



City of Sebastopol Planning Commission Staff Report

Meeting Date: March 28, 2023
Agenda Item: 5B
To: Planning Commission
From: John Jay, Associate Planner
Subject: Temporary Use Permit, including Alcohol Use Permit
Recommendation: Approval with conditions

Applicant/Owner: Yolanda Mathew/Barlow Star LLC
File Number: 2023-010
Address: 6770 McKinley Street
CEQA Status: Exempt
General Plan: Light Industrial
Zoning: Commercial Industrial (CM)

Introduction:

The applicant for the Head West Marketplace, which is now proposed to be the Barlow company, is proposing a local marketplace focused on local Makers, Merchants, Crafters, Designer and Artists. Roughly 75-100 vendors are proposed to set up 10'x10' canopies and tables within their vendor booths, and depending on the vendor some may display clothing on clothing racks and shelves.

The applicant would also like to promote local musicians to participate in performing at the events as it's a key component of the Head West Marketplace series.

Project Description:

As discussed above, the project proponent of the Head West Marketplace is proposing a curated outdoor retail marketplace experience. Head West intends to provide an 'in-real-life' platform for new, emerging and established local brands and small businesses to have physical selling space throughout the Bay Area. The marketplace will feature items ranging from hand-made ceramics to locally sourced vintage, and other goods available to explore. The applicant proposes for the Marketplace to occur the second Saturday and Sunday of each month from March to December annually (and May-December 2023-2024 in this application submission). Head West will bring roughly 500 patrons per day from 11AM-5PM. This is the same weekend and timing as was permitted for 2022.

The Head West Market place is applying for a Temporary Use Permit that will permit the Marketplace on the privately owned portions of McKinley Street and Pink Lady Court in the City of Sebastopol. In addition, the service of alcohol is being requested as part of this Use Permit. The Barlow and Head West intend on partnering with a local non-profit for the sale and distribution of alcohol, varying from beer, wine, and cocktails within the limits of the Marketplace

footprint. The local non-profit will be responsible for all necessary Health Department permits, as well as all associated trainings and requirements.

The changes to the Temporary Use Permit granted previously by the Planning Commission include:

- Change from Headwest to the Barlow as the responsible applicant
- Extension for 2023 operations
- Addition of an alcohol permit to the request

Project Location and Surrounding Land Uses:

The project is located within the Barlow District and will include sections of McKinley Street from the western edge of 6790 McKinley to the eastern edge of 180 Morris Street; and the southern edge of 6791 McKinley to the northern edge of 6751 Laguna Park Way. The Barlow is home to some local establishments such as Pax Wines, Woodfour Brewing Company, Acre Pizza, and Crooked Goat Brewing. The surrounding land uses are High Density Residential to the North and Downtown Core to the West, which also permits for off-sale beer and wine retail with an approved use permit.

General Plan Consistency:

The project is consistent with the following General Plan goals listed below:

- **Policy EV 1-11:** Work with and support local business organizations in order to promote a strong business base through joint business attraction and retention efforts that include marketing and outreach, technical assistance, workforce development, training, and welcome/orientation activities for new businesses.
- **Policy EV 1-13:** Assist efforts to attract new industries and businesses that develop new products and expand markets, particularly those that involve research and development of agricultural, sustainable, green, medical, and/or technological products.
- **Policy EV 2-3:** Develop a distinct image and brand for Sebastopol that reflects its unique identity and sets it apart from the region.
- **Policy EV 2-4:** Encourage businesses and programs that emphasize and promote shopping locally.
- **Policy EV 4-3:** Encourage amenities needed to support tourism, including hotels, bed- and breakfasts, eco-lodging, and a variety of restaurants, shopping, and services.
- **Policy EV 4-4:** Encourage the development of civic amenities, entertainment venues, retail and restaurants, and services that increase visitation, spending, and tourism.

Zoning Ordinance Consistency:

The project is located within the Commercial Industrial (CM) district, which is *intended to encourage local production, innovation, and sales of local art, textile, food, beverage, and other tangible goods by allowing a range of complementary, community-oriented building*

types and spaces that accommodate small- and mid-size makers, fabricators, producers, and manufacturers, as well as specified commercial, residential, and other uses.

The temporary outdoor marketplace use require a Temporary Use Permit greater than six months approved by the Planning Commission.

As the proposed public outdoor marketplace will have a recurring community-minded space for local vendors, artisans, and businesses to, this use would be consistent with the Zoning Ordinance and CM district with the approval of a Temporary Use Permit. The provision of Alcohol is allowed with the approval of an Alcohol Use Permit.

Staff has identified the following items the Commission may wish to consider in its review of this Use Permit:

Parking

The Head West Marketplace will take place on McKinley Street and Pink Lady Court (parking between 6760 and 6770 McKinley Street). In addition to on-site parking. The Barlow owns the vacant lot at 385 Morris Street which can be used for overflow parking and can accommodate 150 +/- vehicles. The Barlow and the Head West Marketplace will not advertise any parking on private property near the Rialto Theater. Signage will be put up at two entrances to the Rialto theaters reminding drivers that a portion of the parking is private.

Staff recommends that the gravel area at 385 Morris Street be allowed (and required) to be utilized for overflow parking, with signage posted in the Barlow. Additionally, as required previously, monitoring of the Rialto lot will be required.

Signage

Temporary parking signage will be installed at least 24 hours prior to the event and any vehicles that are not removed are towed offsite by no later than set up time the day of the event through Ace Towing, the contracted Towing Company. Event signage is not permitted on City of Sebastopol light poles, sidewalks, or right-of way.

Alcohol Use Permit

The City's standard conditions related to alcohol use permits has been added to the Conditions of approval

Required Findings:

As the project requires a temporary use permit for the proposed local marketplace in this district. With that, the required findings for both are below:

17.430.040 Findings:

That the event will not be detriment to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or development, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Analysis:

The applicant proposes that they will create an affordable and accessible space for creatives to connect with their customers in the neighborhoods in which we reside –with a focus on

increasing diversity, inclusion +creating equity and believes that the city of Sebastopol can greatly benefit from their business. The project applicant aims to also bring a focus on local musicians, ranging from solo musicians to groups of up to 3-4 bandmembers, as a key focus for the event to help promote business down the otherwise slower traffic area of Pink Lady Court.

Environmental Review:

The project is categorically exempt from the requirements of CEQA pursuant to Section 15304, Class 4: Minor Alterations to Land, which consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. The Temporary Use Permit would fit this exemption as it is a temporary event and will not require permanent improvements.

City Departmental Comments:

The project was routed out to the various city agencies, such as the City of Sebastopol Police, Building, Police, Public Works, and Fire Departments. The departments conditions have been added to the recommended conditions of approval.

Public Comment:

As prescribed by Section 17.460 of the Zoning Ordinance, the Planning Department completed the following: (1) Provided written notice to all property owners within 600 feet of the external boundaries of the subject property; (2) provided a written notice that was published in the Press Democrat; and (3) posted three written notices publicly on and within vicinity of the subject property.

No public comments have been received regarding this Temporary Use Permit.

Recommendation:

If it is the consensus of the Planning Commission that the proposed use is compatible with the site and surrounding uses, staff recommends that the application be approved based on the facts, findings, and analysis set forth in this staff report and as found in Exhibit A - Recommended Findings of Approval, and subject to the Recommended Conditions of Approval found in Exhibit B, and any additional or modified conditions the Planning Commission determines is appropriate.

Attachments:

- Exhibit A – Recommended Findings of Approval
- Exhibit B – Recommended Conditions of Approval
- Exhibit C – Standard Conditions of Approval
- Application materials

EXHIBIT A
RECOMMENDED FINDINGS OF APPROVAL

Temporary Use Permit Amendment
6770 McKinley Street
004-750-031, 2023-010

Based on the evidence in the public record, the Planning Commission finds that:

1. The proposed use is categorically exempt from the requirements of CEQA under Section 15304 Class 4 "Minor Alterations to Land, which consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes.
2. The use is consistent with the provisions of the General Plan as follow:
 - A. **Policy EV 1-11:** Work with and support local business organizations in order to promote a strong business base through joint business attraction and retention efforts that include marketing and outreach, technical assistance, workforce development, training, and welcome/orientation activities for new businesses.
 - B. **Policy EV 1-13:** Assist efforts to attract new industries and businesses that develop new products and expand markets, particularly those that involve research and development of agricultural, sustainable, green, medical, and/or technological products.
 - C. **Policy EV 2-3:** Develop a distinct image and brand for Sebastopol that reflects its unique identity and sets it apart from the region.
 - D. **Policy EV 2-4:** Encourage businesses and programs that emphasize and promote shopping locally.
 - E. **Policy EV 4-3:** Encourage amenities needed to support tourism, including hotels, bed- and breakfasts, eco-lodging, and a variety of restaurants, shopping, and services.
 - F. **Policy EV 4-4:** Encourage the development of civic amenities, entertainment venues, retail and restaurants, and services that increase visitation, spending, and tourism.
3. The project is consistent SMC 17.430.040 Temporary Use Permit as follows:
 - A. *That the event will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or development , or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City, in that, the event will comply with all Health Order requirements at the time of the events, the events will be within a controlled portion of The Barlow campus and the event will provide overflow parking to minimize impacts on adjacent businesses.*
4. That similar events to the proposed have been held by other businesses at the Barlow and have not resulted in detrimental impacts to the neighborhood and/or to Sebastopol in prior years.

EXHIBIT B
RECOMMENDED CONDITIONS OF APPROVAL

Temporary Use Permit Amendment
6770 McKinley Street
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1. The Use shall be in substantial conformance with the proposed operations as described in the application materials prepared by Yolanda Mathew for The Barlow, and stamped received on February 21, 2023, and on file at the City of Sebastopol Planning Department, except as modified herein:
 - a. Live music is allowed as part of this approval. However, it is subject to the Noise Ordinance set forth in the Sebastopol Municipal Code section 8.25.
 - b. No sound may emanate from the property which causes a disturbance more than 50 feet from the event site or violates the Noise Ordinance. The Police Department has the authority to require modifications or require termination of the noise source in the event of a noise issue.
2. This approval allows for the Head-West Market to occur on the second Saturday and Sunday of each month until the end of 2024.
3. A professional security firm shall be present and provide a minimum of one parking guard to ensure the public does not park in the Rialto Parking lot (6868 McKinley St) during the event.
4. All applicable permits shall be obtained from other agencies prior to commencement of this use, including, but not limited to Building and Safety Department, Health Department, and Fire Department clearances.
5. The applicant shall ensure all businesses participating the Head West event have received a business license.
6. The applicant shall be responsible for implementing an Alcohol Awareness and Security Plan, which shall be submitted to the Police Department for review and approval within 60 days from the effective date of the Use Permit approval. The Plan shall describe building security and fire safety; how the operation will address staff training relative to alcohol consumption and operational security; and how the operation will coordinate with the Police Department.
 - a. Applicant shall submit a copy of the approved plan to the Planning Department, to be added to the project file.
7. All persons serving or distributing alcoholic beverages are required to attend the Responsible Beverage Service training program or an equivalent, either in-person or online to the satisfaction of the Police Chief.
8. The Barlow shall ensure that employees are drug and alcohol free while on duty.
9. Hours of operation shall be consistent with the hours stated in the application. The Planning Director shall have the authority to modify the hours of operation.

10. The applicant, or their designee shall be on site at the time of the event. If the applicant is not present the applicant shall contact the Planning Department and provide the contact information of the designee prior to the event.
11. The maximum number of booths shall be limited to 100 booths.
12. Targeted marketing shall be geographically limited to Sonoma and Marin Counties.
13. All street and access point closures must provide a physical barrier. Individuals must be present at all closure points throughout the duration of the event to ensure removal of the barricades for emergency vehicle response.
14. The applicant shall be responsible to install signage informing attendees that the movie theater parking lot is private parking and not to be used for this event.
15. The property at 385 Morris Street may be used as vendor parking and overflow parking. However, a 50' buffer from any green vegetation to the north or east shall be cordoned off. It is the applicant's responsibility to ensure that no parking or pedestrian activity shall occur inside these buffers.
16. Should any debris, mud, etc. be tracked out of 385 Morris St. onto the street it shall be the applicant's responsibility to clean the debris from the street.
17. Barricades which block access to the privately owned section of McKinley Street shall not be erected prior to 7:00a.m. on the mornings of the event and shall be located on the privately owned sections of the street. Signage stating that the private street parking will be closed is permissible prior to the date of the event so long as it does not restrict parking prior to the event. The barricades shall be promptly removed after the event ends and is safe.
18. Applicant shall place "No through Access" signs on at the entrance of the private parking lots off of Laguna Park Way and Sebastopol Ave. as part of the setup for the event.
19. Should the lack of through access cause traffic issues, the City reserves the right to require through access and/or a traffic guard to ensure safety.
20. All sidewalks must be kept clear for pedestrian access.
21. If traffic control on the public right-of-way is proposed to occur within City limits as part of this event, it must first be approved through the Special Event Permit process administered by the Engineering/Public Works Departments. Should any area of the event encroach into the City right of way an encroachment permit will be required.
22. Event signage is not permitted on City of Sebastopol light poles, sidewalks, or right-of way.
23. Applicant shall ensure that all storm drains within the event area are protected from debris and/or wash water.
24. The applicant shall clean-up the site after each event.
25. All tent structures, when used shall be labeled by the State Fire Marshal's Office as fire/flame retardant shall meet the requirements of Title 19 of the California Code of

Regulations. No propane devices are allowed in any tents or structures. Please contact the Fire Chief for inspection prior to use, if applicable, at (707)823-8061.

26. The applicant shall contact the Police, Fire, and Planning Departments at least seven (7) days in advance of the event for coordination.
27. The applicant shall be responsible to ensure consistency with any County Health Orders.
28. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it ,or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.
29. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
30. The City shall have the right to modify or terminate this Temporary Use Permit at any time if any of the terms of such permit or the conditions of approval for said permit are violated, or for other good cause deemed necessary to maintain or improve the public right-of-way or to preserve and protect the health, safety and welfare of the public.

EXHIBIT C
STANDARD CONDITIONS OF APPROVAL

Temporary Use Permit Amendment
6770 McKinley Street
004-750-031, 2023-010

1. All plans shall include a brief description of the project on the cover sheet.
2. All submitted building permit plan check sets shall include a plan sheet incorporating these conditions of approval.
3. Except as otherwise noted in these conditions of approval, the plans submitted to the Building Department for plan check shall be in substantial conformance to those approved by the review body. If any changes are made to submitted plans which were approved by the review body the applicant shall work with the Planning Department to determine if the changes are significant enough to once again be seen by the review body, or if staff can approve the changes. Any changes that have not been approved by Planning staff are not approved. Construction or demolition work that does not conform to the Planning approval is not valid and shall be subject to stop work orders and may require removal.
4. Site landscaping shall be generally consistent with the Landscape Plan included as part of "Exhibit A" on file with the Sebastopol Planning Department. The final landscape plan shall be stamped by a licensed landscape architect and filed with the Planning Department prior to occupancy. Plans for any irrigation of the site shall be incorporated into the landscape plan. All planting shown on the approved plan shall be installed prior to occupancy of the proposed project. Upon the request of an Applicant to receive a Temporary Certificate of Occupancy and at discretion of the Planning Director, landscape installation may be suitably guaranteed by posting a cash bond equal to 100% of the cost and installation of any landscape improvements.
5. Acceptance of the construction drawings and specifications does not release the applicant and owner from correction of mistakes, errors, or omissions contained therein. If, during the course of construction, the field conditions or other previously unknown conditions require a modification or a departure from the accepted plans, the applicant shall provide the modifications or departure and specify the correction of mistakes errors, or omissions in compliance with the CBC and City Standards.
6. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.
7. A Construction Management Plan (CMP) shall be submitted to the City as part of the Building Permit and/or Grading Permit and shall be incorporated into the plans, unless waived by staff. The City's CMP template, provided by the Planning Department, may be used for small, infill projects. Revisions to the CMP to increase or add on time to the construction timeline shall be coordinated with the Building Official and any additional requests will be at the applicant's responsibility.

This CMP shall be a binding document. Failure to adhere to the CMP may result in a "Stop Work Notice" being placed on the project. An electronic copy of the APPROVED CMP shall be submitted to the City, and may be posted to the city's website. The CMP shall be updated as project conditions warrant. Updates to the CMP shall be provided to the City for review and approval. The CMP shall include but not be limited to:

- a) Work schedule (start of construction date, road or lane closure intent/dates, important milestones and proposed final dates)
- b) Construction Hours
- c) Travel routes and turn-around locations with staff approval
 - Impact to state highways
- d) Road and/or lane closures (Applicant to provide information on how many anticipated road closures, and the reasons for each road closure).
- e) Worker auto parking space locations/construction parking
- f) Phasing (if applicable)
- g) If construction improvements are located in areas of slopes 15% or greater, the Contractor shall provide safe temporary hard surface stair access to the improvements, unless waived by the Building Official. This access shall be shown on the CMP.
- h) Projects that require a grading permit shall comply with the City's grading ordinance.

The CMP may be more stringent if the project is located close to schools or in impacted neighborhoods. A CMP may be required to be modified if a neighborhood becomes "impacted" during the course of the construction. Impacted neighborhoods are defined as areas in geographic proximity (i.e. using the same streets for access) with a significant number of simultaneous construction projects.

The hours of construction activity shall be limited 7:00 a.m. to 8:00 p.m., Monday through Friday, 8:00 a.m. to 5:00 p.m. on Saturdays with staff approval, depending on scope of work being done, or unless modified by a project's Specific Conditions of Approval.

A 24-inch by 36-inch weatherproof copy with items A-F posted on site. The remaining Construction Management Plan shall be made available on site. The Construction Management Plan shall be posted on the site as part of the job site signage and should include:

- a) Address of the project site.
 - b) Permitted hours of construction and of deliveries/off-haul.
 - c) Name, e-mail address and direct phone number of the General Contractor.
 - d) Name, e-mail address and direct phone number of the person responsible for managing the project.
 - e) Name and direct phone number of the party to call in case of an emergency.
 - f) City of Sebastopol Building Department (707-823-8597).
8. All construction materials, debris and equipment shall be stored on site. If that is not physically possible, an encroachment permit shall be obtained from the Public Works Department prior to placing any construction materials, debris, debris boxes or unlicensed equipment in the right-of-way. The fee for using the right-of-way for storage of construction materials or equipment is \$10.00 per day. A minimum of 11' passable auto traffic clearance (paved travel way) shall be maintained at all times along the roadway. The placing of portable restroom facilities in the City right-of-way will not be permitted.

9. All portions of the job site shall be maintained in an organized and professional condition. All trash, debris, construction scraps and broken/deteriorated machinery shall be removed from the site by the end of each week. If off loaded construction materials are not used within 2 weeks, they shall be screened from public view. All sidewalks, driveways and public/private roadways fronting the subject site shall be broom cleaned at the end of each business day.
10. A pre-construction meeting is required with city staff for projects that:
 - a) Require a City encroachment permit, a Caltrans encroachment permit, or a City grading permit; or
 - b) Have 5 dwelling units or more; or
 - c) Have a total of 5,000 square feet of building or more; or
 - d) Have a creek setback requirement; or
 - e) Are required to have a pre-construction meeting under a specific condition of approval.
11. All permits and/or inspection fees required shall be paid in full prior to final occupancy being granted unless otherwise stipulated by the City.
12. All required construction signage and any required tree-protection shall be posted and available for City inspection at the time of the Pre-construction meeting or, if no pre-construction meeting is required, prior to commencing construction. If these measures are not in place at the time of the pre-construction meeting, a re- inspection fee will be required, and issuance of building permit will be delayed.
13. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.

Planning Department Standard Conditions of Approval:

14. This approval is valid for a period of three (3) years during which time the rights granted must be exercised. However, the applicant may request one (1) one-year extension of this Use Permit from the Planning Director, pursuant to Zoning Ordinance §17.400.100.
15. The light source for all exterior lighting fixtures shall be shielded from adjacent properties. Cut sheets for all exterior lighting shall be submitted as part of the Design Review or other planning application.
16. For projects with new foundations or retaining walls less than 10' away from a required setback property lines shall be physically identified (string line or equal), and the applicant shall submit a letter or certificate from a licensed surveyor that confirms that the structure complies with the approved setbacks prior to placing the foundation. For any project that includes new foundations or retaining walls more than 10' away from a required setback, the applicant may apply for a waiver from this requirement from the City Engineer and Planning Department.
17. For any project that includes new structures within 2 feet of the allowed height limit, a letter or certificate from a surveyor confirming that the height of the roof complies with the approved plans shall be submitted to the Planning Department at the earliest point

possible.

18. All landscape and irrigation plans must be designed in accordance with the most current City of Sebastopol landscape requirements. Prior to providing water service for new landscape areas, or improved or modified landscape areas, the Planning Department must review and approve the project's working drawings for planting and irrigation systems. Any question regarding the City of Sebastopol current water conservation and Landscape Ordinance should be directed to the Planning Department.

New construction and rehabilitated (renovations or changes made to sites with an existing irrigation system) landscape projects will be affected by these requirements if the altered landscape area is greater than 500 square feet.

19. For any new housing unit development, the developer/owner shall submit the total amount of fees and exactions associated with the project prior to issuance of certificate of occupancy or final inspection.

Engineering and Public Works Department Standard Conditions of Approval:

20. All projects are subject to Impact Fees as adopted by the City Council, which are due at the time of issuance of the Building Permit unless otherwise stipulated by the City.
21. An Encroachment Permit is required from the Public Works Department for any and all work within the public right-of-way. If the work is within a CalTrans right-of way, an Encroachment Permit from CalTrans shall also be procured by the applicant. Encroachment Permit shall not be issued until the City Engineer approves the applicant's site improvement plans.
22. Construction within the public right-of-way is limited to that necessary to support the lot's use. This may include but is not limited to: driveways, sidewalks and any utility connections. For all improvements within the public right of way, the applicant shall submit plans to adequately describe the work. Plans shall include but not be limited to drainage details, cross-sections, driveway/roadway grades and utility locations as necessary.
23. The applicant shall prepare and submit site improvement plans for the construction of all improvements including water, sanitary sewer, storm drain, water quality facilities, roadway improvements, curbs, gutters, sidewalks, elevated or structural pedestrian walkways, landscaping, landscape irrigation, signing, striping, joint trench and streetlights. All design and construction shall conform to the latest edition of the City of Sebastopol Design and Construction Standards and other applicable codes, standards, guidelines and specifications. Public improvement drawings shall be drafted in the City-approved sheet format.
24. Once approved by the City Engineer, the applicant shall submit PDF files of the signed improvement plans. As-Built record drawings shall also be submitted as PDF files.
25. Deviations from City Standards and applicable Code requirements shall be approved by the City Engineer. The applicant's engineer shall request all design exceptions in writing.

26. Any improvements, public or private, damaged during construction shall be replaced, by the applicant, in-kind or with new improvements. All cracked, broken, or uplifted sidewalk, driveway and/or curb and gutter fronting the property shall be replaced. Applicant shall coordinate with the Public Works Department prior to the first submittal of project improvement plans to identify the extents and limits of replacement.
27. An erosion and sediment control plan are required as part of the building permit application. The plan shall be prepared by a certified erosion control specialist and in full compliance with CASQA standards, The plan is subject to review and approval by the Engineering Department prior to the issuance of the building or grading permit. No modifications to the approved plans shall be made without approval of the City Engineer.
28. Mailbox plans and locations shall be approved by the Sebastopol Postmaster prior to improvement plan approval. The developer shall provide a letter and exhibit showing mailbox locations from the Sebastopol Postmaster approving mailbox locations.
29. City Public Water and Sewer and Drainage utility easements as required by the City Engineer utility companies shall be provided within the development. Easement locations shall be subject to review and approval by the City Engineer.

Roadway Improvements:

30. The improvement plans for the first phase of development shall include and provide for the construction of all offsite improvements as required to support full project build-out. Each subsequent phase of development shall construct sufficient onsite roadway and utility improvements to support the cumulative development proposed to be constructed as approved by the City Engineer.
31. Road closures, if permitted by the Project Approval, will only be permitted with prior authorization from the Public Works Department consistent with the City's road closure policy. Signs containing details of the proposed closure must be posted 48 hours in advance. Coordinate road closures with the Sebastopol Public Works Department. Contact the Public Works Department at 707-823-5331 to obtain a road closure permit.
32. An emergency vehicle access, meeting the requirements of the Sebastopol Fire Department shall be constructed.
33. All private driveway areas less than 24-foot wide shall require the approval of the Sebastopol Fire Department.
34. Sidewalk warps shall be provided to allow a clear five-foot walkway at all locations, including areas where mailboxes, street furniture, streetlights, street signs and fire hydrants are to be installed, or as otherwise approved by the City Engineer.
35. The structural section of all public road improvements shall be designed using a soil investigation which provides the basement soils R-value and expansion pressure test results. A copy of Geotechnical report and structural section calculations shall be submitted with the first improvement plan check.
36. The structural section of the private on-site drive aisles and parking areas shall meet the requirements and recommendations of the geotechnical report for the project.
37. Retaining walls and retaining curbs may be required to protect damage to trees as

determined by a licensed Arborist. All retaining structures shall be designed and constructed to minimize damage to trees.

38. Pedestrian curb ramps, meeting City standards and current accessibility requirements, shall be provided at all intersections and crosswalks where sidewalks are proposed.

Drainage Improvements:

39. All project related flooding impacts shall be mitigated by the project developer. Drainage improvements shall be designed by a Civil Engineer registered in the State of California in accordance with the Sonoma County Water Agency's Flood Management Design Manual (FMDM). Public and private drainage improvements shall be shown on the improvement plans and the City Engineer may require the applicant to acquire the review and recommendations by the Sonoma County Water Agency (Sonoma Water) prior to approval by the City Engineer. Private storm drain easements will be required for any portions of the private storm drain not entirely located with the lot being served or for any portion of a private utility located on an adjacent parcel.
40. No lot-to-lot drainage will be allowed between the project site and any adjacent parcels. No concentrated drainage may discharge across sidewalks. All site drains must be connected to the public storm drain system or discharged through the face of curb or to an established waterway.
41. Plans and certifications shall demonstrate compliance of all improvements, including building finished floor elevations, with the City's Flood Ordinance, to the satisfaction of the Building Official and City Engineer. Building finished floor elevations shall be constructed at a minimum of 2 foot above the 100-year storm event water surface elevation as determined by the City and certified by the project engineer. The Engineer of Record shall provide a signed and stamped letter indicating the project meets the requirements of the Ordinance before plan approval.

Stormwater Quality:

42. Projects that create or replace 10,000 square feet or more of impervious surface area are subject to design and construction requirements of the most recent edition of City of Sebastopol Low Impact Development (LID) Technical Design Manual. Improvement plans with required LID design features shall be approved by the City Engineer.
43. Projects that will disturb 1.0 acre or more of developed or undeveloped land shall provide evidence that a Notice of Intent (NOI) has been submitted by the applicant and received by the State Water Resources Control Board for a General Construction Activity Storm Water Permit. Two copies of the project Storm Water Pollution Protection Plan (SWPPP) shall be provided to the City prior to issuing a grading permit, encroachment permit, or building permit.
44. For required LID features constructed on private property or on street frontage, the owner shall provide a Declaration Letter to the City Manager regarding the owner's commitment to ongoing maintenance of said LID features (LID Declaration) prior to occupancy.

Grading:

45. The improvement plans shall include a site-grading plan prepared by a Civil Engineer registered in the State of California as part of the required improvement drawings. Lots shall be generally designed to drain to public and private streets or parking areas, unless otherwise approved in the interest of tree preservation or other unusual circumstances.
46. The City of Sebastopol shall require a grading permit for projects that meet these requirements.
 - a) Cut or fill exceeding 50 cubic yards
 - b) Cut or fill greater than 3 feet in depth
 - c) Cut creating a cut slope greater than 5 feet in height and steeper than 2 units horizontal to 1 unit vertical
 - d) Fill intended to support a structure or surcharge greater than 1 foot in depth or placed on terrain with a natural slope steeper than 15 percent
47. When required by the Building Official the applicant shall submit to the City for review and approval, a detailed Geotechnical Report prepared by a Geotechnical Engineer registered in the State of California. The grading plan shall incorporate the recommendations of the approved Geotechnical Report.
48. Where soil or geologic conditions encountered during grading operations are different from those anticipated in the Geotechnical Report, or where such conditions warrant changes to the recommendations contained in the original soil investigation, a revised soil or geologic report shall be submitted for approval by the City Engineer. It shall be accompanied by an engineering and geological opinion as to the safety of the site from hazards of land slippage, erosion, settlement, and seismic activity.
49. Existing wells, septic tanks and/or underground fuel storage tanks that are defective or will no longer be in use shall be permanently destroyed or removed under permit and inspection by the Sonoma County Permit and Resource Management Department, Well and Septic Division and/or Sonoma County Environmental Health or other designated agency. Underground fuel storage tanks are subject to UST regulations of the State Water Resources Control Board.
50. The grading plan shall clearly show all existing survey monuments and property corners and shall state that they shall be protected and preserved. Should monuments be damaged or destroyed during construction, they shall be replaced by the developer.
51. Improvements plans shall include an erosion control (winterization) plan. The plan shall include an order of work and staging/scheduling component indicating when facilities must be installed and when they may be removed.
52. Sewer services and laterals shall be CCTV inspected to determine if the service needs to be removed and replaced. A copy of the CCTV report shall be provided to the City Engineer. A waiver for CCTV inspection may be waived by the City Engineer, if the sewer lateral has been replaced within ten years of the submittal of the improvement plans. A copy of the documentation evidencing such replacement shall be included in the submittal package.
53. If the proposed project is located in or adjacent to a waterway, within an area

designated as habitat for threatened or endangered species, or other special status area, it possibly falls under the jurisdiction of another agency such as the United States Army Corps of Engineers, the California Regional Water Quality Control, or the California Department of Fish & Wildlife, U. S. Fish & Wildlife Service, etc. These agencies shall be contacted to determine if the project lies within their respective jurisdictions. All necessary permits and/or approvals shall be obtained prior to the City issuing any permits. If permits are not required, a letter stating so shall be submitted to the City as part of the record.

54. Trees and vegetation shall be trimmed according to Section 8.12 of the Sebastopol Municipal Code. Trees and shrubs shall be kept trimmed so that the lowest branches projecting over public properties provide a clearance of not less than eight (8) feet over sidewalks and not less than twelve (12) feet over streets.

Fire Department. Standard Conditions of Approval:

55. The address shall be posted in accordance with requirements of the California Building Code and California Fire Code. The Fire Chief shall review and approve all requests for new addresses. Inspection and signoff of address posting shall be coordinated through Building Department.
56. Smoke and CO detectors shall be installed in accordance with the California Building Code. Final inspection and signoff of smoke detectors shall be coordinated through Building Department.
57. Noncombustible roofing shall be provided for:
 - a. All new roofs shall be non-combustible.
 - b. Roof Repairs or replacement:
 - i. Less than 25% - no requirement
 - ii. 25Hr to 50% - Class C minimum
 - iii. 50% or more — Non-Combustible
 - c. In no case shall the roofing material used to be less fire resistive than the existing roof.

NOTE: A "noncombustible" roof is a Class A roof (for other than Group R Occupancies, a Class A or Class A assembly) as defined in the California Building Code and approved by the Building Department.

58. Prior to occupancy, a spark arrester shall be installed on the chimney(s) 3/8" mesh minimum.

Building Department Standard Conditions of Approval:

59. All construction shall comply with all applicable Title 24 Codes in effect at the time of building permit submittal. It is the responsibility of the designer(s) to ensure that all applicable Title 24 codes, as well as any applicable Sebastopol Municipal Codes are incorporated into the design.
60. The project shall comply with the Green Building regulations contained in the Sebastopol Municipal Code that are in effect at the time of building permit submittal.

END OF STANDARD CONDITIONS OF APPROVAL



City of Sebastopol

Planning Department
7120 Bodega Avenue
Sebastopol, CA 95472
(707) 823-6167

**MASTER PLANNING
APPLICATION FORM**

APPLICATION TYPE

- | | | |
|--|---|---|
| <input type="checkbox"/> Administrative Permit Review | <input type="checkbox"/> Lot Line Adjustment/Merger | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Alcohol Use Permit/ABC Transfer | <input type="checkbox"/> Preapplication Conference | <input type="checkbox"/> Tree Removal Permit |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Review | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Sign Permit | <input type="checkbox"/> Other _____ |

This application includes the checklist(s) or supplement form(s) for the type of permit requested: Yes No

REVIEW/HEARING BODIES

- Staff/Admin Design Review/Tree Board Planning Commission City Council Other _____

APPLICATION FOR

Street Address: _____ Assessor's Parcel No(s): _____

Present Use of Property: _____ Zoning/General Plan Designation: _____

APPLICANT INFORMATION

Property Owner Name: _____

Mailing Address: _____ Phone: _____

City/State/ZIP: _____ Email: _____

Signature: [Signature] Date: 2-2-23

Authorized Agent/Applicant Name: _____

Mailing Address: _____ Phone: _____

City/State/ZIP: _____ Email: _____

Signature: [Signature] Date: 2-2-23

Contact Name (If different from above): _____ Phone/Email: _____

PROJECT DESCRIPTION AND PERMITS REQUESTED (ATTACH ADDITIONAL PAGES IF NECESSARY)

CITY USE ONLY

Fill out upon receipt:	Action:	Action Date:
Application Date: _____	Staff/Admin: _____	Date: _____
Planning File #: _____	Planning Director: _____	Date: _____
Received By: _____	Design Review/Tree Board: _____	Date: _____
Fee(s): \$ _____	Planning Commission: _____	Date: _____
Completeness Date: _____	City Council: _____	Date: _____

SITE DATA TABLE

If an item is not applicable to your project, please indicate "Not Applicable" or "N/A" in the appropriate box; do not leave cells blank.

SITE DATA TABLE	REQUIRED / ZONING STANDARD	EXISTING	PROPOSED
Zoning	N/A		
Use	N/A		
Lot Size			
Square Feet of Building/Structures <i>(if multiple structures include all separately)</i>			
Floor Area Ratio (F.A.R)	_____ FAR	_____ FAR	_____ FAR
Lot Coverage	_____ % of lot	_____ % of lot	_____ % of lot
	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.
Parking			
Building Height			
Number of Stories			
Building Setbacks – Primary			
<i>Front</i>			
<i>Secondary Front Yard (corner lots)</i>			
<i>Side – Interior</i>			
<i>Rear</i>			
Building Setbacks – Accessory			
<i>Front</i>			
<i>Secondary Front Yard (corner lots)</i>			
<i>Side – Interior</i>			
<i>Rear</i>			
Special Setbacks (if applicable)			
<i>Other (_____)</i>			
Number of Residential Units	_____ Dwelling Unit(s)	_____ Dwelling Unit(s)	_____ Dwelling Unit(s)
Residential Density	1 unit per _____ sq. ft.	1 unit per _____ sq. ft.	1 unit per _____ sq. ft.
Useable Open Space	_____ sq. ft.	_____ sq. ft.	_____ sq. ft.
Grading	Grading should be minimized to the extent feasible to reflect existing topography and protect significant site features, including trees.	N/A	Total: _____ cu. yds. Cut: _____ cu. yds. Fill: _____ cu. yds. Off-Haul: _____ cu. yds
Impervious Surface Area	N/A	_____ % of lot	_____ % of lot
		_____ sq. ft.	_____ sq. ft.
Pervious Surface Area	N/A	_____ % of lot	_____ % of lot
		_____ sq. ft.	_____ sq. ft.

CONDITIONS OF APPLICATION

1. All Materials submitted in conjunction with this form shall be considered a part of this application.
2. This application will not be considered filed and processing may not be initiated until the Planning Department determines that the submittal is complete with all necessary information and is "accepted as complete." The City will notify the applicant of all application deficiencies no later than 30 days following application submittal.
3. The property owner authorizes the listed authorized agent(s)/contact(s) to appear before the City Council, Planning Commission, Design Review/Tree Board and Planning Director and to file applications, plans, and other information on the owner's behalf.
4. The Owner shall inform the Planning Department in writing of any changes.
5. **INDEMNIFICATION AGREEMENT:** As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards, committees and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

NOTE: The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

6. **REPRODUCTION AND CIRCULATION OF PLANS:** I hereby authorize the Planning Department to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.
7. **NOTICE OF MAILING:** Email addresses will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.
8. **DEPOSIT ACCOUNT INFORMATION:** Rather than flat fees, some applications require a 'Deposit'. The initial deposit amount is based on typical processing costs. However, each application is different and will experience different costs. The City staff and City consultant time, in addition to other permit processing costs, (i.e., legal advertisements and copying costs are charged against the application deposit). If charges exceed the initial deposit, the applicant will receive billing from the City's Finance department. If at the end of the application process, charges are less than the deposit, the City Finance department will refund the remaining monies. Deposit accounts will be held open for up to 90 days after action or withdrawal for the City to complete any miscellaneous clean up items and to account for all project related costs.
9. **NOTICE OF ORDINANCE/PLAN MODIFICATIONS:** Pursuant to Government Code Section 65945(a), please indicate, by checking the boxes below, if you would like to receive a notice from the City of any proposal to adopt or amend any of the following plans or ordinances if the City determines that the proposal is reasonably related to your request for a development permit:

A general plan

A specific plan

An ordinance affecting building permits or grading permits

A zoning ordinance

Certification

I, the undersigned owner of the subject property, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury. I hereby grant members of the Planning Commission, Design Review Board and City Staff admittance to the subject property as necessary for processing of the project application.

Property Owner's Signature: _____

Date: 2-2-23

I, the undersigned applicant, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.

Applicant's Signature: _____

Date: 2-2-23

NOTE: It is the responsibility of the applicant and their representatives to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however, the applicant has responsibility for determining and following applicable regulations.

Neighbor Notification

In the interest of being a good neighbor, it is highly recommended that you contact those homes or businesses directly adjacent to, or within the area of your project. Please inform them of the proposed project, including construction activity and possible impacts such as noise, traffic interruptions, dust, larger structures, tree removals, etc.

Many projects in Sebastopol are remodel projects which when initiated bring concern to neighboring property owners, residents, and businesses. Construction activities can be disruptive, and additions or new buildings can affect privacy, sunlight, or landscaping. Some of these concerns can be alleviated by neighbor-to-neighbor contacts early in the design and construction process.

It is a “good neighbor policy” to inform your neighbors so that they understand your project. This will enable you to begin your construction with the understanding of your neighbors and will help promote good neighborhood relationships.

Many times, development projects can have an adverse effect on the tranquility of neighborhoods and tarnish relationships along the way. If you should have questions about who to contact or need property owner information in your immediate vicinity, please contact the Building and Safety Department for information at (707) 823-8597, or the Planning Department at (707) 823-6167.

I have informed site neighbors of my proposed project: Yes No

If yes, or if you will inform neighbors in the future, please describe outreach efforts:

Website Required for Major Projects

Applicants for major development projects (which involves proposed development of **10,000 square feet of new floor area or greater, or 15 or more dwelling units/lots**), are required to create a project website in conjunction with submittal of an application for Planning approval (including but not limited to Subdivisions, Use Permits, Rezoning, and Design Review). Required information may be provided on an existing applicant web site.

The website address shall be provided as part of the application. The website shall be maintained and updated, as needed until final discretionary approvals are obtained for the project.

Such website shall include, at a minimum, the following information:

- ✓ Project description
- ✓ Contact information for the applicant, including address, phone number, and email address
- ✓ Map showing project location
- ✓ Photographs of project site
- ✓ Project plans and drawings

HEAD WEST USE PERMIT WRITTEN STATEMENT

ABOUT HEAD WEST

HEAD WEST (Marketplace) began its journey at The Barlow in Sebastopol in October of 2019 with a mere handful of Participant booths, after strong feedback was received for the need of a North Bay-specific local marketplace focused on Makers, Merchants, Crafters, Designers & Artists. HEAD WEST has been and will always be committed to creating affordable and accessible space for creatives to connect with their customers in the neighborhoods in which we reside – with a focus on increasing diversity, inclusion + creating equity. Since that time, HEAD WEST has grown into a notably recognized and North Bay Bohemian Award-Winning 75+ Participant Marketplace that draws in several thousands of visitors each year from all around California, seeking the charm and local community pride that Sebastopol offers. It is my belief that HEAD WEST at The Barlow is part of that quintessential and vital visitor experience.

MARKETPLACE SCHEDULE

The Marketplace is proposed to occur the second Saturday and Sunday of each month from March- December annually (and May- December 2023-2024 in this application submission).

ATTENDANCE

HEAD WEST brings roughly 500 patrons per day from 11am-5pmPST (10am-4pmPDT). Attendees arrive at varying times throughout the market. This means that not all patrons arrive and stay during the entire marketplace, which relieves pressure for traffic and parking.

SETUP/ CLEAN UP

The Barlow employees prepare the site for events including installing street closure barricades, trash and recycle receptacles, signage, etc beginning 3 hours prior to the start of the event. No Event Parking signs are installed at all entrances to the Rialto Theater prior to the event. Additionally, the property at 385 Morris Street is opened up for overflow parking for vendors which can house up to 150 +/- vehicles.

At the termination of the event, staff begins clearing the site of all trash and signage, and removes barricades after vendors have completed their load out, by no later than 2 hours following the termination of the event. Signs remain in place for the following day. After the second day of the market, all parking signs are removed from the site.

TOWING

Parking signs are installed at least 24 hours prior to the event and any vehicles that are not removed are towed offsite by no later than set up time the day of the event through our towing company, Ace Towing.

MUSIC

Musicians are a key part of HEAD WEST and add to the ambience of the campus and to promote our artistic community. We hire musicians for every event ranging from solo musicians

to groups of up to 3-4 band members. Typically, music is scheduled from 12-2pmPST (11-1pmPDT) and 2:30-4:30pmPST(1:30-3:30pmPDT).

We focus on bringing low key shopping music to the site. Events are never music centered nor do they create a concert environment. We are proposing music be held on either the stage at 6770 McKinley, or in a stage between 6770 McKinley and 6751 Laguna Park Way to help promote business down the otherwise slower traffic area of Pink Lady Court.

In addition, we'd like to hire another 2 additional musicians per event to bring energy and ambience near 6780 McKinley and 180 Morris. This broadens our ability to support local musicians as it creates more demand. The musicians will be arranged in a fashion where they will not interfere with existing programming.

PARKING

HEAD WEST will take place on McKinley Street and Pink Lady Court (parking lot between 6760 and 6770 McKinley Street).

In addition to onsite parking, The Barlow owns the vacant lot at 385 Morris Street which can be used for overflow parking and can accommodate 150+/- vehicles.

The Barlow and HEAD WEST will not advertise any parking on private property near the Rialto Theater. Signage will be put up at two entrances to the Rialto theaters reminding drivers that a portion of the parking is private.

MARKETPLACE LAYOUT

The Marketplace footprint will encompass McKinley Street from the western edge of 6790 McKinley to the eastern edge of 180 Morris Street; and the southern edge of 6761 McKinley to the northern edge of 6751 Laguna Park Way, leaving the entrance to the Kosta Browne Winery crush pad open and available for parking and access.

VENDOR CAPACITY & PLACEMENT

75-100 Vendor booths will be set up which consist of one 10x10 pop up canopy and tables and/or clothing racks and shelves, depending on the vendor. In some areas along McKinley, vendors will line both sides of the street, and where the street narrows, vendors will line one side of the street. Vendors would line both sides of the parking lot in Pink Lady Court. In no event will vendors be situated in the middle of the street so that emergency vehicles could access the site immediately in the event of an emergency.

ALCOHOL

The service of alcohol is being requested as part of this Use Permit. The Barlow and Head West intend on partnering with a local non-profit for the sale and distribution of alcohol- limited to the footprint of the Marketplace. This may vary from beer and wine, to cocktails. The non-profit will be responsible for pulling the permit with the Health Department, and all associated trainings and requirements.

Head West Marketplace Participant Business License Process & Handling

In total, there are 2 places online that clarifies (generally), and 2 checkpoints that require the applicant to physically click and acknowledge that they understand a City of Sebastopol business license is required by the time they participate.

On the Participant FAQ Page (General Info):

DOING BUSINESS:

NEW/UPDATED FOR 2023

CA SELLERS PERMIT: It is required that all Participants hold a valid California state seller's permit required by state law. Only permanent permits will be accepted — no temporary permits allowed.

STATE OF CALIFORNIA — [CLICK HERE TO APPLY](#)

Complete due diligence in researching this information is the responsibility of the applicant. If in California seller's permits are free of charge. Participants are responsible for paying state and local sales taxes collected in the area in which they are selling. See your local, county and state tax boards for specific sales tax rates.

BUSINESS LICENSES: Accepted Participants are required to hold any applicable business licenses each venue's City may require. See below:

CITIES THAT REQUIRE BUSINESS LICENSES:

- SAN FRANCISCO — CURRENTLY N/A
- SEBASTOPOL (VALID FOR 1 YEAR) — YES, [CLICK HERE](#)
- ALAMEDA — CURRENTLY N/A
- BERKELEY (VALID FOR 1 YEAR) — YES, [CLICK HERE](#)

INSURANCE: Each Participant is responsible for any business or personal insurance necessary to cover their liability for all activities made and performed at HEAD WEST, to itself, event Patrons, other Participants and the Venue Partner. The Participant waives all responsibility and liability from HEAD WEST LLC + its Venue Partners/Property.

LIABILITY: HEAD WEST, it's owners and it's venue partners will not be responsible for any damage or loss to the participant property, injury to, or death of the participant or to the participant's sales. The participant holds themselves accountable for all risks involved including loss, damage, liability, or injury from any cause. Participant releases and waives any claims against HEAD WEST, it's owners and it's venue partners related to the previously mentioned statements.

PARTICIPANT RESPONSIBILITY:

WHAT TO BRING: Participants are required to provide their own tables, displays and fixtures — only space is provided.

On the Venue Application Page (General Info):

DOING BUSINESS:

NEW/UPDATED FOR 2023

CA SELLERS PERMIT: It is required that all Participants hold a valid California state seller's permit required by state law. Only permanent permits will be accepted — no temporary permits allowed.

STATE OF CALIFORNIA — [CLICK HERE TO APPLY](#)

Complete due diligence in researching this information is the responsibility of the applicant. If in California seller's permits are free of charge. Participants are responsible for paying state and local sales taxes collected in the area in which they are selling. See your local, county and state tax boards for specific sales tax rates.

BUSINESS LICENSES: Accepted Participants are required to hold any applicable business licenses each venue's City may require. See below:

CITIES THAT REQUIRE BUSINESS LICENSES:

- SAN FRANCISCO — CURRENTLY N/A
- SEBASTOPOL (VALID FOR 1 YEAR) — YES, [CLICK HERE](#)
- ALAMEDA — CURRENTLY N/A
- BERKELEY (VALID FOR 1 YEAR) — YES, [CLICK HERE](#)

INSURANCE: Each Participant is responsible for any business or personal insurance necessary to cover their liability for all activities made and performed at HEAD WEST, to itself, event Patrons, other Participants and the Venue Partner. The Participant waives all responsibility and liability from HEAD WEST LLC + its Venue Partners/Property.

LIABILITY: HEAD WEST, it's owners and it's venue partners will not be responsible for any damage or loss to the participant property, injury to, or death of the participant or to the participant's sales. The participant holds themselves accountable for all risks involved including loss, damage, liability, or injury from any cause. Participant releases and waives any claims against HEAD WEST, it's owners and it's venue partners related to the previously mentioned statements.

PARTICIPANT RESPONSIBILITY:

WHAT TO BRING: Participants are required to provide their own tables, displays and fixtures — only space is provided. Electricity is not provided unless requested/approved in advance.

CANOPY TENTS: Participants are REQUIRED to provide their own 10'x10' canopy tent with minimum 5lb weights on each leg (total 20 lbs) at all venues. Canvas tent tops MUST be white or beige, no exceptions. Custom branded tents are OK but must be approved prior

On the Initial Pre-Application Form (Applicant Acknowledgement - Required to move forward):

headwestmarketplace.com/apply/thebarlow

willful actions by me or my family.

5. **APPLICABLE LAW.** Any legal or equitable claim that may arise from participation in the above shall be resolved under California law.

6. **NO DURESS.** I agree and acknowledge that I am under no pressure or duress to sign this Agreement and that I have been given a reasonable opportunity to review it before signing. I further agree and acknowledge that Sebastopol Industrial Park, LLC has offered to refund any fees I have paid to use its facilities if I choose not to sign this Agreement.

7. **ARM'S LENGTH AGREEMENT.** This Agreement and each of its terms are the product of an arm's length negotiation between the Parties. In the event any ambiguity is found to exist in the interpretation of this Agreement, or any of its provisions, the Parties, and each of them, explicitly reject the application of any legal or equitable rule of interpretation which would lead to a construction either "for" or "against" a particular party based upon their status as the drafter of a specific term, language, or provision giving rise to such ambiguity. Accordingly, the Parties specifically reject the application of Cal. Civ. Code §1654 to this Agreement, as well as any other statute or common law principles of similar effect.

8. **ENFORCEABILITY.** The invalidity or enforceability of any provision of this Agreement, whether standing alone or as applied to a particular occurrence or circumstance, shall not affect the validity or enforceability of any other provision of this Agreement or of any other applications of such provision, as the case may be, and such invalid or unenforceable provision shall be deemed not to be a part of this Agreement.

9. **DISPUTE RESOLUTION.** The parties will attempt to resolve any dispute arising out of or relating to this Agreement through friendly negotiations amongst the parties. If the matter is not resolved by negotiation, the parties will resolve the dispute using the below Alternative Dispute Resolution (ADR) procedure.

Any controversies or disputes arising out of or relating to this Agreement will be resolved by binding arbitration under the rules of the American Arbitration Association. The arbitrator's award will be final, and any judgment may be entered upon it by any court having proper jurisdiction.

I HAVE READ THIS DOCUMENT AND UNDERSTAND IT. I FURTHER UNDERSTAND THAT BY SIGNING THIS RELEASE, I VOLUNTARILY SURRENDER CERTAIN LEGAL RIGHTS.

I ACKNOWLEDGE

***NEW* City of Sebastopol Business License ***
For Participation at The Barlow, all Participants must obtain a valid City of Sebastopol Business License. More info can be found on the Participant FAQ Page.

I ACKNOWLEDGE + Will Have My Sebastopol Business License

SUBMIT PRE-APP | THEN GO TO CHECKOUT TO FINISH APP + PAY BOOTH FEE

On the Final Application Form (Applicant Acknowledgement - Required to move forward):

headwestmarketplace.com/checkout?cartToken=_Blsk0NVWm1ublrqYEJs_hA12q3aKnp0ZtSz2BG

Permits:*

It is required that all Participants hold a valid California state seller's permit required by state law.

Complete due diligence in researching this information is the responsibility of the applicant. If in California seller's permits are free of charge. Participants are responsible for paying state and local sales taxes collected in the area in which they are selling. See your local, county and state tax boards for specific sales tax rates.

I ACKNOWLEDGE

Business Licenses:*

Any applicable business licenses specific to the city in which the venue resides must be applied for and obtained from the applicant prior to participating -- this currently applies strictly to The Barlow in Sebastopol + Fourth Street in Berkeley.

Complete due diligence in researching this information is the responsibility of the applicant.

I ACKNOWLEDGE

Insurance:*

Each Participant is responsible for any business or personal insurance necessary to cover their liability for all activities made and performed at HEAD WEST, to itself, event Patrons, other Participants and the Venue Partner. The Participant waives all responsibility and liability from HEAD WEST LLC + its Venue Partners/Property.

Complete due diligence in researching this information is the responsibility of the applicant.

I ACKNOWLEDGE

HEAD WEST MARKETPLACE

Order Summary

<p>HEAD WEST at The Barlow Sebastopol</p> <p>Date: Sat, March 11th Booth Size: 10'x10' Single Booth Edit Details</p>	<p>\$200.00</p> <p>Qty 1 Remove</p>
<p>Discount Code <input type="text"/> Apply</p>	
<p>Subtotal \$200.00</p> <p>Tax \$0.00</p> <p>Total \$200.00</p>	

SECURE SSL CHECKOUT

Additionally, The Barlow plans to contact the Business License office in Sebastopol prior to the event to ensure that all businesses participating have applied for their license.