

AGENDA

Healdsburg Planning Commission

September 13, 2022 6:00 PM
401 Grove Street, Healdsburg
City Hall - City Council Chamber

CORONAVIRUS (COVID-19) ADVISORY NOTICE

Consistent with Government Code section 54953(e), Planning Commission Members will be participating in this meeting either via Zoom Webinar or in person, socially distanced in the Council Chamber at 401 Grove Street.

How to Observe the Meetings

To maximize public safety while maintaining transparency and public access, the Healdsburg Planning Commission will be using Zoom Webinar service to allow remote participation. Members of the public who only wish to watch the meeting live or recorded can do so by using the link <http://healdsburgca.iqm2.com/Citizens/default.aspx>.

To Watch the Meeting and Submit Public Comment as Part of the Zoom Webinar:

To join by computer, tablet, or mobile device:

1. Go to <https://zoom.us/join> and type in the Webinar ID: **829 4915 7468** or follow this link: <https://cityofhealdsburg-org.zoom.us/j/82949157468> (Pre-registration for the meeting is not required.)
2. Fill in your full name, verify you are not a robot (if required), and click "Join".
3. If the meeting host has started the Webinar, you should join automatically. If the meeting host has not started the Webinar, remain in the Webinar and it will start shortly.

To join by phone:

1. Dial 669-900-9128 or 253-215-8782 or 346-248-7799.
2. Enter the meeting ID: **829 4915 7468** and press # #.
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To Submit Public Comment

By computer, tablet, or mobile device:

1. In the bottom center of the screen is a hand icon, click on "Raise Hand". The hand icon will place you in line to speak.
2. When it is your turn to comment, the meeting moderator will call upon you to comment. State your first name, last name, address, and comment. Each speaker will be given no more than three (3) minutes to make your comment.
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Americans with Disabilities Act Accommodations

Any member of the public who needs accommodations should email staff at ssumpter@healdsburg.gov or by calling 707-431-3346. Staff will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the city procedure for resolving reasonable accommodation requests. All reasonable accommodations offered will be listed on the city website at <https://www.ci.healdsburg.ca.us/406/ada---public-accessibility> .

1. **ROLL CALL**
2. **ADMINISTRATIVE ACTIONS**
 - A. Approval of September 13, 2022 Agenda
 - B. Approval of August 9, 2022 Minutes
 - C. Acceptance of Communications and Correspondence
 - D. Declarations of Conflicts of Interest
 - E. 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 Code Amendment LUA 2022-02

Project

Description: Amendments to various sections of the Land Use Code will provide greater clarity to code sections related to in-lieu parking fees, permitted and conditionally permitted uses in the PR, CD and CS districts, exemptions for alcoholic beverage establishments, and the addition of a definition for a theater and auditorium. Land Use Code Amendment sections include: Healdsburg Municipal Code Section 20.16.150 (Number of required vehicular spaces); Section 20.08.145 (Permitted and conditionally permitted uses: PR, CD and CS Districts), Table 10; Section 20.20.075 (Alcoholic Beverage Establishments); Section 20.28.310 (Definitions).

Location: Citywide and Downtown In-Lieu Parking area

Applicant: City of Healdsburg

Environmental

Determination: The proposed amendments are exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines.

5. NEW BUSINESS

6. COMMISSIONER AND SUBCOMMITTEE REPORTS

7. DIRECTOR'S REPORT

8. ADJOURNMENT

Scott Duiven, Community Development Director, September 7, 2022

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 401 Grove Street

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 401 Grove Street 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 three 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

1. PC 20220913 Agenda

Documents:

[PC_AGENDA_20220913.PDF](#)

2. PC 20220913 Minutes - 20220809 DRAFT

Documents:

[PC_MINUTES_20220809 DRAFT.PDF](#)

3. PC 20220913 4A

Documents:

[4A PC REPORT 9-13-22_SIGNED.PDF](#)

[4A -ATT 1 PC RESOLUTION WITH EXHIBIT A.PDF](#)



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Planning Commission Meeting Minutes

August 9, 2022 6:00 PM
City Council Chambers

1. ROLL CALL

Commissioners present: Breznikar, Brunner, Eddinger, Gerlach, Luks, McKay

Commissioners absent: Hunt

City Staff present: Community Development Director Scott Duiven, Senior Planner Ellen McDowell, Administrative Technician Griselda Villarreal

2. ADMINISTRATIVE ACTIONS

A. On a motion by Commissioner Brunner, seconded by Commissioner Luks, the Commission voted 6-0 (Hunt absent) to approve the August 9, 2022, agenda.

B. On a motion by Commissioner Luks, seconded by Commissioner Brunner, the Commission voted 6-0 (Hunt absent) to approve the June 28, 2022 minutes.

C. Acceptance of Communications and Correspondence: None

D. Declarations of Conflicts of Interest: None

E. Disclosures of Ex Parte Communications: None

3. PUBLIC COMMENTS:

Marilyn Joyce asked if accessibility is within the Commission's purview. She spoke about downtown accessibility and the conflict with parklets and other sidewalk obstructions and asked that someone look at the issue.

Chair Eddinger asked staff to relay the comments to the Public Works Department.

4. NEW BUSINESS:

A. Election of Officers.

Upon nomination by Vice Chair Breznikar, the Commission voted 6-0 (Hunt absent) to appoint Commissioner Luks to the position of Chair.

Upon nomination by Chair Luks, the Commission voted 6-0 (Hunt absent) to appoint Commissioner Brunner to the position of Vice Chair.

5. COMMISSIONER AND SUBCOMMITTEE REPORTS: None

6. DIRECTOR'S REPORT: Director Duiven reminded the Commission that the August 23, 2022 meeting has been cancelled and briefly described the likely content of the upcoming meetings.

The regular meeting adjourned at approximately 6:08 PM.

A workshop immediately followed the regular meeting regarding a proposed mixed-use project at 444 Healdsburg Avenue. The Commission received a presentation from the applicant, entertained public comment both in person and via Zoom, and provided feedback to the applicant.



Agenda Item #:	<u>4.A.</u>
Meeting Date:	<u>September 13, 2022</u>
Prepared By:	<u>Ellen McDowell, Senior Planner</u>
Reviewed By:	<u>Scott M. Duiven</u> Scott M. Duiven Community Development Director

PROPERTY ADDRESS: Citywide, and Downtown In-Lieu Parking Area

APPLICANT: City of Healdsburg

SUBJECT: Land Use Code Amendment 2022-02; a public hearing to consider a recommendation to the City Council to amend Healdsburg Municipal Code, Title 20 Land Use Code, Section 20.16.150 (Number of required vehicular spaces); Section 20.08.145 (Permitted and conditionally permitted uses: PR, CD and CS Districts), Table 10; Section 20.20.075 (Alcoholic Beverage Establishments); Section 20.28.310 (Definitions).

RECOMMENDED ACTION:

Review the draft revisions to Healdsburg Municipal Code, Title 20 Land Use Code, hold a public hearing to receive and consider public comments, and adopt Resolution 2022-11 (attached) recommending the City Council amend Healdsburg Municipal Code Section 20.16.150 (Number of required vehicular spaces); Section 20.08.145 (Permitted and conditionally permitted uses: PR, CD and CS Districts), Table 10; Section 20.20.075 (Alcoholic Beverage Establishments); Section 20.28.310 (Definitions); and related CEQA Exemption.

BACKGROUND:

The purpose of this report is to provide background information to the Planning Commission regarding various Land Use Code amendments to the Healdsburg Municipal Code in order to support the Planning Commission in making the required findings and recommend Land Use Code Amendments to the City Council for adoption.

Parking Amendment (LUC Section 20.16.150):

In 1998, the City established a Downtown Parking Exemption Area, which exempted non-residential uses located within a defined area from the requirement to provide off-street parking spaces, as a way to entice development and attract new businesses to the downtown area.

On January 28, 2014, a joint Planning Commission/City Council meeting was held to receive a parking study that reviewed the potential demand for parking under additional development scenarios, the potential elimination of the exemption area and potential establishment of parking in-lieu fees to accommodate increased parking demand in conjunction with eliminating the exemption area.

On July 7, 2014 the City Council approved General Plan Amendment No. 2014-02 and Land Use Amendment 2014-03 eliminating the exemption area, establishing a parking in-lieu fee option which allows non-commercial uses located in a specified area in downtown to satisfy parking requirements

through payment of an in-lieu fee, and establishing a deposit account to be used for future parking and alternative transportation projects, including bicycle and pedestrian improvements, that may reduce demand for parking downtown by providing alternatives to driving downtown.

On January 20, 2015, the City Council and Planning Commission held a joint meeting to receive a presentation of the Downtown Parking Management Plan prepared by Walker Parking Consultants where staff was directed to return with additional information and analysis regarding: (1) how to implement paid parking, including available technology and associated costs; (2) recalculating the parking in-lieu fees; and (3) looking at feasibility of extending the In-Lieu Fee Area.

On March 2, 2015, the City Council held a meeting to receive additional information and analysis regarding the recalculation of the parking in-lieu fees and looking at the feasibility of extending the In-Lieu Fee Area and directed staff to return with an ordinance to (1) establish a two-tier in-lieu parking fee, and (2) to expand the In-Lieu Fee Area.

On July 6, 2015, the City Council adopted a Land Use Code Amendment to expand the Downtown Parking In-Lieu Fee Area and establish a two-tier parking in-lieu fee.

On December 3, 2018, The City Council approved an Ordinance requiring hotels to provide on-site or in close proximity parking, and no longer allowing hotels to be eligible to pay an in-lieu parking fee.

The two-tier parking in-lieu fees allow the City to collect fees for businesses that are not able to provide on-site parking by charging in-lieu fees at a rate of \$17,144.66 for new development, and \$7,091.08 for change of use (i.e. existing location/building with a new business). City Staff has received inquiries and feedback from the community indicating that the change in use fee is too high for small businesses. City staff has since identified a need to incentivize small and local businesses in the downtown area that may have otherwise been deterred due to the cost of providing in-lieu parking fees for reuse of existing commercial spaces.

Alcoholic Beverage Establishments Amendment (Section 20.20.075):

On January 26, 2016, a joint City Council and Planning Commission meeting was held, and direction was provided to staff to update the alcoholic beverage establishment regulations to address emerging trends and consider codification of a dispersion policy to limit tasting rooms within the downtown area.

Staff presented updates to the City Council and Planning Commission on progress towards implementing direction, which included review of emerging industry trends, licensing types, and requirements of the state Alcoholic Beverage Control, and various regulations adopted in other jurisdictions that have similar wine tourism and alcoholic beverage establishment land use characteristics. On April 17, 2017, staff presented proposed changes to the City Council and received direction to prepare an ordinance for review by the Planning Commission. Changes to the Ordinance included revisions to the Land Use Code Chapter 20.08 (Land Use Tables), Section 20.20.075 (Alcohol Beverage Establishments), and Section 20.28.310 (Definitions).

On August 7, 2017, the City Council adopted Ordinance No. 1166 amending Healdsburg Municipal Code Section 20.20.075 (Alcoholic Beverage Establishments), Chapter 20.08 (Land Use Tables), and

Section 20.28.310 (Definitions) that limited the number of alcoholic beverage establishments downtown to one per block face.

In January 2022, the City received an inquiry from a local, non-profit movie theater requesting to locate within a split zoned building in the Plaza Retail (PR) and Downtown Commercial (CD) zoning designations. Alcohol is a current component to that business and would currently be prohibited from locating downtown.

The current alcoholic beverage establishment section of the Land Use Code limits the number of alcoholic beverage establishments to one per block face, thus limiting the number of allowable uses with alcohol components as part of potential businesses. City Staff has identified a need to review the Alcoholic Beverage Establishment section to allow a broader range of uses in the downtown area, some of which may include the sale of alcoholic beverages as an ancillary use.

Theater and Auditorium Use (LUC Section 20.08.145 (Table 10), Section 20.28.310):

In January 2022, the City received an inquiry from a local, non-profit movie theater requesting to locate within a split zoned building in the Plaza Retail (PR) and Downtown Commercial (CD) zoning designations. In the CD zone the use is permitted, and in the PR zone the use is subject to a conditional use permit. Alcohol service to ticketed patrons is a component of their business model, similar to many theaters today. The City's dispersion requirement for alcoholic beverage establishments would prohibit this use from locating in an identified space downtown due to the limited number of on-site consumption establishments permitted.

City staff has since identified a need to define the use of a theater and auditorium in that the use is identified within Table 10 of the Land Use Code, but not defined within the section 20.28.310 (Definitions). Staff is also recommending a change to the uses exempt from the alcoholic beverage ordinance's dispersion requirements to support a greater variety of uses downtown.

PROJECT DESCRIPTION AND ANALYSIS:

Overview of Land Use Code Amendments

The draft ordinance (Attachment 2) makes several amendments to the City's Land Use Code to: (1) amend Section 20.16.150 – Number of required vehicular parking spaces, (2) Amend Section 20.08.145 – Permitted and conditionally permitted uses: PR, CD, and CS districts, (3) Add a definition for Theaters and Auditoriums, and (4) Amend section 20.20.075 – Alcoholic Beverage Establishments.

Special Purposes of the Plaza Retail (PR), Service Commercial (CS) and Mixed Use (MU) districts include: (1) promote uses that are harmonious with the special character of the Plaza that are small-scale in nature, and that would not function effectively in another commercial district; (2) foster use of vacant buildings by permitting certain conditional uses; (3) allow a range of commercial uses and limited food and beverage production that serve the day-to-day needs of residents, while providing uses and activities of interest to visitors of the community.

To support the ongoing development of the downtown and encourage local businesses to locate within the downtown area, staff recommends implementing the proposed changes to the applicable parking and alcoholic beverage establishment sections of the Healdsburg Land Use Code. Analysis for each amendment identified above can be found below.

Parking Amendment (LUC Section 20.16.150):

The Land Use Code implements a two-tier parking in-lieu fee requirement for new construction and changes of use which increase the demand for parking. Currently the fees are set at \$17,144.66 per parking space for new construction and \$7,091.08 for change of use within an existing building. The parking in-lieu fee generates funds for the City to use for public parking and pedestrian and alternative transportation projects.

Since the two-tier parking in-lieu fee has been adopted, City staff has received several inquiries during One-Stop meetings as well as general inquiries from small scale local businesses looking to locate in the downtown area. Due to the cost of the change in use parking fees, these businesses have been deterred from occupying commercial space that require this fee. Eliminating the change in use fee could reduce the amount of time downtown commercial spaces are vacant between tenants, thus creating greater flexibility for future tenants and potentially fewer vacancies.

The proposed changes would allow for businesses to re-occupy existing vacant commercial space in the downtown area without the requirement of change of use in-lieu parking fees. In-lieu parking fees would still be applicable for any newly added square footage or any new development within the in-lieu parking area at the new construction rate of \$17,144.66. To implement this change, revisions to the Land Use Code and Resolution No. 2015-07 establishing a two-tier parking in-lieu fees are necessary. The key changes for this section are as follows:

1. Amend LUC Section 20.16.150 (4) to remove references to a two-tier system of in-lieu parking fees and add language clarifying that parking in-lieu fees apply to new development that increases floor area.
2. Amend LUC Section 20.16.150 (4) to add (a) “new tenants of existing non-residential space shall be exempt from this section.”

Alcoholic Beverage Establishments Amendment (Section 20.20.075):

Proposed changes to the alcoholic beverage establishment section of the Land Use Code would allow exceptions for Theaters and Auditoriums to allow more diverse uses within the downtown area. Currently, the Land Use Code seeks to limit alcoholic beverage establishments within the downtown area due to concerns regarding business diversity, events, increases in parking demand, and impacts to community character. Currently, the dispersion criteria apply to all establishments primarily intended for on-site consumption or tasting. The unintended consequence of applying these criteria to all on-site consumption establishments has a limiting effect on diversity of uses in the downtown area. The current code does not allow for uses in which alcohol would be ancillary to the primary use. The key changes for this section are as follows:

1. Amend LUC Section 20.20.075, Alcoholic Beverage Establishments, to add an exception for theaters and auditoriums.

Theater and Auditorium Use (LUC Section 20.08.145 (Table 10), Section 20.28.310):

The current code identifies “Theaters and auditoriums within buildings” as a permitted use within the CD zoning designation and a conditionally permitted use within the PR zoning designation. Proposed changes would require the theater and auditorium use to obtain a conditional use permit in both the CD and PR zoning designations. The use is currently undefined within the definitions section of the Land Use Code. To add a definition and more clearly define the use at various locations in the code, revisions to the Land Use Code are necessary. The key changes for this section are as follows:

1. Amend LUC Section 20.08.145, Table 10 to remove the language “within buildings” and change “Theater and auditorium” from Permitted to Conditionally Permitted.

2. Amend LUC Section 20.28.310, Definitions, to include a definition for Theater and Auditorium.

APPLICABLE GENERAL PLAN AND LAND USE CODE INFORMATION:

General Plan Consistency

The Land Use Code Amendments are consistent with the following goals, policies and implementation measures of the General Plan:

Guiding Principles:

Support local businesses and industries. While recognizing that there are limits on how the General Plan can impact a free market economic system, the City will support locally-owned businesses and industries that will keep wages and profits in the community and contribute to the local identity.

LU-D-2 The City shall seek to provide a diversity of uses within the downtown that serve both residents and visitors and shall avoid an over-concentration of a single type of use.

ED-B-2 Continue to support businesses through the promotion of the downtown and working towards solutions to problems in the greater downtown area.

ED-B-3 Seek to provide a diversity of uses within the downtown that serve both residents and visitors and avoid over-concentration of a single type of use.

ENVIRONMENTAL ANALYSIS:

The proposed amendments to the Municipal Code are exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) in that 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 effect on the environment.

FISCAL INFORMATION:

The recommended action related to Land Use Code amendments for sections 20.08.145 (Permitted and conditionally permitted uses: PR, CD and CS Districts, (Table 10), section 20.20.075 (Alcoholic Beverage Establishments), and section 20.28.310 (Definitions) will not result in a direct fiscal impact to the City. The recommended action related to Land Use Code amendment section 20.16.150 (Number of vehicular parking spaces) would reduce future in-lieu fees related to re-use of existing commercial spaces to the extent that an occupant is not proposing new development that alters the existing square footage.

ATTACHMENTS:

1. Draft Resolution No. 2022-11 with Exhibit A: Draft City Council Ordinance with Strikeout Draft Amendments

RESOLUTION NO. 2022-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HEALDSBURG RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO HEALDSBURG MUNICIPAL CODE SECTIONS 20.16.150: NUMBER OF REQUIRED VEHICULAR PARKING SPACES; 20.08.145: PERMITTED AND CONDITIONALLY PERMITTED USES (PR, CD AND CS DISTRICTS), TABLE 10; SECTION 20.20.075: ALCOHOLIC BEVERAGE ESTABLISHMENTS; SECTION 20.28.310: DEFINITIONS

WHEREAS, the City of Healdsburg Municipal Code (HMC) Chapter 20 Land Use Code (LUC) regulates allowable uses and development standards within the City; and

WHEREAS, amendments are proposed to the Land Use Code to provide greater clarity to code sections related to in-lieu parking fees, permitted and conditionally permitted uses in the PR, CD and CS districts, exceptions for alcoholic beverage establishments and adding a definition for theater and auditorium; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 13, 2022, at which time it reviewed the proposed amendments and considered all public comments on the revisions and the related CEQA exemption; and

WHEREAS, the proposed amendments will provide for and encourage a variety of local businesses that can locate in the downtown area; and

WHEREAS, the proposed amendments will not allow for, nor encourage, any more development than is already anticipated under the City’s General Plan, or otherwise allow for or promote physical changes in the environment and, therefore, it can be seen with certainty that there is not a possibility that the proposed amendments may have a significant impact on the environment; and

WHEREAS, the proposed amendments are exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the Planning Commission makes the following findings pursuant to HMC Section 20.28.282 in support of the proposed amendments:

- A. The amendments are consistent with the Healdsburg 2030 General Plan including the goals, and policies, in that no conflicts with any Goals, Policies, Programs or measures of the Healdsburg General Plan 2030 have been identified.
- B. The amendments are consistent with the objectives of the Land Use Code contained in Section 20.04.010 given that: a) adoption of the proposed

amendments will continue to protect and promote the public health, safety and general welfare of the community by providing updated standards; and b) the amendments will implement the goals, policies, and programs contained in the Healdsburg 2030 General Plan.

- C. The Planning Commission has conducted a public hearing on the draft Land Use Code Amendments with hearing notices provided as prescribed in Land Use Code Section 20.28.080, including newspaper publication at least 10 days prior to the hearing date.
- D. The amendments are exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City of Healdsburg Planning Commission does hereby recommend that the City Council amend Healdsburg Municipal Code Sections 20.16.150: Number of vehicular parking spaces; 20.08.145: Permitted and conditionally permitted uses (PR, CD and CS Districts), Table 10; Section 20.20.075: Alcoholic Beverage Establishments; Section 20.28.310: Definitions, as illustrated in Exhibit A.

DULY AND REGULARLY ADOPTED by the Healdsburg Planning Commission on the 13th day of September, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

Attest:

Chair

Secretary

CITY OF HEALDSBURG

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG AMENDING HEALDSBURG MUNICIPAL CODE SECTIONS 20.16.150: NUMBER OF REQUIRED VEHICULAR PARKING SPACES; 20.08.145: PERMITTED AND CONDITIONALLY PERMITTED USES (PR, CD AND CS DISTRICTS), TABLE 10; SECTION 20.20.075: ALCOHOLIC BEVERAGE ESTABLISHMENTS; SECTION 20.28.310: DEFINITIONS

WHEREAS, the City of Healdsburg Municipal Code (HMC) Chapter 20 Land Use Code (LUC) regulates allowable and development standards within the City; and

WHEREAS, amendments are proposed to the Land Use Code to provide greater clarity to code sections related in lieu parking fees, permitted and conditionally permitted uses in the PR, CD and CS districts, exceptions for alcoholic beverage establishments and adding a definition for theater and auditorium; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 13, 2022, at which time it reviewed the proposed amendments and considered all public comments on the revisions and the related CEQA exemption; and

WHEREAS, the proposed amendments will provide for and encourage a variety of local businesses that can locate in the downtown area; and

WHEREAS, the proposed amendments will not allow for, nor encourage, any more development than is already anticipated under the City's General Plan, or otherwise allow for or promote physical changes in the environment and, therefore, it can be seen with certainty that there is not a possibility that the proposed amendments may have a significant impact on the environment; and

WHEREAS, the proposed amendments are exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines; and

WHEREAS, the Planning Commission made the following affirmative findings pursuant to HMC Section 20.28.282 in support of the proposed amendments:

- A. The amendments are consistent with the Healdsburg 2030 General Plan including the goals, and policies, in that no conflicts with any Goals, Policies, Programs or measures of the Healdsburg General Plan 2030 have been identified.

- B. The amendments are consistent with the objectives of the Land Use Code contained in Section 20.04.010 given that: a) adoption of the proposed amendments will continue to protect and promote the public health, safety and general welfare of the community by providing updated standards; and b) the amendments will implement the goals, policies, and programs contained in the Healdsburg 2030 General Plan.
- C. The Planning Commission has conducted a public hearing on the draft Land Use Code Amendments with hearing notices provided as prescribed in Land Use Code Section 20.28.080, including newspaper publication at least 10 days prior to the hearing date.
- D. The amendments are exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

WHEREAS, based upon the Planning Commission's findings, the City Council determines that the revisions are consistent with the General Plan including the Goals, Policies, and Implementation Measures of the Housing, Land Use, and Economic Development Elements of the adopted General Plan, and that the revisions are internally consistent with all other provisions of the Municipal Code.

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

Section 1. Findings.

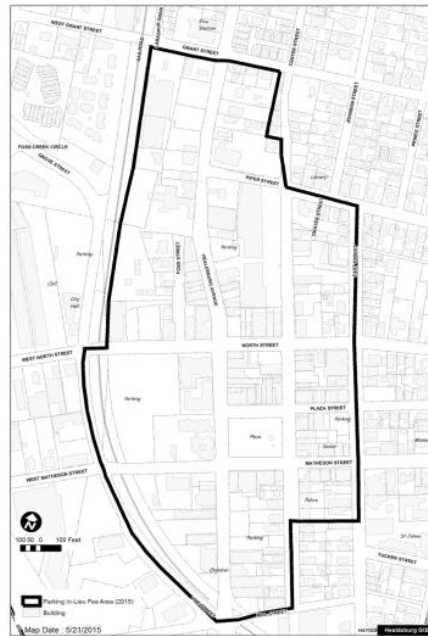
The above recitals are hereby declared to be true and correct findings of the City Council of the City of Healdsburg.

Section 2. Section 20.16.150 Number of required vehicular parking spaces shall be amended to read as follows (additions underlined, deletions ~~strikethrough~~):

- B. Vehicular parking exceptions.
 - 1. Covered Parking. The planning commission may waive the requirement for covered parking for senior or affordable housing developments and mixed use residential and commercial or industrial projects if this will facilitate reduced costs or improve the design of the project.
 - 2. Senior Housing. The planning commission may reduce the parking requirements for senior housing developments.
 - 3. Shared Parking. The number of required parking spaces for multiple land uses on a site may be reduced by the planning and building director in the event it is determined that shared use of the same parking facilities can occur at differing times of the day and/or days of the week. Requests for shared parking reductions may be made to the planning and building department in writing and shall be

accompanied by a shared parking analysis completed and signed by a registered traffic engineer indicating that no adverse effects would result from the shared use of parking spaces.

4. Parking In-Lieu Fee. Parking requirements for nonresidential, new construction (additional square footage) uses located within the area depicted here, as established by this section (Table 17) or as otherwise established by procedures under this Land Use Code, may be met by payment of a parking in-lieu fee as provided for in this section. ~~A two-tier system of in lieu parking fees is used to differentiate between new construction and changes of use in existing buildings.~~



- a. Existing nonresidential space shall be exempt from this section.
- b. The parking in-lieu fee shall be a per-parking-space fee and is only applicable when a required parking space is not provided.
- c. The amount per parking space ~~of the two-tier parking in-lieu fee~~ for new construction (additional square footage) and changes of use in existing buildings shall be as established in the City’s master fee schedule, as amended from time to time.
- d. The parking in-lieu fee shall be paid prior to the issuance of building permits.
- e. Funds collected by the City from parking in-lieu fee payments shall be deposited into a dedicated “parking and alternative transportation” deposit account and shall be used for parking and alternative transportation, including bicycle and pedestrian, improvements throughout the City.
- f. Payment of the parking in-lieu fee shall be subject to the following:

- i. In combination with the spaces provided on site, payment of the fee shall be considered full satisfaction of the off-street parking requirement, as determined by this section.
- ii. The fee shall be non-refundable, and payment of the fee does not carry any other guarantees, rights, or privileges to the payer.
- iii. Payment of the fee does not represent an obligation of the City to provide parking spaces within any particular proximity to the project for which the payment was made or to make available parking spaces within any particular amount of time.
- iv. Payment of the fee does not entitle the applicant, his or her tenants, or his or her clients to exclusive or private use of any public parking spaces. (Ord. 1149 § 1, 2015; Ord. 1139 § 1, 2014; Ord. 1106 § 2 (Exh. A § 1910), 2011.)

Section 2. Section 20.20.075(B) Alcoholic Beverage Establishments shall be amended to provide an exception for theaters and auditoriums from this section as follows (additions underlined, deletions ~~strikethrough~~):

B. Exceptions. The provisions of this section shall not apply to full service restaurants, theaters and auditoriums, private clubs and veteran or fraternal clubs, or the temporary sale of alcoholic beverages by a church, school or charitable group as defined by the Department of Alcoholic Beverage Control (ABC).

Section 3. Section 20.08.145 Permitted and conditionally permitted uses in the Plaza Retail, Downtown Commercial, and Service Commercial Zoning Districts shall be amended to read as follows (additions underlined, deletions ~~strikethrough~~):

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

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS
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
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

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS
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
Electronic games centers (4 or more games)	--	C	C
Fabric shops	P	P	P
Farmers markets	C	C	C
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
Gunsmith shops, sales and repair	--	P	P
Hardware, paint and wallpaper stores	--	P	P
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

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS
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 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.	--	C	C
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

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS
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
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	--

Permitted (P) and Conditionally Permitted (C) Uses	PR	CD	CS
Spa, overnight	P	P	--
Sporting goods sales, with rental as an accessory use	--	P	P
Supermarkets (over 3500 square feet of retail sales area)	--	P	P
Tasting room	C*	C*	--
Theaters and auditoriums within buildings	C	CP	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
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

Section 4. Section 20.28.310 Definitions shall be amended to add a definition for Theaters and Auditoriums as follows (additions underlined, deletions ~~strikethrough~~):

Theater and auditorium. An indoor facility for public assembly and group entertainment. Examples of these facilities include:

- Civic theaters, and facilities for “live” theater and concerts
- Movie theaters
- Similar public assembly facilities

Section 5. Environmental Compliance.

The City Council finds that the proposed Ordinance is exempt from CEQA under section 15061(b)(3) of the CEQA Guidelines. The commonsense exemption set forth in Section 15061(b)(3) provides that CEQA only applies to projects which have the potential for

causing a significant effect on the environment, and thus where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, it can be seen with certainty that adoption of the proposed Ordinance would not have any environmental effects.

Section 6. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 7. Effective Date and Publication.

This Ordinance of the City of Healdsburg shall be effective thirty (30) days after the date of its passage. Before expiration of fifteen (15) days after its passage, this Ordinance or a summary thereof as provided for in Government Code Section 36933, 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 City Council members voting for and against its passage.

INTRODUCED by the City Council of the City of Healdsburg on the ___ day of ___, 2022, and PASSED and APPROVED at a regular meeting of the City Council on the ___ day of ___, 2022, by the following vote:

AYES: Councilmembers: ()

NOES: Councilmembers: ()

ABSENT: Councilmembers: ()

ABSTAIN: Councilmembers: ()

SO ORDERED

Osvaldo Jimenez, Mayor

Raina Allan, City Clerk

Dated: _____