

ORDINANCE NO. 910

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTATI AMENDING SECTION 17.24.020 (ALLOWABLE LAND USES), SECTION 17.42.180 (SERVICE STATIONS) AND CHAPTER 17.90 (DEFINITIONS) OF THE COTATI MUNICIPAL CODE TO PROVIDE PROVISIONS FOR ELECTRIC VEHICLE CHARGING AND PROHIBIT NEW SERVICE STATION FACILITIES THAT STORE, CONVEY OR DISPENSE FOSSIL FUELS, CITYWIDE. FILE NO. PA21-27

WHEREAS, Article XI, Section 7 of the California Constitution authorizes cities to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws; and

WHEREAS, the United States Environmental Protection Agency has classified gas station and fuel storage locations as uses that may result in a brownfield site. Brownfield sites are properties where the development, redevelopment, or reuse of may be complicated by the presence hazardous substances, pollutants, or contaminants; and

WHEREAS, common contaminants found at gas station sites include gasoline, diesel, and petroleum oils, volatile organic compounds and solvents, polycyclic aromatic hydrocarbons, and lead. Exposure to the types of contaminants present, or potentially present, at gas stations can threaten the public health, safety and welfare of neighboring communities; and

WHEREAS, the State of California has adopted policy targets to reduce greenhouse gases (GHGs) by 40% from 1990 levels by 2030 and by 80% from 1990 levels by 2050; and

WHEREAS, Governor Brown's Executive Order B-48-18, signed on January 26, 2018, noted that the transportation sector resulted in 50 percent of California's total greenhouse gas emissions and 80 percent of smog-forming oxides of nitrogen, and directed all state entities to work with local government and the private sector to ensure there are at least 5 million zero-emission vehicles on California roads by 2030, and the creation of 200 hydrogen fueling stations and 250,000 electric vehicle charging stations by 2025 to support such vehicles; and

WHEREAS, the City of Cotati participates in a coordinated, countywide collaboration to address climate change via the Sonoma County Regional Climate Protection Authority (RCPA), and the RCPA has adopted the same GHG reduction targets as the State of California; and

WHEREAS, on March 27, 2018, the City Council adopted Resolution 2018-15 reaffirming Cotati's commitment to reduce GHG emissions and agreed to work towards the countywide and state goal to reduce GHG emissions by 40% below 1990 levels by 2030 and 80% below 1990 levels by 2050; and

WHEREAS, on November 26, 2019, the City Council adopted Resolution 2019-74 endorsing the declaration of a climate emergency and immediate mobilization to restore a safe climate; and

WHEREAS, Governor Newsom's Executive Order N-79-20, signed on September 23,

2020, sets a goal to eliminate sales of new internal combustion passenger vehicles by 2035; and

WHEREAS, on July 27, 2021, the City Council adopted Resolution No. 2021-41 endorsing the goals of Climate Safe California and called on the State of California to accelerate its climate action timelines, including the phase-out of fossil fuel development, production, and use; and

WHEREAS, adoption of changes to Land Use Code are necessary to implement the objectives of the General Plan and the City’s adopted greenhouse gas reduction goals; and

WHEREAS, on May 16, 2022, the Planning Commission held a duly noticed public hearing to consider the proposed Land Use Code amendments and recommended City Council approval of the implementing draft ordinance; and

WHEREAS, on June 28, 2022, the City Council introduced the ordinance at a duly noticed public hearing, at which time all interested persons were given an opportunity to be heard.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COTATI DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals Made Findings. The above recitals are declared to be true and correct and constitute a part of the findings made by the City Council in adopting this Ordinance.

SECTION 2. Amendments to the Cotati Municipal Code. Subsections 17.90.020(E), 17.90.020(F), and 17.90.020(S) are amended, as shown in strike-out (deleted) and underline (added) text, in alphabetical order, as follows:

17.090.020(E), Definitions, “E.”

“Electric vehicle charging station” means any level of electric vehicle supply equipment that is designed and built in compliance with Article 625 of the California Electrical Code, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

17.090.020(F), Definitions, “F.”

“Fuel dealer” means a retail trade establishment that sells fuel oil, butane, propane and liquefied petroleum gas (LPG), bottled or in bulk, to consumers. Does not include “service station,” which is separately defined and regulated by this land use code as a separate land use type.

17.90.020(S), Definitions, “S.”

“Service station (non-fossil fuel sales)” means a retail business that provides electrical charging or fueling for vehicles but does not include the sale of fossil fuels. selling gasoline and/or other motor vehicle fuels and related products. New or expanded

facilities to store, convey or dispense fossil fuels are prohibited. Where allowed by Article 2 (Community and Project Design), a service station may also include “vehicle services,” ~~and/or trailer rental (“Auto and vehicle sales or rental”), which are separately defined.~~ ~~Does not include~~ “convenience stores,” and/or other commercial uses which are separately defined, and regulated by this land use code as a separate land use type.

SECTION 3. Amendments to the Cotati Municipal Code. Section 17.22.020, Tables 2-2, 2-3, and 2-4 are amended, as shown in strike-out (deleted) and underline (added) text, as follows:

Table 2-2

Allowed Land Uses and Permit Requirements for Low Density and Neighborhood Zones

<p>P Permitted Use, Zoning Clearance required</p> <p>MUP Minor Use Permit required</p> <p>UP Use Permit required</p> <p>S Permit requirement set by Specific Use Regulations</p> <p>- Use not allowed</p>								
Land Use ⁽¹⁾	Permit Required by District							Specific Use Regulations
	OSC	OSR	RR	RVL	NL	NM	NU	
Agricultural and Open Space Uses								
Agricultural accessory structure	UP	-	P	P	-	-	-	17.42.020
Animal keeping	S	S	S	S	S	S	S	17.42.040
Crop production, horticulture, orchard, vineyard	-	-	UP	-	-	-	-	
Plant nursery	-	-	UP	-	-	-	-	
Winery, small scale	-	-	UP ⁽²⁾	-	-	-	-	
Industry, Manufacturing and Processing, Wholesaling								
Artisan/craft product manufacturing	-	-	UP ⁽³⁾	-	-	-	-	
Recreation, Education and Public Assembly Uses								
Community garden	-	MUP	MUP	MUP	MUP	MUP	MUP	
Equestrian facility	-	UP	UP	-	-	-	-	
Meeting facility, public or private	-	-	-	-	UP	UP	UP	
Park	UP	P	P	P	P	P	P	
Playground	-	P	P	P	P	P	P	
Private residential recreation facility	-	-	-	UP	UP	UP	UP	
School – Elementary, middle, secondary	-	-	-	UP	UP	UP	-	
Residential Uses								

P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required S Permit requirement set by Specific Use Regulations - Use not allowed								
Land Use ⁽¹⁾	Permit Required by District							Specific Use Regulations
	OSC	OSR	RR	RVL	NL	NM	NU	
Accessory dwelling unit	-	-	P	P	P	P	P	17.42.170
Caretaker quarters	UP	-	-	-	-	-	-	
Cottage housing	-	-	-	-	S	S	S	17.42.125
Home occupation	-	-	P	P	P	P	P	17.42.080
Junior accessory dwelling unit	-	-	P	P	P	-	-	17.42.170
Mobilehome park	-	-	UP	UP	UP	UP	UP	17.42.110
Mobile/manufactured home	-	-	P	P	P	P	P	17.42.110
Multifamily housing, 2 units	-	-	-	-	UP	P	P	17.42.120
Multifamily housing, 3 or 4 units	-	-	-	-	-	UP	P	17.42.120
Multifamily housing, 5 to 9 units	-	-	-	-	-	UP	UP	17.42.120
Multifamily housing, 10 or more units	-	-	-	-	-	-	UP	17.42.120
Multifamily housing, up to 100 units with 25% affordable	-	-	-	-	-	-	P	17.42.120
Organizational house (sorority, monastery, etc.)	-	-	-	-	-	-	UP	
Residential accessory use or structure	-	-	P	P	P	P	P	17.42.160
Residential care facility for the elderly (RCFE)	-	-	UP	UP	UP	UP	UP	
Residential care, 11 or more clients	-	-	UP	UP	UP	UP	UP	
Residential care, 6 or fewer clients, in a single-family dwelling	-	-	P	P	P	P	P	
Residential care, 7 to 10 clients	-	-	UP	UP	UP	UP	UP	
Residential component of a mixed use project	-	-	-	-	UP	UP	UP	17.42.100
Rooming or boarding house	-	-	-	-	-	-	UP	
Single-family dwelling	-	-	P	P	P	UP ⁽⁴⁾	UP ⁽⁴⁾	
Retail Trade								
Accessory retail and services	-	-	-	-	UP	UP	UP	
Convenience store, 1,200 sq. ft. or less	-	-	-	-	UP	UP	UP	
Produce stand	-	-	UP	-	-	-	-	17.42.130

P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required S Permit requirement set by Specific Use Regulations - Use not allowed								
Land Use ⁽¹⁾	Permit Required by District							Specific Use Regulations
	OSC	OSR	RR	RVL	NL	NM	NU	
Services – Business and Professional								
Medical services – Extended care	-	-	-	-	-	UP	UP	
Office – Accessory	-	P	P	P	P	P	P	
Services								
Adult day care – 6 or fewer clients	-	-	P	P	P	P	P	
Adult day care – 7 to 14 clients	-	-	UP	UP	UP	UP	UP	
Adult day care – 15 or more clients	-	-	UP	UP	UP	UP	UP	
Child day care – Small family day care home	-	-	P	P	P	P	P	
Child day care – Large family day care home	-	-	P	P	P	-	-	17.42.060
Child day care – Day care center	-	-	-	-	-	UP	UP	17.42.060
Kennel, animal boarding	-	-	UP	-	-	-	-	
Lodging – Bed and breakfast inn (B&B)	-	-	UP	UP	-	-	-	17.42.050
Personal services – 1,000 sq. ft. or less	-	-	-	-	-	UP	UP	
Public safety facilities	-	-	UP	UP	UP	UP	UP	
Transportation, Communications and Infrastructure								
<u>Electric vehicle charging station⁽⁵⁾</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>14.38</u>
Solar collector	S	S	S	S	S	S	S	17.30.084
Windmills	-	-	UP	-	-	-	-	17.42.190

Notes:

- (1) See Article 9 of this title for land use definitions.
- (2) May be approved only in conjunction with an on-site vineyard of three acres or larger.
- (3) May be approved only on a site of three acres or larger.
- (4) Use permit approval shall require that the review authority first find that the location of a proposed single-family dwelling on a parcel that may be further subdivided will not preclude future subdivision and development in compliance with the general plan.
- (5) Permitted as an accessory use.

Table 2-3

Allowed Land Uses and Permit Requirements for Mixed Use Corridors and Districts

P Permitted Use, Zoning Clearance required MUP Minor Use Permit UP Use Permit required S Permit requirement set by Specific Use Regulations - Use not allowed							
Land Use ⁽¹⁾	Permit Required by District						Specific Use Regulations
	CE	CG	CD	CI	IG	PF	
Industry, Manufacturing and Processing, Wholesaling							
Agricultural product processing	-	-	-	-	P	-	
Artisan/craft product manufacturing	MUP	MUP	MUP	P	P	-	See Note 5 Below
Brewery – Brew pub	MUP	MUP	MUP	-	-	-	
Brewery – Production	-	-	-	UP	UP	-	
Construction contractor	-	-	-	-	UP	-	
Food and beverage product manufacturing	-	-	-	-	MUP	MUP	
Furniture and fixtures manufacturing, cabinet shop	-	-	-	P	P	-	
Industrial research and development	-	MUP	-	P	MUP	-	
Laboratory – Medical, analytical, research and development	P	P	-	P	MUP	-	
Laundry, dry cleaning plant	-	-	-	-	UP	-	
Manufacturing/processing – Light	-	-	-	MUP	P	-	
Manufacturing/processing – Medium intensity	-	-	-	MUP	MUP	-	
Manufacturing/processing – Heavy	-	-	-	-	UP	-	
Media production	P	P	-	P	P	-	
Printing and publishing	UP	UP	-	P	P	-	
Recycling – Reverse vending machine	MUP	MUP	-	-	-	-	
Recycling – Small collection facility	UP	UP	-	UP	P	-	17.42.150
Recycling – Medium collection facility	-	-	-	UP	UP	-	17.42.150
Storage – Outdoor	-	-	-	UP	UP	-	17.42.140
Storage – Personal storage facility (mini-storage)	-	-	-	-	-	-	
Storage – Warehouse, indoor storage	-	-	-	UP	-	-	
Wholesaling and distribution	-	-	-	UP	UP	-	

<p>P Permitted Use, Zoning Clearance required</p> <p>MUP Minor Use Permit</p> <p>UP Use Permit required</p> <p>S Permit requirement set by Specific Use Regulations</p> <p>- Use not allowed</p>							
Land Use ⁽¹⁾	Permit Required by District						Specific Use Regulations
	CE	CG	CD	CI	IG	PF	
Winery – Boutique	-	UP	-	MUP	MUP	-	
Winery – Production	-	-	-	MUP	MUP	-	
Recreation, Education and Public Assembly Uses							
Adult-oriented business	-	-	-	-	S	-	17.40
Commercial recreation facility – Indoor – 5,000 sq. ft. or less	UP	P	-	P	-	-	
Commercial recreation facility – Indoor – More than 5,000 sq. ft.	UP	MUP	-	UP	-	-	
Commercial recreation facility – Outdoor	-	-	-	UP	-	-	
Conference/convention facility – 5,000 sq. ft. or less	UP	MUP	UP ⁽²⁾	MUP	-	UP	
Conference/convention facility – More than 5,000 sq. ft.	UP	UP	UP ⁽²⁾	UP	-	UP	
Health/fitness facility	UP	P	UP ⁽²⁾	P	UP	-	
Library, museum	P	P	MUP	P	-	P	
Meeting facility, public or private – 5,000 sq. ft. or less	UP	MUP	MUP ⁽²⁾	MUP	-	MUP	
Meeting facility, public or private – More than 5,000 sq. ft.	UP	UP	UP ⁽²⁾	UP	-	UP	
Park	P	P	P	-	-	P	
School – Elementary, middle, secondary	UP ⁽²⁾	UP ⁽²⁾	-	-	-	UP	
School – Specialized education/training	UP ⁽²⁾	UP ⁽²⁾	UP ⁽²⁾	UP	-	UP	
Sports and entertainment assembly	-	-	-	UP	-	UP	
Studio – Art, dance, martial arts, music, etc.	P	P	MUP ⁽²⁾	P	UP	-	
Theater	UP	MUP	MUP	MUP	-	UP	
Residential Uses							
Accessory dwelling unit	P	P	P	-	-	-	17.42.170
Emergency/transitional shelter	-	-	S	-	-	S	17.42.072
Home occupation	P	P	P	-	-	-	17.42.080
Live/work unit	UP	UP	-	UP	UP	-	17.42.090

<p>P Permitted Use, Zoning Clearance required</p> <p>MUP Minor Use Permit</p> <p>UP Use Permit required</p> <p>S Permit requirement set by Specific Use Regulations</p> <p>- Use not allowed</p>							
Land Use ⁽¹⁾	Permit Required by District						Specific Use Regulations
	CE	CG	CD	CI	IG	PF	
Residential care facility for the elderly (RCFE)	UP	MUP	-	-	-	UP	
Residential care facility, 7 or more clients	UP	-	-	-	-	UP	
Residential component of a mixed use project	P	P	P	-	-	-	17.42.100
Retail Trade⁽³⁾							
Accessory retail or services	P	P	P	P	P	P	
Alcoholic beverage sales – Associated with a restaurant ⁽⁴⁾	P	P	P	P	UP	-	17.42.030
Alcoholic beverage sales	UP	UP	UP	-	-	-	17.42.030
Antique or collectible store	MUP	P	MUP	-	-	-	
Artisan shop	P	P	P	P	-	-	
Auto and vehicle sales and rental	-	UP	-	MUP	UP	-	
Auto parts sales with no installation services	-	P	-	P	-	-	
Bar, tavern	UP	UP	UP	-	-	-	
Building and landscape materials sales – Indoor	-	P	-	P	P	-	
Building and landscape materials sales – Outdoor	-	UP	-	MUP	-	-	17.42.130
Construction and heavy equipment sales and rental	-	-	-	MUP	MUP	-	17.42.130
Convenience store	UP	UP	-	UP	-	-	
Drive-through retail	-	UP	-	UP	-	-	17.42.070
Extended hour retail	UP	MUP	MUP	MUP	-	-	
Farm supply and feed store	-	P	-	P	-	-	
Farmers market	MUP	MUP	MUP	MUP	UP	UP	
Formula-based fast food restaurant	S	S	S	-	-	-	17.42.071
Fuel dealer (propane for home and farm use, etc.)	-	-	-	UP	UP	-	
Furniture, furnishings and appliance store	P	P	UP	P	UP	-	
General retail – Less than 5,000 sq. ft.	P	P	P	P	-	-	
General retail – 5,000 sq. ft. to 20,000 sq. ft.	P	P	P	P	-	-	
General retail – More than 20,000 sq. ft.	UP	P	UP	P	-	-	

<p>P Permitted Use, Zoning Clearance required</p> <p>MUP Minor Use Permit</p> <p>UP Use Permit required</p> <p>S Permit requirement set by Specific Use Regulations</p> <p>- Use not allowed</p>							
Land Use ⁽¹⁾	Permit Required by District						Specific Use Regulations
	CE	CG	CD	CI	IG	PF	
Groceries, specialty foods – 10,000 sq. ft. or less	P	P	P	P	-	-	
Groceries, specialty foods – More than 10,000 sq. ft.	UP	MUP	UP	MUP	-	-	
Mobilehome, boat, or RV sales	-	-	-	MUP	-	-	
Night club	UP	UP	UP	-	-	-	
Outdoor display and sales	MUP	MUP	MUP	MUP	-	-	17.42.130
Plant nursery	-	MUP	-	MUP	MUP	-	
Restaurant – Outdoor dining ⁽⁶⁾	P/ MUP	P/ MUP	P/ MUP	P/ MUP	-	-	17.42.130(E)
Restaurant, cafe, coffee shop	P	P	P	P	UP	-	
Retail complex	UP	P	UP	P	-	-	
Retail display gallery	-	P	P	-	-	-	17.90.020
Second hand store	UP	UP	UP	-	-	-	
Service station (non-fossil fuels sales)	UP	UP	UP	-	-	-	17.42.180
Tasting room	UP	P	P	P	-	-	
Warehouse retail	-	MUP	-	UP	-	-	
Services – Business, Financial, Professional							
ATM	P	P	P	P	-	-	
Bank, financial services	P	P	UP	P	-	-	
Business support service	P	P	p ⁽²⁾	UP	-	-	
Medical services – Doctor office	UP	p ⁽²⁾	p ⁽²⁾	-	-	-	
Medical services – Clinic, urgent care	UP	-	-	-	-	-	
Office – Accessory	P	P	P	P	P	P	
Office – Business/service	UP	UP ⁽²⁾	p ⁽²⁾	P	-	-	
Office – Government	MUP	MUP	MUP	MUP	MUP	MUP	
Office – Processing	UP ⁽²⁾	MUP	UP ⁽²⁾	MUP	-	-	
Office – Professional/ administrative	P	P	p ⁽²⁾	P	-	-	
Services – General							

P Permitted Use, Zoning Clearance required MUP Minor Use Permit UP Use Permit required S Permit requirement set by Specific Use Regulations - Use not allowed							
Land Use ⁽¹⁾	Permit Required by District						Specific Use Regulations
	CE	CG	CD	CI	IG	PF	
Accessory retail or services	P	P	P	P	P	P	17.42.015
Adult day care	UP	-	-	-	-	UP	
Catering service	-	-	-	P	P	-	
Child day care center	MUP	P	MUP	MUP	-	UP	
Drive-through service	-	UP	-	-	-	-	17.42.070
Equipment rental	-	-	-	MUP	UP	-	17.42.140
Kennel, animal boarding	-	MUP	-	MUP	UP	-	
Lodging – Bed and breakfast inn (B&B)	P	P	MUP	-	-	-	
Lodging – Boutique hotel or motel	UP	UP	UP	-	-	-	
Lodging – Hotel or motel	UP	UP	UP	-	-	-	
Maintenance service – Client site services	-	-	-	P	P	-	
Mortuary, funeral home	UP	-	-	-	-	-	
Personal services	P	P	P	P	-	-	
Personal services – Restricted	UP ⁽²⁾	-	-	-	-	-	
Public safety facility	UP	UP	UP	UP	UP	P	
Repair service – Equipment, large appliances, etc.	-	-	-	P	P	-	
Social service organization	MUP ⁽²⁾	MUP ⁽²⁾	-	MUP	-	UP	
Vehicle services – Major repair/body work	-	-	-	UP	MUP	-	
Vehicle services – Minor maintenance/repair	-	-	-	UP	UP	-	
Veterinary clinic, animal hospital	MUP	P	-	P	MUP	-	
Transportation, Communications and Infrastructure							
Ambulance, taxi, or limousine storage	-	-	-	-	UP	-	
Broadcasting studio	-	UP ⁽²⁾	UP ⁽²⁾	MUP	-	-	
Electric vehicle charging station ⁽⁷⁾	P	P	P	P	P	P	14.38
Parking facility, public or commercial	UP	UP	UP	-	-	P	
Telecommunications facility	-	-	-	S	S	S	17.44
Transit station or terminal	UP	UP	UP	UP	-	UP	

P Permitted Use, Zoning Clearance required MUP Minor Use Permit UP Use Permit required S Permit requirement set by Specific Use Regulations – Use not allowed							
Land Use ⁽¹⁾	Permit Required by District						Specific Use Regulations
	CE	CG	CD	CI	IG	PF	
Utility facility	–	–	–	UP	UP	UP	
Vehicle storage	–	–	–	–	UP	–	
Key to Zoning District Symbols							
CE	East Cotati Avenue Corridor		CI	Commercial/Industrial District			
CG	Gravenstein Highway Corridor		IG	General Industrial District			
CD	Downtown Commercial		PF	Public Facility District			

Notes:

- (1) See Article 9 for land use definitions.
- (2) Use allowed only on second or upper floors, in compliance with Section 17.24.050(C), Limitation on the Location of Allowable Land Uses, or behind an allowed ground floor street frontage use.
- (3) See Section 17.42.165, Retail use maximum floor area.
- (4) When the Department of Alcoholic Beverage Control allows customers under twenty-one years of age on the premises.
- (5) Artisan/craft product manufacturing uses proposed in the CE, CG, CD, HC, LP, NG, and CA districts must be located within buildings and suites designed and oriented to engage and encourage pedestrian activity and interaction with the surrounding uses. Uses in these districts must also include retail storefront presence and design characteristics, with production and manufacturing design elements (such as loading doors, material storage, etc.) oriented away from the primary entrances and street frontages of developments where they are located.
- (6) MUP required for outdoor dining on private property in the CD district when the dining use abuts a residential land use.
- (7) Permitted as an accessory use.

Table 2-4

Allowed Land Uses and Permit Requirements for Downtown Specific Plan Districts

P	Permitted Use, Zoning Clearance required
MUP	Minor Use Permit required
UP	Use Permit required
S	Permit requirement set by Specific Use Regulations

– Use not allowed

LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	HC	LP	NG	CA	
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES					
Commercial recreation facility – Indoor	MUP	–	MUP	MUP	
Conference/convention facility	–	–	UP ⁽²⁾	UP	
Health/fitness facility	UP ⁽²⁾	–	P	P	
Library, museum	P	–	P	P	
Meeting facility, public or private	–	UP	UP ⁽²⁾	UP	
Park, Playground	P	P	P	P	
School – Specialized education/training	UP	–	UP	UP	
Studio – Art, dance, martial arts, music, etc.	P	P	P	P	
Theater (cinemas or performing arts)	MUP	–	P	P	
RESIDENTIAL USES					
Accessory dwelling unit	P	P	P	P	17.42.170
Emergency/transitional shelter	S	S	S	S	17.42.072
Home occupation	P	P	P	P	17.42.080
Live/work unit	P	P	P	P	17.42.090
Residential component of a mixed use project	P	P	P	P	17.42.100
Residential care facility for the elderly (RCFE)	–	UP	UP	UP	
Residential care facility, 7 or more clients	–	UP	–	–	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE					
Broadcasting studio	UP ⁽²⁾	–	UP ⁽²⁾	–	
Electric vehicle charging station ⁽⁷⁾	P	P	P	P	14.38
Parking facility	UP	UP	UP ⁽²⁾	UP	
Transit station or terminal	P	P	P	P	
RETAIL TRADE					
Accessory retail or services	P	P	P	P	
Alcoholic beverage sales – associated with a restaurant ⁽⁴⁾	P	P	P	P	17.42.030
Alcoholic beverage sales – off-sale	UP	UP	UP	UP	17.42.030
Antique or collectible store	P	P	P	P	
Artisan/craft product manufacturing	MUP	MUP	MUP	MUP	See Note (5) below
Artisan shop	P	P	P	P	

	P	Permitted Use, Zoning Clearance required			
	MUP	Minor Use Permit required			
	UP	Use Permit required			
	S	Permit requirement set by Specific Use Regulations			
	-	Use not allowed			
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	HC	LP	NG	CA	
Auto parts sales with no installation services	-	-	-	P	
Bar, tavern	UP	UP	UP	UP	17.42.030
Brewery – Brew pub	MUP	MUP	MUP	MUP	
Convenience store	-	-	UP	UP	
Extended hour retail	UP	MUP	P	P	
Furniture, furnishings and appliance store	UP	-	MUP	MUP	
General retail – Less than 5,000 sf	P	P	P	P	
General retail – 5,000 sf to 20,000 sf	P	-	P	P	
General retail – More than 20,000 sf (Max. 43,000 sf)	-	-	MUP	MUP	
Groceries, specialty foods – 10,000 sf or less	P	P	P	P	
Groceries, specialty foods – More than 10,000 sf	-	-	P	UP	
Night club	UP	-	UP	UP	
Outdoor display and sales	MUP	MUP	MUP	MUP	17.42.130
Restaurant – Outdoor dining on private property ⁽⁶⁾	P/MUP	P/MUP	P/MUP	P/MUP	17.42.130
Restaurant – Outdoor dining in public right-of-way	P	P	P	P	17.42.130
Restaurant, cafe, coffee shop	P	P	P	P	
Retail complex	-	-	UP	UP	
Retail display gallery	P	P	P	P	17.90.020
Second hand store	UP	-	-	-	
Service station (non-fossil fuel sales)	-	-	-	UP	17.42.180
Tasting room	P	P	P	P	
SERVICES – BUSINESS, FINANCIAL, PROFESSIONAL					
ATM	P	P	P	P	
Bank, financial services	P	P	P	P	
Business support service	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	P	
Medical services – Doctor office	P	P	P	P	
Medical services – Clinic, urgent care	-	-	-	P	

P Permitted Use, Zoning Clearance required MUP Minor Use Permit required UP Use Permit required S Permit requirement set by Specific Use Regulations – Use not allowed					
LAND USE ⁽¹⁾	PERMIT REQUIRED BY DISTRICT				Specific Use Regulations
	HC	LP	NG	CA	
Office – Accessory	P	P	P	P	
Office – Business/service	p ⁽²⁾	p ⁽²⁾	p ⁽²⁾	P	
Office – Government	UP	UP	UP	UP	
Office – Processing	UP ⁽²⁾	–	UP ⁽²⁾	–	
Office – Professional/administrative	p ⁽²⁾	P	p ⁽²⁾	P	
Veterinary clinic, animal hospital	P	P	P	P	
SERVICES – GENERAL					
Accessory retail or services	P	P	P	P	17.42.015
Adult day care	UP ⁽²⁾	UP ⁽²⁾	UP ⁽²⁾	UP	
Child day care center	UP	UP	P	UP	
Lodging – Bed & breakfast inn (B&B)	P	P	P	UP	
Lodging – Boutique hotel and motel	UP	UP	P	P	
Lodging – Hotel	UP ⁽²⁾	UP ⁽²⁾	P	P	
Personal services	P	P	P	P	
Public safety facility	–	–	–	–	
Social service organization	–	UP ⁽²⁾	UP ⁽²⁾	UP	
Vehicle services – Minor maintenance/repair	–	–	–	UP	
Key to Zoning District Symbols					
HC	Historic Core	NG	Northern Gateway		
LP	La Plaza	CA	Commerce Avenue		

Notes:

- (1) See Article 9 for land use definitions.
- (2) Use allowed only on second or upper floors, in compliance with Section 17.24.050(C) (Limitation on the Location of Allowable Land Uses), or behind an allowed ground floor street frontage use.
- (3) Where allowed by the downtown specific plan’s regulating plan.
- (4) When the Department of Alcoholic Beverage Control allows customers under twenty-one years of age on the premises.

(5) Artisan/craft product manufacturing uses proposed in the CE, CG, CD, HC, LP, NG, and CA districts must be located within buildings and suites designed and oriented to engage and encourage pedestrian activity and interaction with the surrounding uses. Uses in these districts must also include retail storefront presence and design characteristics, with production and manufacturing design elements (such as loading doors, material storage, etc.) oriented away from the primary entrances and street frontages of developments where they are located.

(6) MUP required for outdoor dining on private property in the CD district when the dining use abuts a residential land use.

(7) Permitted as an accessory use.

SECTION 4. Amendment to the Cotati Municipal Code. Section 17.42.180 is amended, as shown in strike-out (deleted) and underline (added) text, as follows:

17.42.180 Service stations (non-fossil fuel sales).

This section establishes standards for the development and operation of motor vehicle service stations, where allowed by Chapter 17.22 (Allowable Land Uses) of this title.

A. Permit and Application Requirements. A service station shall require design review in compliance with Section 17.62.040, in addition to the planning approval required by Chapter 17.22 (Allowable Land Uses) of this title. Each application for a new or remodeled service station shall include a photometric plan identifying all proposed light sources and their illumination levels, to assist in evaluating compliance with the outdoor lighting requirements of subsection (D)(5) of this section and Section 17.30.060 (Outdoor lighting) of this title. The city may require an applicant to pay the cost for a lighting consultant engaged by the city to evaluate photometric plans and recommend alternatives to proposed lighting.

B. Sale of fossil fuels for internal combustion engines prohibited.

1. New facilities and expansions of existing facilities that store, convey or dispense automotive fossil fuels including gasoline, diesel, Compressed Natural Gas (CNG), high ethanol blends, propane and liquified petroleum gas (LPG) shall not be permitted.

2. Except as provided below, existing service station facilities used for storage, conveyance, or dispensing of fossil fuels for internal combustion engines shall not be enlarged, extended, reconstructed or relocated to a different portion of the lot or parcel occupied by such use.

a. Modifications to improve soil, groundwater, and stormwater quality. Service stations may be modified to conform to current stormwater quality control regulations or remediate contamination of the soil or groundwater.

b. Modifications to improve traffic safety. As determined by the City Engineer, the pedestrian and vehicular circulation features (e.g., curbing, sidewalks, traffic control devices) of a service station use may be modified to improve public safety.

c. Modifications to enable battery charging stations. Service station uses may be modified to accommodate battery charging stations for zero-emission vehicles.

d. Modifications for commercial uses other than fossil fuel sales. Service station uses may be altered to accommodate other commercial uses that are not related to fossil fuel sales and allowed in the respective zoning district.

BC. Limitations on Location.

1. Prohibited Locations. A service station site shall not abut a residential zoning district or residential use. A service station shall not be established within three hundred fifty feet of an existing museum, park, playground, school, or similar use as determined by the review authority.

2. Separation Between Stations. A service station shall not be closer than five hundred feet to another service station except when both are at the same street intersection. The distance shall be measured in a straight line from the nearest property line of the sites for each service station. No more than two service stations shall be located at the same street intersection.

CD. Site Requirements. A site proposed for new service station shall:

1. Be located on an arterial street on a site with a minimum of one hundred fifty feet of frontage; and
2. Have a minimum area of fifteen thousand square feet and a minimum depth of one hundred feet.

The review authority may allow a service station on a site that does not comply with the above requirements if the review authority determines that the exception will improve traffic circulation or reduce traffic. Approval of the exception shall also require that the review authority first find that the service station is effectively integrated into the architecture and design of the overall retail complex.

DE. Site Planning Standards. The layout of a service station site and its site features shall comply with the following standards:

1. Site Access and Driveways.
 - a. Curb cuts for service station driveways shall be separated by a minimum of thirty feet from edge-to-edge.
 - b. A driveway shall not be located closer than fifty feet to the end of a curb corner nor closer than twenty-five feet to an interior property line.

c. The width of a driveway shall not exceed twenty-five feet, measured at the sidewalk.

d. Each pump island shall be provided a stacking area that can accommodate a minimum of three waiting vehicles.

2. Setback Requirements.

a. Pump islands shall be located a minimum of fifteen feet from any property line to the nearest edge of the pump island.

b. A canopy or roof structure over a pump island shall be a minimum of ten feet from any property line.

3. Pavement. A service station site shall be paved with a permanent surface of concrete or asphalt material and shall contain drainage facilities in compliance with all federal, state, and local laws, rules, and regulations. Any unpaved portion of the site shall be landscaped and separated from the paved area by curbs or other barrier approved as part of the design review for the site.

4. Landscaping. Landscaping, consisting of trees, ground cover, shrubs, vines, and/or other plant materials approved by the review authority shall be installed, permanently maintained and, if necessary, replaced, in compliance with the following standards, and the requirements of Chapter 17.34 (Landscaping Standards) of this title:

a. A minimum of fifteen percent of the entire site shall be landscaped.

b. Landscaping is required along all property lines abutting streets, except for driveways, shall have a minimum width of eight feet, and shall be separated from abutting vehicular areas by a wall or curbing at least six inches higher than the abutting pavement.

c. A corner site shall be provided a planter area of at least two hundred square feet at the street corner, except where a building is located at the corner.

d. Additional landscaping may be required by the review authority to screen the service station from adjacent properties.

e. All landscaping on the site shall be placed and maintained to provide safe sight distances for pedestrians and drivers.

5. Lighting. Exterior lights, including canopy, perimeter, and flood shall be stationary, and shielded or recessed within the roof canopy to ensure that all light is directed away from adjacent properties and public rights-of-way. Lighting shall not be of a high intensity so as to cause a traffic hazard, be used as an advertising element, or adversely affect adjacent properties, in compliance with Section

17.30.060 (Outdoor lighting) of this title. Lighting fixtures/lamps shall be the most energy efficient available, including fluorescent, compact fluorescent, low pressure sodium, high pressure sodium, or other lighting technology that is of equal or greater energy efficiency.

6. Signs and Banners. Signs, banners, and promotional flags shall comply with Chapter 17.38 (Signs) of this title.

7. Solid Waste and Recyclables Storage. The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable federal, state, and local requirements. Outdoor solid waste and recyclable storage areas shall be screened by a solid masonry wall with a height of six feet, or as approved by the review authority. The wall design, materials, and colors shall be compatible with the primary structures on the site, as determined by the review authority.

EF. Building Design Standards.

1. Architectural Character. Subject to the requirements of design review, service station architecture shall fit with the existing or intended character of the surrounding area as determined by the review authority.

2. Restrooms. Each service station shall maintain one or more restrooms available for use by the general public without charge. Restroom entrances shall be screened from the view of the public right-of-way.

FG. Facility Operating Standards.

1. Restriction on Outdoor Activities. Outdoor activities on a service station site shall be limited to fueling, **electric vehicle charging**, replenishing air, water, oil and similar fluids, and the replacement of minor parts (e.g., lamp bulbs, wiper blades, and other similar items) requiring only the use of small hand tools while a vehicle is being serviced at the pump island. Where minor auto repair is permitted by Article 2, all repair activities shall occur entirely within an enclosed structure.

2. Outdoor Display or Storage. There shall be no outdoor display and/or storage of equipment or merchandise. No outdoor vending machines are allowed.

3. Vehicle Parking. Vehicles shall not be parked on sidewalks, parkways, driveways, or alleys, and shall not be parked on the premises for the purpose of sale.

GH. Accessory Uses.

1. Tow Truck Operations. Where tow truck operations are approved as part of a service station by the review authority, no abandoned, disabled, junked, wrecked, or otherwise nonoperational motor vehicles shall remain on the site for more than five days, and shall at all times be stored entirely within an enclosed structure.

2. Convenience Sales – Parking. Where a service station is approved with a convenience store, the convenience store shall be provided off-street parking and shall be provided in compliance with Chapter 17.36 (Parking and Loading) of this title.

3. Prohibited Uses. The following uses are prohibited:

a. The rental, sale, or storage of garden supplies, tools, trailers, travel trailers, vehicles, and other similar materials and merchandise, except the short-term storage of vehicles allowed in compliance with subsection (G)(1) of this section;

b. Incidental uses such as pinball or video game machines, pool tables, or laundry facilities.

HJ. Removal of Tanks Upon Cessation or Change of Use. If, for any reason, a service station ceases to sell gasoline or other fuels- for more than one hundred fifteen out of one hundred twenty days, all gasoline fuel-pumps and signs shall be removed from the site and all gasolinefuel-storage tanks shall be removed or-and treated in compliance with federal and state regulations, subject to the approval of the Rancho Adobe Fire Protection District.

SECTION 5. Compliance with the California Environmental Quality Act (CEQA).

The City Council of the City of Cotati does hereby find that the Ordinance complies with the requirements of the California Environmental Quality Act (CEQA) in accordance with the following:

A. Actions Relating to the Prohibition on New or Expanded Fossil Fuel Storage and Dispensing Facilities

This ordinance to amend the Land Use Code to prohibit new and expanded facilities that store or dispense fossil fuels is not a project within the meaning of CEQA Guidelines Section 15378 and is exempt under Section 15061(b)(3) of the CEQA Guidelines because it has no potential for resulting in a direct or indirect physical change to the environment, and it can be seen with certainty that there is no possibility that the proposed amendments will have a significant effect on the environment in that the amendment prevents physical changes to the environment by prohibiting new or expanded facilities.

B. Actions Relating to Regulations For Modifying Service Stations

This ordinance applies to five existing vehicle service stations that store, convey, and dispense fossil fuels, including gasoline and diesel fuel. This ordinance prohibits the addition, enlargement, extension, reconstruction or relocation of fueling facilities and defines three specific categories of permitted modifications, as follows: 1) those to improve soil, groundwater and stormwater quality; 2) those necessary to improve traffic safety; and 3) those to enable battery charging stations. The regulations to allow for modifications to improve soil,

groundwater and stormwater quality, and traffic safety are categorically exempt from CEQA in accordance with the following:

- CEQA Guidelines Section 15301 (Existing Facilities) which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.
- CEQA Guidelines Section 15303 (New Construction or Conversion of Small Structures) which applies to construction and location of limited numbers of new small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.
- CEQA Guidelines Section 15304 (Minor Alterations to Land) which applies to minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature scenic trees except for forestry or agricultural purposes.
- CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment) which applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

C. Actions Relating to Land Use - "Electric Vehicle Charging Station"

Pursuant to Government Code Section 65850.7(b), cities shall administratively approve electric vehicle charging stations through a nondiscretionary building permit. In accordance with CEQA Guidelines Section 15268, ministerial projects, such as issuance of a building permit, are exempt from CEQA.

SECTION 6. Severability

The provisions of this ordinance are severable and if any provision, clause, sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

SECTION 7. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after its final passage.

SECTION 8. Publication or Posting.

The City Clerk of the City of Cotati shall cause this Ordinance to be published or posted as required in Section 36933 of the Government Code of the State of California.

IT IS HEREBY CERTIFIED that the foregoing ordinance was introduced at a regular meeting of the Cotati City Council held on June 30th, 2022, by the following vote, to wit:

IT IS HEREBY CERTIFIED that the foregoing ordinance was duly adopted at a regular meeting of the City Council of the City of Cotati held on July 26th, 2022, by the following vote, to wit:

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]

MOVER: Susan Harvey, Vice Mayor

SECONDER: Laura Sparks, Councilmember

AYES: Mark Landman, Susan Harvey, Laura Sparks, John C. Moore

ABSENT: Ben Ford



Approved: _____

Mayor

Attest: _____

Kevin Patterson, Deputy City Clerk

Approved as to form:

John Bakker, City Attorney

This document is a true and correct copy of Ordinance Number 910 and has been published or posted pursuant to law. *California Government Code § 40806*

Kevin Patterson, Deputy City Clerk

Handwritten signature or scribble, possibly including the name "D. J. ...".