

City of Sebastopol

Ordinance No. 1100

Ordinance for Adoption to
Approve Changes to Accessory Dwelling Unit Regulations to
Achieve Consistency with State Law

Whereas, the State of California has recently enacted a number of mandatory and discretionary standards for accessory dwelling units (formerly known as 'second dwelling units);

Whereas, cities and counties are required to amend their local regulations to achieve consistency with the new State-mandated regulations; and

Whereas, update of the City's accessory dwelling regulations also provides the opportunity to make discretionary changes to such regulations, to promote appropriate housing availability and development; and

Whereas, Sebastopol and Sonoma County face significant housing challenges, with housing production not meeting needs, rents and home prices rising beyond many persons' ability to pay, and chronic homelessness issues; and

Whereas, the Planning Commission held a duly noticed public hearing on January 24, 2017, where they reviewed and recommended approval of the accessory dwelling unit amendments; and

Whereas, on March 7, 2017, the City Council conducted a duly-noticed public hearing on the proposed amendments, and introduced the ordinance for first reading.

Now, therefore, the City Council does hereby adopt the ordinance attached as Exhibit A, setting forth revisions to its accessory dwelling unit regulations.

DULY APPROVED AND ADOPTED this 21st day of March, 2017.

I, the undersigned, hereby certify that the foregoing ordinance was adopted by City of Sebastopol City Council following a roll call vote:

VOTE:

Ayes: Councilmembers Carnacchi, Gurney, Hinton, Vice Mayor Slayter and Mayor Glass
Noes: None
Abstain: None
Absent: None

APPROVED: _____



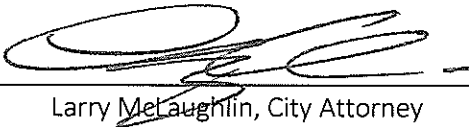
Mayor Una Glass

ATTEST:



Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:



Larry McLaughlin, City Attorney

Exhibit A

Sections 17.110.010 through 17.110.030 of Chapter 17.110 are amended to read as follows:

SPECIAL PERMIT CRITERIA FOR BED AND BREAKFAST, ACCESSORY DWELLING UNITS, TRANSITIONAL SITES, SMALL WIND TURBINE TOWERS

Sections:

- 17.110.010 Purpose – Applicability.
- 17.110.020 Bed and breakfast inns criteria.
- 17.110.030 Accessory dwelling unit criteria.
- 17.110.040 Transitional commercial sites criteria.
- 17.110.050 Small wind turbine tower criteria.

17.110.010 Purpose – Applicability.

The purpose of these special permit criteria is to set forth guidelines and criteria by which specific applications for specific uses are to be evaluated, in addition to the general use permit criteria of SMC 17.260.030(C). These criteria shall be applicable for the uses/situations specified in this chapter.

17.110.020 Bed and breakfast inns criteria.

- A. Any proposed bed and breakfast inn shall be compatible with the neighborhood in terms of landscaping, scale, and architectural character. The operation of the use, and any physical improvements related to it, shall be harmonious and compatible with the existing uses within the neighborhood.
- B. Excessive amounts of paving shall not be allowed. Tire strips and permeable travel surfaces shall be encouraged. Areas devoted to parking and paving shall not be disproportionate to the site size.
- C. Each project shall be subject to inspection and approval by the City for compliance with all applicable codes. An inspection fee may be set by resolution of the City Council.
- D. Each bed and breakfast inn which provides food service to its guests shall comply with the provisions of the Sonoma County Health Department as well as all State laws regulating food handling establishments.
- E. All Uniform Building Code and Fire Code requirements for the level of occupancy shall be satisfied.
- F. All environmental health regulations shall be satisfied, including water supply and septic system capability, if applicable.
- G. The bed and breakfast inn shall be registered with the City, and will be subject to the transient occupancy tax.
- H. The operator or manager shall reside on the premises.
- I. Guest stays shall be limited to 30 days, with a seven-day period between stays.

J. Meals may be served; however, except where the City has approved a restaurant in conjunction with the use, only guests may be served. No cooking shall be allowed in guest rooms. No alcoholic beverages may be sold to guests except where the City has approved a restaurant in conjunction with the use.

K. One non-internally illuminated sign may be displayed; its size, color, text and location shall be covered by the use permit. The words "hotel or "motel" shall not be allowed.

17.110.030 Accessory dwelling unit criteria.

A. Location. Accessory dwelling units may be allowed only on parcels zoned for single-family, duplex or multifamily use, or on non-residentially zoned properties which are currently used only for a single-family residential use, either simultaneous to or subsequent to construction of the principal dwelling. In addition, an existing dwelling unit that complies with the development standards for accessory dwelling units in subsection D. of this section may be considered an accessory dwelling unit, and a new principal unit may be constructed, which would then be considered the principal dwelling unit.

B. Limitation. In no case shall more than one accessory dwelling unit be placed on the same lot or parcel.

C. All requirements and regulations of the zoning district in which the lot is situated shall apply, except as set forth in subsection D. of this section.

D. Conditions. The accessory dwelling unit may be established by the conversion of an attic, basement, garage or other portion of an existing residential unit or by new construction; a detached accessory dwelling unit may be established by the conversion of an accessory structure or may be established by new construction provided the following criteria are met:

1. Floor Area. The floor area of the accessory dwelling unit shall not exceed 840 square feet.

2. The increased floor area of an attached accessory dwelling unit shall not exceed 50% of the existing living area.

3. Height. The height of a one-story detached accessory dwelling unit shall not exceed 17 feet, and a detached two-story accessory dwelling unit shall not exceed 25 feet.

4. Architecture. Accessory dwelling units shall be substantially architecturally compatible with the principal unit and the neighborhood. Architectural compatibility with the existing principal unit may include coordination of colors, materials, siding, roof pitch and style, and other architectural features, and landscaping designed so that the appearance of the site remains that of a single-family residence. Variations in roofline may be permitted if the design is necessary to meet certain building code requirements, such as minimums for the living area ceiling heights.

5. Setbacks. Two-story accessory dwelling units and accessory dwelling units attached to the primary residence shall be subject to the same minimum side, front, and rear setback requirements as the primary residence. Detached one-story accessory dwelling units shall be subject to one-half of the primary residence side and rear setbacks, but not less than five feet. However:

i. No setback shall be required for a garage existing as of July 1, 2017 that is converted to an accessory dwelling unit, and a setback of no more than five feet from the side and rear lots line shall be required for an accessory dwelling unit that is constructed above a garage.

6. Mobile Homes. Mobile homes shall not be used as accessory dwelling units.

7. Manufactured Homes. Manufactured accessory dwelling units, as certified by the State of California, shall be allowed, provided that they are constructed on a permanent foundation, are

deemed substantially compatible architecturally with the principal unit by the Planning Director, and adhere to the development standards set forth in this chapter.

8. Utility Connections. At the discretion of the City Engineer, utility connections (sewer, water, gas, electricity, telephone) may or may not be connected to the principal dwelling unit. If utility connections are separate from the principal unit, power and telephone lines shall be underground from the point of source as approved by the respective utility purveyor to the accessory dwelling unit. However:

i. For the creation of an accessory dwelling unit contained within the existing space of a single-family residence or accessory structure the City shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

9. Selling Accessory Dwelling Units. The accessory dwelling unit shall be not offered for sale apart from the principal unit.

10. Renting Accessory Dwelling Units. The rental of an accessory dwelling unit is allowed, but not required.

i. Accessory dwelling units authorized after July 1, 2017 may not be rented on a transient occupancy basis (less than thirty (30) days), unless a Use Permit for transient occupancy has been granted.

11. Separate Entrance Required. The entry to an attached accessory dwelling unit shall be accessed separately and securely from the principal unit.

i. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

12. Applicable Codes. Accessory dwelling units must comply with applicable building, fire and other health and safety codes.

13. Lot Coverage. Accessory dwelling units shall not be considered when calculating the maximum lot coverage allowed.

14. Parking.

i. No parking requirement shall apply.

ii. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the replacement space may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

E. Application Procedure. Planning Director approval shall be required for all accessory dwelling units. The property owner shall file a completed administrative review application with the Planning Department and pay all applicable fees. The completed application form shall include, but not be limited to, data on the floor space and height of the proposed unit and the existing residential unit(s), a photograph of the existing residential unit(s), the height of adjacent residences, and an accurately drawn site plan showing the location and size of all existing and proposed structures, the proposed accessory dwelling unit, setbacks, utility connections and vehicle parking.

F. Conversion of Existing Structures into Accessory Dwelling Units. Subject to the approval of the Planning Director, in the case of the conversion of a non-garage one-story building legally constructed prior to October 19, 2004, the rear setback shall conform to the setback requirement for an accessory building; however, the structure is not required to meet the side yard setback if nonconforming. In acting on such an application, the Planning Director may impose conditions requiring physical changes in the unit to ensure conformance to physical development standards.

G. Existing Non-permitted Accessory Dwelling Units. The Planning Director may approve an accessory dwelling unit constructed without benefit of appropriate permits; provided, that the unit conforms to the current California Residential Building Code, is subject to applicable current permit and impact fees, and conforms to setback, height, area, and other physical development standards otherwise applicable.

H. Accessory dwelling units shall not be counted as “development units” under the General Plan density requirements. (Ord. 1085 § 4, 2016)

I. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including sewer and water.

J. If the accessory dwelling unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety, said accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary residence (unless otherwise required by the Fire Chief based on State law). This only applies to development inside of existing residences or accessory structure conversions.