in common with other purchasers in a parcel of real property, together with a separate interest in space in a residential building.

Consignment goods. Articles that are offered for sale that have been left with the retailer on the understanding that payment will be made only when the goods have been sold and that any remaining unsold articles can be returned. Does not include pawned articles.

Convenience store. A retail store of 2,500 square feet or less in gross floor area, that carries a limited range of merchandise oriented to daily needs and which may include the sale of pre-packaged food for off-site consumption.

Court. An unoccupied open space on the same site with a building that is bounded on two or more sides by exterior building walls.

Creek. A body of water that flows at least periodically through a bed or channel having banks that support fish or other aquatic life. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation. This definition does not include artificial or man-made drainage ditches, such as those typically constructed along roads or agricultural fields, and which do not support fish or other aquatic life, or woody riparian vegetation, unless such features were the result of channel modification or a replacement for the loss of a natural drainage feature.

Day care, family. A home which regularly provides care, protection and supervision of 14 or fewer children in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and includes large family day care and small family day care.

Day care, general. Provision of care for seven or more persons other than a family day care on a less than 24-hour basis. This classification includes nursery schools, preschools, and day care centers for adults or children and includes only those facilities licensed by the State of California.

Day care, large family. A home that provides family day care for up to 14 children, including children under the age of 10 years who reside in the home.

Day care, limited. Non-medical care and supervision of six or fewer persons other than a family day care on a less than 24-hour basis. This classification includes nursery schools, preschools, and day care centers for children and adults and includes only those facilities licensed by the State of California.

Day care, small family. A home which provides family day care for eight (8) or fewer children, including children under the age of ten (10) years who reside in the home.

Density bonus. A density increase of at least twenty-five percent (25%) over the otherwise maximum allowable residential density under the applicable Land Use Code and Land Use Element of the General Plan as of the date an application for a housing development which meets the criteria set forth in Section 20.20.035 is filed with the City. The density bonus shall not be included when determining the required percentage of targeted housing units for a project.

Developer. The legal or equitable owner, or his or her authorized representative, of any lot or parcel that is the site of a proposed development.

Distillery. An alcoholic beverage production facility licensed by the state and established for the manufacture of distilled spirits. This use category includes the general uses allowed for an alcoholic beverage manufacturing facility.

Distillery, craft. An alcoholic beverage facility licensed by the state and established for the commercial manufacture of distilled spirits, with up to 100,000 gallons liquid volume (not proof gallons) drawn off the still per fiscal year (July 1st to June 30th). The facility may package, rectify, mix, flavor, color, label and export only spirits manufactured by the licensee (including redistilled grain alcohol). This may include on-site retail sales and tastings. This use category includes the general uses allowed for an alcoholic beverage manufacturing facility.

District. A portion of the city within which the use of land and structures and the location, height and bulk of structures are governed by this Title. Also known as zoning districts.

Drip line. A series of points formed by the vertical dripping of water from the outermost branches and leaves of a tree.

Driveway. A private road, the use of which is limited to persons residing or working on the site and their invitees, licensees, and business visitors, and which provides access to off-street parking or loading facilities.

Dwelling. A one-family or multi-family structure other than automobile trailers, hotels, motels, labor camps, camp cars, tents, railroad cars or other temporary structures used for the purpose of human habitation.

Dwelling, duplex. A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

Dwelling, multi-family. A structure containing more than one dwelling unit.

Dwelling, single-family detached. A dwelling unit that is not attached in any manner to another dwelling unit, with the exception of any accessory dwelling unit associated with the principal single-family dwelling unit that is located on the same lot; consistent with the provisions of HMC 20.20.010. This use includes factory-built modular housing units and manufactured housing on a permanent foundation constructed in compliance with the Uniform Building Code.

Dwelling, single-family attached. A dwelling unit that is attached to one or more dwelling units by common vertical walls in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is located on a separate lot.

Dwelling, single room occupancy. A room rented as sleeping or living quarters with or without cooking facilities located in the same room as the sleeping or living quarters, and with or without individual bathrooms.

Dwelling unit. One or more rooms and a single kitchen, designed for occupancy by one family for living or sleeping purposes.

Dwelling unit, accessory. A dwelling unit that is attached to a primary single-family dwelling unit or is detached and is located on the same site as a primary single-family dwelling unit, and complies with the provisions of HMC 20.20.010. Accessory dwelling units are not “accessory uses or structures” as defined in this article.

Efficiency unit. A dwelling unit containing only one habitable room that meets the minimum area requirements of the California Building Code (CBC), and including a bathroom (containing a water closet, a lavatory and a bathtub or shower), kitchen area with a sink, a cooking appliance, and a clear working surface sufficient for food preparation, refrigeration facilities, a closet, and adequate light and ventilation that meets the requirements of the CBC.

Emergency. Essential activities necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

Emergency shelter. A facility for the temporary shelter and feeding of persons who are temporarily homeless due to a natural disaster, where such shelter is operated by a public or non-profit agency.

Employee. A person hired by another, or a business company or firm, to work for another for wages, salary, commission or other consideration. For the purpose of calculating off street parking, the term employee shall also include business owners and managers on the site.

Entertainment and assembly venue. A building and/or outdoor area specifically designed and used to accommodate group events such as weddings, receptions, retreats, conferences, fund-raising events, and musical performances, including the rental of the venue to third parties for such purposes. An entertainment and assembly venue may be a stand-alone use or may be associated with another use such as a hotel. This use is distinguished from a nightclub or restaurant use.

Extended hours. A business that is open to the public or operating after 10 p.m. and/or before 6 a.m.

Extended stay hotel or motel. See *Motel*

Family. An individual or two or more persons living together in a dwelling unit as a single housekeeping unit and in compliance with the provisions of the California Uniform Housing Code.

Fence. A structure, other than a building, which provides a barrier and is typically used as a boundary between properties or zoning districts as a means of protection, screening or confinement. Fences are not precluded from being constructed within portions of single lots. Typically, fences are constructed of wood, brick, cement block or metal chain link.

Fence, transparent. Fence that does not obstruct the passage of light or air through the face or side of the fence. In no case shall the solid material of the fence facing or siding exceed 25 percent of any one (1) square foot area nor shall it consist of solid material (e.g., boards, wire) that exceed a thickness of one (1) inch. Examples of transparent fences include, but is not limited to, wrought iron, chain link and box wire.

Fitness center. A facility that provides exercise facilities and related activities for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. May include related uses such as sport courts, locker facilities, showers, massage services (licensed, therapeutic), tanning services, pools, whirlpools and saunas.

Floor area ratio (FAR): The mathematical number derived by dividing the gross floor area of all buildings on a site or lot by the area of the total area of a site.

Floor area, gross. The sum of the gross horizontal area of the several floors of a building and its accessory buildings on the same site excluding: basement areas used only for storage; space used only for storage; space used for mechanical equipment; breezeways, uncovered steps, patios, and terraces, and porches and exterior balconies, if not enclosed. Unless excepted above, floor area includes but is not limited to elevator shafts and stairwells measured at each floor (but not mechanical shafts, penthouses, enclosed porches, interior balconies and mezzanines).

Food and beverage production – limited. The production of food and beverage products from raw materials for human consumption that has one or more associated on-site commercial uses, such as a public tasting facility of products produced on site, the retail sale of products produced on site, a restaurant or a bar. Allowable uses include those that operate at a scale, and have activities and impacts similar to, microbreweries, craft distilleries and small wineries.

Frontage. The property line of a site abutting on a street, other than the side line of a corner lot.

Garage or carport. An accessory structure or portion of a main structure, having a permanent roof, and designed for the storage of motor vehicles. Within commercial districts, garages also include public parking structures, either privately or municipally owned and operated.

Garage, public storage. A building or grouping of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer goods and wares.

Garage, repair. A structure or part thereof where motor vehicles or parts thereof are repaired or painted.

Garage, storage. A structure or part thereof used for the storage, or parking of motor vehicles, but not for the repair or servicing thereof.

Grade, finished. The average point of elevation of finished ground level within the area between a building and the property line or where the property line is more than 5 feet from a building, between the building and the line 5 feet from the building. In cases where walls are parallel to

Grocery and specialty foods sales. A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption off-site. Includes accessory uses such as retail bakeries, where any on-site baking is only for on-site sales, catering, and floral and plant sales.

Guest house. An attached or detached accessory living area, without a kitchen or cooking facilities, which is located on the same site or lot as a primary dwelling unit.

Heritage tree. Any tree that has a diameter of thirty (30) inches or more, measured two (2) feet above the level ground, or any tree or group of trees identified by City Council resolution.

Home occupation. The conduct of an art or profession, the offering of a service, the conduct of a business, or the handcraft manufacture of products in a dwelling in accord with the regulations prescribed in Section 20.20.005 and which is clearly incidental to the main residential use.

Homeless shelter. A facility for the shelter and feeding of persons who lack a fixed, regular and adequate nighttime residence for up to 30 consecutive days, where such shelter is operated by a public or non-profit agency.

Hotel. See Motel.

Household. One person living alone; or two or more persons sharing residency whose income is available to meet the family's needs and who are related by blood, marriage or operation of law.

Inclusionary unit. An affordable housing unit built as part of a residential development project to meet the requirements of this Title.

Instructional services. A business that offers group instruction in such areas as the arts, gymnastics, martial arts and yoga.

Intersection, street. The area common to two (2) or more intersecting streets.

Junkyard. A site or portion of a site on which waste, discarded, or salvageable materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including used furniture and household equipment yards, house wrecking yards, used lumber yards; excepting a site on which such uses are conducted within a completely enclosed structure and excepting motor vehicle wrecking yards as defined in this section. An establishment for the sale, purchase, or storage of used cars or salvaged machinery in operable condition and the processing of used or salvaged materials as part of a manufacturing operation shall not be deemed a junk yard.

Kennel. Any premises, except where necessary to an agricultural use, where 4 or more dogs over 4 months of age are kept, boarded, bred or sold.

Landscaping. An area devoted to or developed and maintained with native or introduced plantings, lawn, ground cover, gardens, trees, shrubs and other plant material, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block, or similar material, excluding driveways, parking and loading areas.

Legal holiday. Any holiday designated by the City of Healdsburg.

Live/work facilities. An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes complete kitchen space and sanitary facilities in compliance with the City building code and working space reserved for and regularly used by one of more occupants of the unit.

Lot. A parcel of land created by a duly approved and recorded subdivision map in accordance with the Subdivision Map Act.

Lot area. The total horizontal area included within the property lines of a lot.

Lot, corner. A lot bounded on two or more adjacent street lines which have an angle of intersection of not more than 135 degrees.

Lot, depth. The horizontal distance from the mid-point of the front lot line to the midpoint of the rear lot line.

Lot, double frontage. An interior lot having frontage on two parallel or approximately parallel streets.

Lot, flag. A lot with access to a street by means of a corridor having at least 15 feet of frontage. The length of a corridor shall be measured from the frontage line to the nearest point of intersection with that property line parallel or most nearly parallel to the frontage line. The area of access corridor shall not be included in determining the site area of a corridor lot.

Lot, interior. A lot other than a corner lot.

Lot, key. A lot with a side property line that abuts the rear property line of any one or more adjoining lots.

Lot, reversed corner. A corner lot the side line of which is substantially a continuation of the front property line of the first lot to its rear.

Lot line, front. A line separating an interior lot from a street, or a line separating the narrower street frontage of a corner lot from a street.

Low-income household. A household receiving an income from fifty-one (51) to eighty (80) percent of the median household income for Sonoma County as determined by the U.S. Department of Housing and Urban Development.

Maintenance/repair service. Maintenance and/or repair services of such items as landscaping, buildings, appliances, computers, electronics, equipment and instruments, provided on- or off-site. This category allows the incidental retail sale of related products and materials.

Manufactured home. A transportable structure which in the traveling mode is 8 feet or more in width and 40 feet or more in length and is a minimum of 320 square feet and which is built on a permanent chassis or permanent foundation. This term includes mobile homes.

Manufacturing/processing - light. The assembly, fabrication or conversion of already-processed raw materials into products where the operational characteristics of the manufacturing or processing (e.g., vibration, dust, glare, electromagnetic interference and/or noise) and the materials used (e.g., combustibles and explosives), will not adversely affect abutting, existing or potential sensitive receptors.

Manufacturing/processing - moderate. The assembly, fabrication or conversion of raw materials into products where the operational characteristics of the manufacturing or processing (e.g., vibration, dust, glare, electromagnetic interference and/or noise) and/or the materials used (e.g., combustibles and explosives) would adversely affect abutting, existing or potential sensitive receptors without controls on their operation. This category does not include uses that, by their nature, generate negative vibration, dust, glare, noise, and/or visual impacts that cannot be reduced to acceptable levels, such as dumps, slag piles, freight forwarding terminals, tanneries, wood pulp processing, refineries, junk and vehicle wrecking yards, and the storage of excavated materials, manure and/or soil.

Market rate housing. A non-inclusionary housing unit.

Massage establishment. A business entity or social organization having a fixed place of business where any person, firm, association, partnership or corporation engages in, conducts or carries on, or permits to be engaged in, conducted or carried on, any massage. Massage activities conducted as an ancillary to a medical, therapeutic or restorative activity by individuals so licensed by the State of California shall not be defined as a massage establishment.

Medical services, minor. A facility other than a hospital where medical, dental, mental health, surgical and/or other health care services are provided on an outpatient basis by no more than four licensed primary practitioners (e.g., chiropractors, doctors, veterinarians, dentists, optometrists, counseling services, psychiatrists).

Microbrewery. A brewery that produces fewer than 15,000 barrels of beer per year. This use category includes the general uses allowed for a winery.

Mixed use development. A combination of non-residential and residential uses arranged on a site. Uses may be mixed vertically or horizontally within the same building or separate buildings.

Mobile home. See *Manufactured home*.

Moderate-income household. A household earning an income from eighty-one (81) to one hundred and twenty (120) percent of the median household income for Sonoma County as determined by the U.S. Department of Housing and Urban Development.

Motel, hotel, extended stay hotel. A structure or portion thereof or a group of attached or detached structures containing completely furnished individual guest rooms or suites, occupied on a transient basis for compensation.

Motor vehicle. A motor vehicle includes any and all self-propelled vehicles as defined by the California Motor Vehicle Code, including all on-highway type motor vehicles subject to registration under said code, and all off-highway type motor vehicles subject to identification under said Code.

Motor vehicle wrecking yard. A site or portion of a site on which the dismantling or wrecking of used vehicles, whether self-propelled or not, or the storage, sale, dumping of dismantled or wrecked vehicles or their parts is conducted. The presence outside of a fully enclosed structure of three (3) or more used motor vehicles that are not capable of operating under their own power shall constitute prima facie evidence of a motor vehicle wrecking yard.

Nightclub. A commercial establishment primarily intended for live entertainment (e.g., music, dancing, comedy, etc.) operated in conjunction with alcoholic beverage sales, which are not part of a restaurant use, and where any food service is subordinate to the sale of alcoholic beverages.

Non-conforming sign. A sign, outdoor advertising structure, or display of any character, which was lawfully erected but which does not conform with current standards for location, size, illumination or other standard for the district in which it is located, by reason of adoption of this Title or amendment thereto, or by reason of annexation of territory to the City.

Non-conforming structure. A structure or building which was lawfully erected, but which does not conform with current standards of coverage, setbacks, height of structures, or distances between structures prescribed in the regulations for the district in which the structure is located, by reason of adoption of this Title or amendment thereto, or by reason of annexation of territory to the City.

Non-conforming use. A use of a structure or land which was lawfully established and maintained, but which does not conform with the use regulations or required standards for the district in which it is located, by reason of adoption of this Title or amendment thereto, or by reason of annexation of territory to the City.

Nursing home. A structure or group of structures operated as a boarding house in which nursing, dietary, and other personal services are rendered to convalescents, invalids, or aged persons, not including persons suffering from contagious or mental diseases, alcoholism, or drug addiction, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home or a rest home is deemed a nursing home.

Off-street loading facilities. A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-street parking facilities. A site or portion of site devoted to the parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas. May also include, by reference, off-street loading areas.

Outdoor advertising structure. A structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, located on a site other than the site on which the advertised use is located or which the advertised use is produced or sold.

Patio, covered. A structure not exceeding fourteen (14) feet in height, and enclosed on not more than three (3) sides except for posts necessary for roof support. Covered patios shall be included within site coverage calculations.

Permanent foundation system. An assembly of materials constructed below or partially below grade and not intended to be removed from its installation site, which assembly is designed to support a structure and is engineered to resist the imposition of external natural forces as defined by the California Health and Safety Code.

Permitted use. A land use or activity allowed in a zoning district without the requirement for a conditional use permit under this Title.

Person. Any individual, firm, association, corporation, organization, or partnership, or any city, county, district or state or any department or agency thereof.

Personal services. The provision of non-medical services as a primary use. May include the retail sales of products related to the services provided. Examples of these uses include:

Advisory and consulting services

Clothing rental

Design services

Dry cleaning pick-up with limited equipment

Employment services
Fitness center
Framing, art
Hair, skin and nail care, including tanning, body piercing and tattooing
Laundries, self-service
Legal services
Massage (licensed, therapeutic, non-sexual)
Pet grooming, not including day or overnight care
Photography services
Real estate services
Rental and repair of bicycles and scooters
Rental of pre-recorded video and audio
Rental of sporting goods
Repair and tailoring of clothing and shoes
Repair of small electronics and appliances
Travel arrangements for out-of-town travel

Porch. A covered platform, usually having a separate roof, located at an entrance to a dwelling, or an open or enclosed gallery or room, which is not heated or cooled, that is attached to the outside of a building.

Pre-existing. In existence prior to the effective date of this Title and applicable amendments.

Primary dwelling unit(s). Single or multi-family dwelling units that are allowed to be constructed on a site or lot as a principal use in conformity with this Title.

Project area. The Sotoyome Community Development Project or any new or merged areas established by the Redevelopment Agency in the City of Healdsburg.

Property plane. A vertical plane, including the property line, which determines the property boundaries in space.

Railroad right-of-way. A strip of land on which railroad tracks, switching equipment, and signals are located, but not including lands on which stations, offices, storage buildings, spur tracks, sidings, yards or other uses are located.

Recycling facility. A center for the collection and/or processing of recyclable materials. "Recyclable material" means reusable domestic containers and other materials that can be reconstituted, remanufactured or reused in an altered form, including glass, metals, paper and plastic. Recyclable material does not include refuse of hazardous materials. This use includes the following categories.

Small collection facility. A center that occupies an area of three hundred fifty (350) square feet or less, and may include a mobile unit, where the public may donate, redeem or sell recyclable materials. Small collection facilities may include reverse vending machines, which are automated mechanical devices that accept at least one or more types of empty containers and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value, as determined by state law.

Medium collection facility. Includes the following:

- Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet. A bulk reverse vending machine is a reverse vending machine that is larger than fifty (50) square feet, is designed to accept more than one container at a time, and issues a cash refund based on total weight instead of by container.
- A kiosk unit.

Residential care, general. A State-licensed facility, place or structure that is maintained and operated to provide non-medical residential care, day treatment or foster agency services for seven or more adults and/or children as defined in the California Health and Safety Code. This use includes the administration of limited medical assistance (e.g., dispensing of prescribed medications).

Residential care, limited. A State-licensed facility, place or structure that is maintained and operated to provide non-medical residential care, day treatment or foster agency services for six or fewer adults and/or children as defined in the California Health and Safety Code. This use includes the administration of limited medical assistance (e.g., dispensing of prescribed medications).

Residential development project. A project consisting of two or more dwelling units or lots, including, but not limited to single-family dwellings, multi-family dwellings, condominiums, townhouses, conversion of apartments to condominiums and residential land subdivisions.

Residential visitor lodging operation. A residential dwelling unit in which paying guests are lodged on an overnight basis in accordance with Section 20.20.060.

Restaurant. A retail business selling ready-to-eat food for on- or off-premises consumption, with on-site food preparation as a primary use. These include eating establishments where customers are served from a walk-up

ordering counter for either on- or off-premises consumption and eating establishments where customers are served food at their tables for on-site consumption, and which may also provide food for take-out and beverage service. Customer seating may be located outdoors.

Retail, bulky products. The sale of bulky items, such as home furnishings, antiques, pools and spas, animal feed, farm supplies, building materials, hardware, landscaping materials and commercial fuel in an area (including a structure and any associated outdoor space) containing 5,000 square feet or more devoted to such uses. This category does not include big box retail, as defined in the Healdsburg General Plan.

Retail, general. The sale of the following and similar items. This land use does not include adult entertainment establishment or firearm sales (HMC Section 20.20.105), which are separately defined.

Antiques and collectibles

Art

Art, craft and hobby supplies

Audio and video equipment

Baked goods, including their preparation for on-site sales

Bicycles, scooters

Books, newspapers, periodicals - new and used

Cameras, photographic supplies

Clothing, shoes, accessories - new

Computers, computer supplies

Consignment goods

Fabrics, sewing supplies

Flowers, plants - indoor sales only

Home decor and furnishings

Household appliances - small

Household supplies, kitchenware

Jewelry, watches

Leather goods

Luggage

Musical instruments, parts and accessories

Office supplies, stationery, greeting cards

Optic wear

Orthopedic supplies

Personal care products, including health care products

Pets, pet supplies

Pharmaceuticals, excluding marijuana dispensaries

Pre-recorded video and audio materials

Sporting goods and equipment

Telecommunications devices for personal use

Toys, games

Retail, secondhand goods. The sale of used products, including clothing, furniture and household goods, jewelry, appliances, musical instruments, business machines and office equipment, tools, motors, machines, instruments and any similar secondhand articles or objects. This category does not include the sale of secondhand farm and construction equipment, junk dealers, scrap/dismantling yards and the sale of cars and other used vehicles.

Retail warehouse. A large retail structure or establishment under one roof where durable goods, food and grocery items or similar items are offered for sale in an open warehouse display context.

Sanitarium. A structure, other than a nursing home, where persons are boarded and furnished with nursing or medical care.

Senior citizen. A person 62 years of age or older or a person 55 years of age or older if a project contains at least 35 units to be used for senior citizen housing.

Shopping center. A group of commercial establishments planned, constructed and managed as a total entity with customer parking provided on-site, provisions for goods delivery separated from customer access and aesthetic considerations.

Sign. Any lettering or symbol made of cloth, metal, paint, paper, wood, or other material of any kind whatsoever placed for advertising, identification, or other purposes on the ground or on any bush, tree, rock, wall, post, fence, building, structure, vehicle or on any place whatsoever. The term "placed" shall include constructing, erecting,

posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing, or making visible in any manner whatsoever.

Single ownership. Holding record title, possession under a contract to purchase, or possession under a lease, by a person, firm, corporation, or partnership, individually, jointly, in common, or in any other manner whereby the property is or will be under unitary or unified control.

Single room occupancy building. A multi-unit residential building in which at least ninety (90) percent of the units are single room occupancy (SRO) units, excluding rooms occupied by management employees, and in which at least seventy-five (75) percent of the annual occupancy of the SRO units is for monthly terms.

Site. The parcel of land or a portion thereof, considered as a unit, devoted to or intended for a use or occupied by a structure or a group of structures that are united by a common interest or use.

Site (lot) area. The total horizontal area included within the property lines of a lot, exclusive of the area of access corridors, streets, and portions of the site within the future street plan lines. Easements are included within site areas.

Site coverage. The amount of a building site covered by main and accessory buildings and structures, including garages, carports, and covered patios. Open recreational facilities, such as swimming pools and spas, courts, decks and similar facilities (under 30 inches in height above finished grade) shall not be included in the calculation of building coverage. Projecting eaves shall also be excluded from building coverage calculations.

Spa, day use. An establishment independent of overnight accommodations that offers a combination of health related personal services, including but not limited to facials, hand and foot treatments, and massages.

Spa, overnight stay. A day spa facility that offers visitor-lodging accommodations to the general public and may provide additional services, such as a restaurant, meeting rooms and recreational facilities. The visitor lodging accommodations shall be located in a one-story building(s) only and cannot be accessed directly from an automobile.

Specialty transportation. Pedicabs, Segways, scooters, bicycles and similar modes of transportation.

Specified anatomical areas. This shall include the following: less than completely and opaquely covered human genitals, pubic region; buttocks; and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities. This shall include the following: human male genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

Stable. A complex, including buildings and adjacent grounds, for the keeping of horses, mules and ponies.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor above. If there is no floor above, then the space between such floor and the ceiling next above it shall be considered a story. If the finished floor level directly below a usable floor space is more than six feet above grade (for more than 50 percent of the perimeter), or is more than 12 feet above grade at any point, such under-floor space, it shall be considered a story.

Street. A thoroughfare right-of-way, dedicated as such or acquired for public use as such, other than an alley, which affords the principal means of accessing abutting land.

Stream. See *Creek*.

Structure. Anything constructed or erected which requires a location on the ground, including a building or a swimming pool, but not including a fence, a wall used as a fence, or a deck less than thirty inches above finished grade.

Structure, accessory. A detached, subordinate structure the use of which is appropriate, subordinate, and customarily incidental to that of the main structure or the main use of the land, and which is located on the same site as the main structure or use.

Structure, main. A structure housing the principal use of a site or functioning as the principal use.

Supportive housing. Housing with no limits on length of stay that is occupied by the target population (as defined in California Government Code Section 65582) and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

Swimming pool. A pool, lake, or open tank capable of containing water to a depth greater than one and one half feet at any point.

Targeted unit. A unit reserved under the criteria set forth in Section 20.20.035.

Tasting room. A retail business where alcoholic beverages are provided for on-site consumption for the purpose of marketing alcoholic beverage brands to the general public. Tasting rooms may be established either as a separate off-site retail space or an area within a winery, brewery or distillery. A tasting room usually consists of a standing

bar or similar area within a commercial business that may offer samples to patrons, for sale or on a complimentary basis, in accordance with the State Alcoholic Beverage Control licensing requirements. The use may include tastings of single or multiple brands, and sale of retail wares and alcoholic beverage products for off-premises consumption.

Transitional housing. Rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

Tree. Any woody perennial plant with a single trunk diameter of six (6) inches or more or a combination of multiple trunks with a total diameter of twelve (12) inches or more, measured four and one-half (4.5) feet above the average natural grade.

Tree, heritage. See *Heritage tree*.

Transmission line. An electric power line bringing power to a receiving substation or a distribution substation.

Use. The purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered, or enlarged or for which either a site or a structure is or may be occupied or maintained.

Use, accessory. A use that is appropriate, subordinate, and customarily incidental to the main use of the site and which is located on the same site as the main use.

Vacation rental home. The rental/letting of a complete residential unit (with bedroom(s), kitchen and bath) for fewer than 30 days for transient lodging purposes and with no on-site management.

Vacation timeshare. A development in which the purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, or segment of real property, annually or on some other periodic basis, for a period of time that has been allotted from the use or occupancy periods into which the project has been divided.

Vehicle services. The repair, servicing, alteration, restoration, towing, painting or finishing of vehicles and/or boats as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This use includes the following categories.

Major maintenance/repair. Includes towing, collision repair and other body work, and painting services; tire recapping.

Minor maintenance/repair. Includes limited repair and maintenance services, such as car stereo and alarm installers, window tinting, detailing services, muffler and radiator servicing, quick-lube services, tire and battery sales and installation (not including tire recapping), washing.

Vehicle storage. The long-term storage of operative cars, trucks, buses, recreational vehicles, and other motor vehicles.

Very low-income household. A household receiving an income less than or equal to 50 percent of the median household income for Sonoma County as determined by the U.S. Department of Housing and Urban Development.

Visitor lodging. Facilities with guest rooms and/or suites, provided with or without kitchen facilities, rented to the general public for transient lodging (i.e., less than 30 days). Includes associated services such as restaurants, meeting facilities, personal services, recreational facilities and accessory retail uses, which may be open to the public.

Viticultural area sign. A sign to identify one or more wineries or associated wine tasting businesses within an area recognized as an American Viticultural Area by the U.S. Department of Treasury, Bureau of Alcohol, Tobacco and Firearms.

Warehouse. A building intended for the wholesale storage or distribution of goods or products. Limited retail sales may be permitted with the issuance of a conditional use permit.

Wholesaling and distribution. Establishments engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes retail sales comprising no more than 25 percent of the floor area. This category does not include freight forwarding terminals.

Width. The horizontal distance between the side property lines of a site measured at right angles to the depth at a point midway between the front and rear property lines.

Winery - small. A winery that produces fewer than 20,000 gallons of wine per year.

Workforce housing. Housing that includes live/work facilities, multi-family housing and single room occupancies, provided the dwellings are located on the site where the source of employment is located.

Yard. An open space on the same site as a structure, unoccupied and unobstructed from the ground upward, including a front yard, or space between structures.

Yard, front. A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

Yard, rear. A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site.

Yard, side. A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the minimum horizontal distance between the side property line and a line parallel thereto on the site.

Zoning administrator. The planning and building director shall be appointed as the zoning administrator with the duties and responsibilities as outlined in this title. (Ord. 1166 §§ 6 – 8, 2017; Ord. 1159 § 17, 2016; Ord. 1140 § 3, 2014; Ord. 1111 § 1 (Exh. A), 2011.)

PC RESOLUTION NO. 2018-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEALDSBURG RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO HEALDSBURG MUNICIPAL CODE SECTION 20.08.145 (PERMITTED AND CONDITIONALLY-PERMITTED USES IN CD AND CS DISTRICTS), SECTION 20.08.155 (PERMITTED AND CONDITIONALLY-PERMITTED USES IN MU DISTRICT), SECTION 20.08.195 (PERMITTED AND CONDITIONALLY-PERMITTED USES IN THE I DISTRICT), SECTION 20.28.310 (DEFINITIONS), AND ADDING SECTION 20.20.105 (FIREARM SALES), TO ADOPT STANDARDS REGULATING THE RETAIL SALE OF FIREARMS

WHEREAS, on December 18, 2017, the City Council adopted an interim ordinance establishing a 45-day moratorium on new establishments selling firearms, in order to allow time for staff to study and prepare an ordinance regarding firearms sales and safety; and

WHEREAS, on January 8, 2018, at a duly noticed regular meeting, the City Council issued a written report describing the measures taken to alleviate the conditions that led to the adoption of the interim ordinance pursuant to California Government Code Section 65858(d); and

WHEREAS, on January 22, 2018, at a regular meeting, the City Council held a public hearing regarding extending the interim ordinance establishing the moratorium, following notice thereof in accordance with the California Government Code Section 65090, and heard and considered public comment, oral and written, on the proposed extension of the temporary moratorium; and

WHEREAS, on January 22, 2018, the City Council adopted an interim ordinance extending the moratorium for 10 months and 15 days, in order to allow time for staff to study and prepare an ordinance recommending amendments to the Municipal Code regulating the retail sale of firearms; and

WHEREAS, the State of California does not preclude local governments from imposing land use and licensing requirements, and therefore, the City can enact reasonable regulations and zoning relating to the retail sale of firearms within the City; and

WHEREAS, under the City's current zoning ordinance, which allows retail firearms stores to locate as of right in the CD and CS Districts in the City, the City does not have adequate authority to review new retail establishments selling firearms, thus impairing the City's substantial interest in orderly, economically sustainable development, health, public safety, and general welfare of the community; and

WHEREAS, pursuant to the City's police powers authorized in Article XI, Section 7 of the California Constitution, the City has the power to regulate permissible land uses throughout the City and to enact regulations for the preservation of public health, safety and welfare of its residents and community; and

WHEREAS, the California legislature has found that “the diversity of the state’s communities and their residents” requires that zoning policies “accommodate local conditions.”¹ Courts have held that “localities have been constitutionally endowed with wide-ranging discretion” to make zoning rules in light of particular community circumstances and concerns, including public safety and aesthetic considerations.²

WHEREAS, the City desires, by the adoption language of this amendment, to reasonably regulate the retail sale of firearms; and

WHEREAS, the justifications for regulating retail sale of firearms pursuant to the City’s police power include, but are not limited to: a) the increased risk to public safety, based on the and the threat of break-ins and robberies; b) the presence of firearms dealers in the City’s downtown without regulation may endanger the public, decrease the public’s sense of safety, and impact neighboring businesses by increasing the risk of criminal activity, such as gun thefts, “smash and grab” robberies, trafficking, and straw buying; and c) prohibition on operating within certain distances of sensitive areas such as schools, churches, daycare centers, youth centers, parks or playgrounds, as gun dealers are a target for criminal activity and theft; and

WHEREAS, although the federal government and State of California regulates some aspects of firearms sales, ownership and use, the State laws are silent as to the location of firearms sales, the security of firearms during business hours, and the requirement of firearms dealers to obtain a land use permit; and

WHEREAS, in 2018, ATF reported that there, between 2013 and 2017, there was a 70.71% increase in burglaries of federally licensed dealers (“FFLs”); a 266.67% increase in FFL robberies; a 133.71% increase in firearms stolen during FFL burglaries; and a 200% increase in firearms stolen during FFL robberies.³

WHEREAS, the presence of firearms dealers in residential neighborhoods and in close proximity to sensitive uses may endanger the public and decrease the public’s sense of safety by increasing the risk of criminal activity,⁴ such as gun thefts, robberies, trafficking and straw buying.

WHEREAS, the California Gun-Free School Zones Act generally prohibits the possession of firearms in K-12 schools and on public property located within school zones, defined as 1,000 feet from the grounds of a school.⁵ However, federal law does not prohibit firearms dealers from operating on private property within 1,000 feet of the grounds of a school.

¹ Cal. Gov. Code Section 65300.7

² See, e.g. *Teixeira v. County of Alameda*, 873 F. 3d 670 (9th Cir. 2017) (en banc) (“reducing violent crime is without question a substantial interest” and “[p]reserving the appearance of a neighborhood may also be characterized fairly as a substantial interest.”).

³ <https://www.atf.gov/firearms/federal-firearms-licensee-ffl-burglary-and-robbery-statistics-calendar-years-2013-2017>

⁴ See *Friedman v. City of Highland Park*, 784 F.3d 406, 412 (7th Cir. 2015) (law that reduces the “perceived risk from a mass shooting, and make[s] the public feel safer as a result” provides “a substantial benefit”).

⁵ Cal. Penal Code Section 626.9.

The buffer zone included in the Healdsburg ordinance would thus effectuate the purpose of the Gun-Free School Zones Act.

WHEREAS, the Planning Commission held a duly noticed public hearing on March 14, 2018, at which time it reviewed the proposed amendments and considered all public comments on the revisions and related CEQA exemption; and

WHEREAS, the Planning Commission makes the following affirmative findings in support of the amendment proposed herein:

- A. Due to the unusual characteristics of retail uses selling firearms compared to other retail uses allowed in the same zoning districts, a conditional use permit is appropriate to provide the flexibility necessary to achieve the objectives of the Land Use Code, so that retail uses selling firearms may be located properly with respect to the objectives of the Land Use Code and with respect to their effects on surrounding properties, especially sensitive uses such as schools, parks, youth centers, commercial day care centers, churches, and another retail uses selling firearms.
- B. The retail sale of firearms in the CD and MU Districts with the approval of a conditional use permit is appropriate only as a secondary use (5 percent or less) at a sporting goods store or hardware store, as firearms have traditional been sold at these types of stores in the City, which are permitted in the CD and MU Districts by right, and firearms sales as a secondary use would not would not have a negative impact on the area if properly located and regulated.
- C. In order to achieve the purposes of the Land Use Code, the City may grant or deny a conditional use permit in the CD, CS, MU, and I Districts and may impose reasonable conditions regarding the safe operation of such use.
- D. The Land Use Code amendments are consistent with the Healdsburg 2030 General Plan including the Goals, Policies and Implementation Measures of the Land Use and Economic Development Elements of the adopted General Plan in that:
 - a. The amendments are consistent with Guiding Principle 1A in that allowing retail uses selling firearms as a conditional use within four zoning districts, subject to location criteria and a use permit, promotes a mix of land uses, which helps to assure that the needs of residents and visitors are considered when making land use decisions.
 - b. The amendments further Policy LU-D-2 and Policy ED-B-2 in that they promote a diversity of uses within the downtown that would serve both residents and visitors and avoid overconcentration of a single type of use.
 - c. No conflicts with any Goals, Policies, Programs or measures of the Healdsburg General Plan 2030 have been identified.
- E. The amendments remain consistent with all of the Land Use Code, Objectives A through R listed in Section 20.04.010, given that the proposed amendments will

continue to protect and promote the public health, safety and general welfare of the community by providing standards that are clear and logical, and promote a mix of land uses that serve the needs of both residents and visitors.

- F. The Planning Commission has conducted a public hearing on the draft Land Use Amendments with hearing notices given as prescribed in Section 20.28.080, including newspaper publication at least 10 days prior to the scheduled hearing date.

- G. The amendments are exempt from environmental review under the provisions of the California Environmental Quality Act (“CEQA”) given that the proposed amendments do not have potential for causing a significant effect on the environment and therefore are not subject to review pursuant to CEQA Guidelines Sections 15061(b)(3).

NOW, THEREFORE BE IT RESOLVED that the City of Healdsburg Planning Commission does hereby recommend that the City Council amend Healdsburg Land Use Code Section 20.08.145, Section 20.28.155, Section 20.08.195, Section 20.28.310, and add Section 20.20.105 as proposed in Attachment 1 and the related CEQA Exemption based as on the Findings above.

DULY AND REGULARLY ADOPTED by the Healdsburg Planning Commission on the 14th day of March, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

Attest:

Richard Tracy, Chair

Maya DeRosa, Secretary

CITY OF HEALDSBURG

ORDINANCE NO. 1170

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF HEALDSBURG ESTABLISHING A TEMPORARY
MORATORIUM ON RETAIL ESTABLISHMENTS SELLING
FIREARMS

WHEREAS, the City of Healdsburg (“City”) is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers; and

WHEREAS, City staff recently received an inquiry from a prospective applicant regarding opening a retail gun store in the CD (Downtown Commercial) District. Currently, “gunsmith shops, sales and repair” is permitted as of right in the Downtown Commercial (CD) and Service Commercial (CS) districts; and

WHEREAS, the CD and CS districts allow a wide range of uses (as of right and with a conditional use permit), including various types of retail (including a toy store), churches, liquor stores, and bars, that may not be compatible with retail sales of firearms; and

WHEREAS, under the City’s current zoning ordinance, which allows retail firearms stores to locate as of right in two districts in the City, the City does not have adequate authority to review new retail establishments selling firearms, thus impairing the City’s substantial interest in orderly, economically sustainable development, health, public safety, and general welfare of the community; and

WHEREAS, in the absence of this moratorium, the City does not have adequate authority to consider appropriate health and safety regulations applicable to the retail sales of firearms to safeguard the health safety, and general welfare of the community, prior to a retail gun store locating in the City; and

WHEREAS, other California cities have adopted zoning ordinances and regulations that govern the sales of firearms. The Town of Boulder Creek, Town of Los Gatos and the County of Santa Cruz have also adopted moratoria prohibiting new commercial sales of firearms, giving the local agency time to study and design a scheme that most appropriately addresses the needs of the particular agency; and

WHEREAS, because the City does not have specific policies governing retail sales of firearms, applications for business licenses to sell firearms could require City staff to struggle with significant policy questions with no guidance from the City Council; and

WHEREAS, California Government Code Section 65858 authorizes the adoption of interim ordinances as urgency measures to protect the public safety, health, and welfare by prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time; and

WHEREAS, given the potential deleterious effect an otherwise lawful but unregulated firearms business can have on a neighborhood, passage of this interim urgency ordinance will provide staff sufficient time to research this issue and present a comprehensive zoning proposal to help ensure that the

establishment of a retail sales use engaged in the sale of firearms within the City will not be located as to be detrimental to the public health, safety and welfare.

NOW, THEREFORE, the City Council of the City of Healdsburg does ordain as follows:

SECTION 1. Purpose and Additional Findings.

- A. The above recitals are incorporated herein, and each relied upon independently by the City Council as findings for its adoption of this urgency interim ordinance.
- B. The City of Healdsburg Municipal Code does not include adequate regulation concerning the retail sale or use of firearms.
- C. California is among the minority of states that impose licensing requirements on firearms dealers, but the standards are not comprehensive. (See Cal. Cal. Penal Code Sections 26500-26700.)
- D. In *Suter v. City of Lafayette*, 57 Cal. App. 4th 1109 (1997), the California Court of Appeal held that State law authorizes local governments to impose additional licensing requirements on firearms dealers.
- E. The California Penal Code requires local jurisdictions to accept applications for firearms dealer licenses, and emphasizes the authority of cities and counties to regulate firearms dealers. (Cal. Penal Code Section 2605.)
- F. The United States Supreme Court has held that localities enacting zoning laws must be given the chance to “experiment with solutions to admittedly serious problems.” *Renton v. Playtime Theaters*, 475 U.S. 41, 52 (1986).
- G. In 2015, 3095 people died from firearm-related injuries in California. In 2014, 2,942 people died from firearm-related injuries in California.¹
- H. Firearms dealers are a high-value target for criminals, and have often been magnets for break-ins, theft, and destruction of property.²
- I. In 2017, the Bureau of Alcohol, Tobacco and Firearms issued a report showing that, between 2015 and 2016, gun thefts from California federally licensed dealers increased by 173.8%. The number of firearms stolen from California licensed dealers increased from 252 in 2015 to 690 in 2016.³

¹ 2015 is the most recent year for which firearms fatality data is available. Centers for Disease Control and Prevention: Wide-ranging Online Data for Epidemiologic Research (WONDER) at <https://wonder.cdc.gov/>.

² According to the Special Agent in Charge of ATF’s Sacramento office, “When people break into homes or businesses, guns are often the target. ... [O]f the commodities that we find that people that are involved in criminal activity are looking for, guns are very high on the list.” Lynn Walsh, Dave Manoucheri and Mari Payton, *Stolen Guns Fuel Underground Market For Criminals in California*, NBC7 San Diego, Aug. 9, 2016, <http://www.nbcsandiego.com/investigations/Stolen-Guns-Fuel-Underground-Market-For-Criminals-in-California-389352802.html>.

³ See Bureau of Alcohol, Tobacco and Firearms, *Federal Firearms Licensees (FFL) Burglary and Robbery Statistics - Calendar Year 2015*, available at: <https://www.atf.gov/firearms/docs/report/2015-summary-firearmsreported-lost-and-stolen/download>; Bureau of Alcohol, Tobacco and Firearms, *Federal Firearms Licensees (FFL) Burglary and Robbery Statistics - Calendar Year 2016*, available at: <https://www.atf.gov/news/pr/atf-releases-2016-summary-firearms-reported-lost-and-stolen-ffls>.

- J. A 2009 study found that guns are often found to have been used for criminal purposes not far from the gun dealer where they were first obtained.⁴
- K. The presence of firearms dealers in the City's downtown area may endanger the public, decrease the public's sense of safety, and impact neighboring businesses by increasing the risk of criminal activity, such as gun thefts, "smash and grab" robberies, trafficking, and straw buying.
- L. By studying and determining our own local regulations for firearms sales and possession, the City will be able to best tailor any regulations to the needs of our community.
- M. There is a current and immediate threat to public peace, health, welfare, and safety, arising from the potential new retail uses in the downtown area selling firearms without regulation or consideration of the most appropriate location of such sales.
- N. This moratorium is necessary to prevent irreversible issuance of permits and business licenses and development which could have a detrimental effect on the health and safety of the community.
- O. The City Council finds it is necessary to adopt this Ordinance pursuant to Government Code Section 65858 in order to protect the public health, welfare and safety of the community.

SECTION 2. Definitions.

- 1. "Firearms" shall mean a gun, pistol, revolver, rifle, shotgun, BB gun, airgun, pellet gun, or any other weapon of similar nature designed to discharge a projectile propelled by the expansion of gas.

SECTION 3. Imposition of Temporary Moratorium on Retail Sales of Firearms.

The City Council of the City of Healdsburg finds that, in order to best protect the health, safety and welfare of the community of the City of Healdsburg, and in accordance with the authority granted to the City of Healdsburg under Article XI, Section 7 of the California Constitution and in accordance with California Government Code Section 65858, from and after the effective date of this Ordinance, no business license, variance, conditional use permit, building permit, firearms dealer permit, approval or any other applicable license or entitlement nor any other authorization or form of approval shall be approved or issued by the City allowing new retail establishments selling firearms in the City, including but not limited to locations in the CD and CS districts.

SECTION 4. Compliance with the California Environmental Quality Act.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060 (c)(2) (the activity will not result in direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

⁴ Douglas J. Wiebe et al., *Homicide and Geographic Access to Gun Dealers in the United States*, BMC Public Health 2009, 9:199, at 2, 6, available at <http://www.biomedcentral.com/1471-2458/9/199>.

SECTION 5. Pending Applications.

As to applications for permits or licenses for a new retail firearms store in the City, which have been accepted as complete, processing and review of such applications may continue, but shall not be finally approved during the pendency of this Ordinance or extensions thereof.

SECTION 6. Severability.

If any provision of this Ordinance is held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase hereof not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 7. Effective Date and Duration.

This Ordinance of the City of Healdsburg shall be effective the date of adoption, if adopted by at least four-fifths vote of the City Council, and shall be in effect for 45 days from its adoption unless extended by the City Council in accordance with Government Code Section 65858.

SECTION 8. Publication.

Before the expiration of fifteen (15) days after its passage, this ordinance shall be published at least once in a newspaper of general circulation published and circulated in the City of Healdsburg, along with the names of the members of the City Council voting for and against its passage.

PASSED and APPROVED at a regular meeting of the City Council on the 18th day December, 2017 by the following vote:

AYES: Councilmembers: (5) Gold, Hagele, Mansell, Naujokas and Mayor McCaffery

NOES: Councilmembers: (0) None

ABSENT: Councilmembers: (0) None

ABSTAIN: Councilmembers: (0) None

SO ORDERED

ATTEST


Shaun F. McCaffery, Mayor

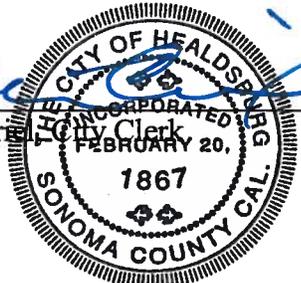

Maria Curiel, City Clerk

Dated: December 19, 2017

Ordinance No. 1170
Page 5

I, MARIA CURIEL, City Clerk of the City of Healdsburg, do hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 1170 passed and adopted by the City Council of the City of Healdsburg on the 18th day of December, 2017.


Maria Curiel, City Clerk



CITY OF HEALDSBURG

ORDINANCE NO. 1171

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF HEALDSBURG EXTENDING FOR A PERIOD OF
TEN MONTHS AND FIFTEEN DAYS A TEMPORARY
MORATORIUM ON RETAIL ESTABLISHMENTS SELLING
FIREARMS

WHEREAS, the City of Healdsburg (“City”) is authorized by Article XI, Section 7 of the California Constitution to make and enforce all regulations and ordinances using its police powers; and

WHEREAS, City staff recently received an inquiry from a prospective applicant regarding opening a retail gun store in the CD (Downtown Commercial) District. Currently, “gunsmith shops, sales and repair” is permitted as of right in the Downtown Commercial (CD) and Service Commercial (CS) districts; and

WHEREAS, the CD and CS districts allow a wide range of uses (as of right and with a conditional use permit), including various types of retail (including a toy store), churches, liquor stores, and bars, that may not be compatible with retail sales of firearms; and

WHEREAS, under the City’s current zoning ordinance, which allows retail firearms stores to locate as of right in two districts in the City, the City does not have adequate authority to review new retail establishments selling firearms, thus impairing the City’s substantial interest in orderly, economically sustainable development, health, public safety, and general welfare of the community; and

WHEREAS, in the absence of this moratorium, the City does not have adequate authority to consider appropriate health and safety regulations applicable to the retail sales of firearms to safeguard the health safety, and general welfare of the community, prior to a retail gun store locating in the City; and

WHEREAS, other California cities have adopted zoning ordinances and regulations that govern the sales of firearms. The Town of Boulder Creek, Town of Los Gatos and the County of Santa Cruz have also adopted moratoria prohibiting new commercial sales of firearms, giving the local agency time to study and design a scheme that most appropriately addresses the needs of the particular agency; and

WHEREAS, because the City does not have specific policies governing retail sales of firearms, applications for business licenses to sell firearms could require City staff to struggle with significant policy questions with no guidance from the City Council; and

WHEREAS, California Government Code Section 65858 authorizes the adoption of interim ordinances as urgency measures to protect the public safety, health, and welfare by prohibiting any uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the legislative body, planning commission or the planning department is considering or studying or intends to study within a reasonable time; and

WHEREAS, given the potential deleterious effect an otherwise lawful but unregulated firearms business can have on a neighborhood, passage of this interim urgency ordinance will provide staff sufficient time to research this issue and present a comprehensive zoning proposal to help ensure that the

establishment of a retail sales use engaged in the sale of firearms within the City will not be located as to be detrimental to the public health, safety and welfare.

WHEREAS, on December 18, 2017, at a duly noticed regular meeting, the City Council adopted Ordinance No. 1170, establishing a temporary moratorium to prohibit new retail establishments selling firearms in the City, including but not limited to locations in the CD and CS Districts.

WHEREAS, on January 8, 2018, at a duly noticed regular meeting , the City Council issued a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance pursuant to California Government Code Section 65858(d), at least ten days prior to the expiration of Ordinance No. 1170; and

WHEREAS, pursuant to California Government Code Section 65858 after notice and public hearing pursuant to California Government Code Section 65090, the City Council may extend the interim ordinance for 10 months and 15 days; and

WHEREAS, on January 22, 2018, at a regular meeting, the City Council held a public hearing, following notice thereof in accordance with the California Government Code Section 65090, and heard and considered public comment, oral and written, on the proposed extension of the temporary moratorium; and

WHEREAS, the City Council reiterates the findings supporting Ordinance No. 1170 and finds that it remains necessary to consider, study and/or adopt regulations governing the retail sale of firearms as well as an appropriate location for the retail gun sales in the City; that immediate commencement of allowing the retail sale of firearms as a use allowed by right in the CD and CS Districts would render potential regulations ineffective and not allow such analysis, thus constituting an immediate threat to the health, safety, and welfare of the residents of the City; and therefore the extension of the temporary moratorium on new establishments engaging in the retail sale of firearms is necessary.

NOW, THEREFORE, the City Council of the City of Healdsburg does ordain as follows:

SECTION 1. Purpose and Additional Findings.

- A. The above recitals are incorporated herein, and each relied upon independently by the City Council as findings for its adoption of this urgency interim ordinance.
- B. The City of Healdsburg Municipal Code does not include adequate regulation concerning the retail sale or use of firearms.
- C. California is among the minority of states that impose licensing requirements on firearms dealers, but the standards are not comprehensive. (See Cal. Cal. Penal Code Sections 26500-26700.)
- D. In *Suter v. City of Lafayette*, 57 Cal. App. 4th 1109 (1997), the California Court of Appeal held that State law authorizes local governments to impose additional licensing requirements on firearms dealers.
- E. The California Penal Code requires local jurisdictions to accept applications for firearms dealer licenses, and emphasizes the authority of cities and counties to regulate firearms dealers. (Cal. Penal Code Section 2605.)

- F. The United States Supreme Court has held that localities enacting zoning laws must be given the chance to “experiment with solutions to admittedly serious problems.” *Renton v. Playtime Theaters*, 475 U.S. 41, 52 (1986).
- G. In 2015, 3095 people died from firearm-related injuries in California. In 2014, 2,942 people died from firearm-related injuries in California.¹
- H. Firearms dealers are a high-value target for criminals, and have often been magnets for break-ins, theft, and destruction of property.²
- I. In 2017, the Bureau of Alcohol, Tobacco and Firearms issued a report showing that, between 2015 and 2016, gun thefts from California federally licensed dealers increased by 173.8%. The number of firearms stolen from California licensed dealers increased from 252 in 2015 to 690 in 2016.³
- J. A 2009 study found that guns are often found to have been used for criminal purposes not far from the gun dealer where they were first obtained.⁴
- K. The presence of firearms dealers in the City’s downtown area may endanger the public, decrease the public’s sense of safety, and impact neighboring businesses by increasing the risk of criminal activity, such as gun thefts, “smash and grab” robberies, trafficking, and straw buying.
- L. By studying and determining our own local regulations for firearms sales and possession, the City will be able to best tailor any regulations to the needs of our community.
- M. There is a current and immediate threat to public peace, health, welfare, and safety, arising from the potential new retail uses in the downtown area selling firearms without regulation or consideration of the most appropriate location of such sales.
- N. This moratorium is necessary to prevent irreversible issuance of permits and business licenses and development which could have a detrimental effect on the health and safety of the community.
- O. The City Council finds it is necessary to adopt this Ordinance extending the moratorium pursuant to Government Code Section 65858 in order to protect the public health, welfare and safety of the community, and the moratorium is hereby extended for 10 months and 15 days.

¹ 2015 is the most recent year for which firearms fatality data is available. Centers for Disease Control and Prevention: Wide-ranging Online Data for Epidemiologic Research (WONDER) at <https://wonder.cdc.gov/>.

² According to the Special Agent in Charge of ATF’s Sacramento office, “When people break into homes or businesses, guns are often the target. ... [O]f the commodities that we find that people that are involved in criminal activity are looking for, guns are very high on the list.” Lynn Walsh, Dave Manoucheri and Mari Payton, *Stolen Guns Fuel Underground Market For Criminals in California*, NBC7 San Diego, Aug. 9, 2016, <http://www.nbcsandiego.com/investigations/Stolen-Guns-Fuel-Underground-Market-For-Criminals-in-California-389352802.html>.

³ See Bureau of Alcohol, Tobacco and Firearms, *Federal Firearms Licensees (FFL) Burglary and Robbery Statistics - Calendar Year 2015*, available at: <https://www.atf.gov/firearms/docs/report/2015-summary-firearmsreported-lost-and-stolen/download>; Bureau of Alcohol, Tobacco and Firearms, *Federal Firearms Licensees (FFL) Burglary and Robbery Statistics - Calendar Year 2016*, available at: <https://www.atf.gov/news/pr/atf-releases-2016-summary-firearms-reported-lost-and-stolen-ffls>.

⁴ Douglas J. Wiebe et al., *Homicide and Geographic Access to Gun Dealers in the United States*, BMC Public Health 2009, 9:199, at 2, 6, available at <http://www.biomedcentral.com/1471-2458/9/199>.

SECTION 2. Definition.

“Firearms” shall mean a gun, pistol, revolver, rifle, shotgun, BB gun, airgun, pellet gun, or any other weapon of similar nature designed to discharge a projectile propelled by the expansion of gas.

SECTION 3. Imposition of Temporary Moratorium Extension on Retail Sales of Firearms.

The City Council of the City of Healdsburg finds that, in order to best protect the health, safety and welfare of the community of the City of Healdsburg, and in accordance with the authority granted to the City of Healdsburg under Article XI, Section 7 of the California Constitution and in accordance with California Government Code Section 65858, from and after the effective date of this Ordinance, no business license, variance, conditional use permit, building permit, firearms dealer permit, approval or any other applicable license or entitlement nor any other authorization or form of approval shall be approved or issued by the City allowing new retail establishments selling firearms in the City, including but not limited to locations in the CD and CS districts during the period of time which Ordinance No. 1170, this extension, and any further extension thereof is in effect.

SECTION 4. Compliance with the California Environmental Quality Act.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060 (c)(2) (the activity will not result in direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5. Pending Applications.

As to applications for permits or licenses for a new retail firearms store in the City, which have been accepted as complete, processing and review of such applications may continue, but shall not be finally approved during the pendency of this Ordinance or extensions thereof.

SECTION 6. Severability.

If any provision of this Ordinance is held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase hereof not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 7. Effective Date and Duration.

This Ordinance of the City of Healdsburg shall be effective the date of adoption, if adopted by at least four-fifths vote of the City Council, and shall be in effect for 10 months and 15 days from its adoption unless extended by the City Council in accordance with Government Code Section 65858.

SECTION 8. Publication.

Before the expiration of fifteen (15) days after its passage, this ordinance shall be published at least once in a newspaper of general circulation published and circulated in the City of Healdsburg, along with the names of the members of the City Council voting for and against its passage.

PASSED and APPROVED at a regular meeting of the City Council on the 22nd day January, 2018, by the following vote:

AYES: Councilmembers: (4) Gold, McCaffery, Naujokas and Mayor Mansell

NOES: Councilmembers: (1) Hagele

ABSENT: Councilmembers: (0) None

ABSTAIN: Councilmembers: (0) None

SO ORDERED

ATTEST



Brigette A. Mansell, Mayor



Maria Curiel, City Clerk

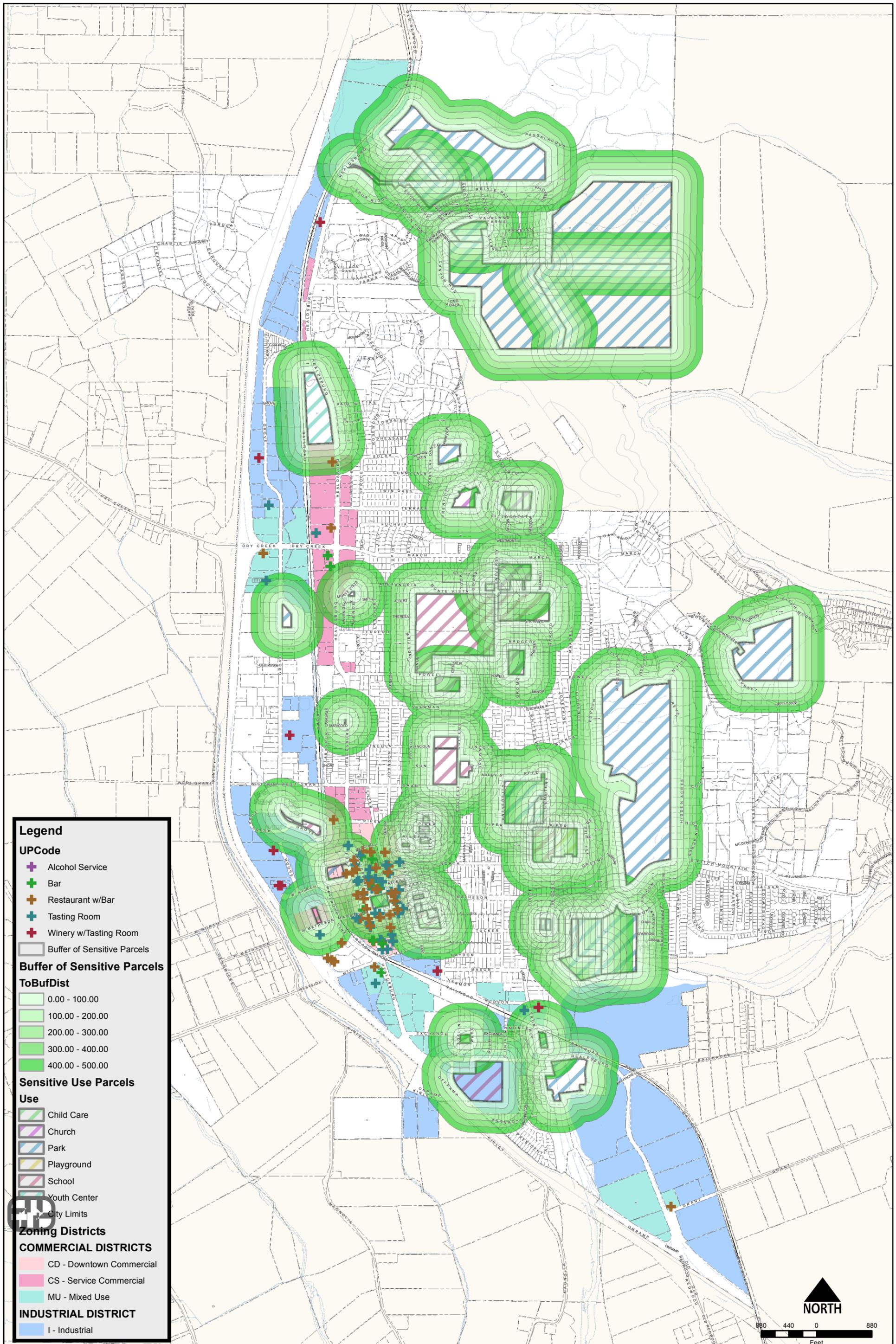
Dated: January 24, 2018

I, MARIA CURIEL, City Clerk of the City of Healdsburg, do hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 1171 passed and adopted by the City Council of the City of Healdsburg on the 22nd day of January, 2018.



Maria Curiel, City Clerk





Date: 3/2/2018

SENSITIVE USE PARCELS: 500' Radius

