

City Council
Mayor Sarah Glade Gurney
Vice Mayor Una Glass
John Eder
Robert Jacob
Patrick Slayter



City Manager-City Attorney
Larry McLaughlin

City Clerk
Mary Gourley

City of Sebastopol City Council Staff Report

Reviewed by City Manager

Meeting Date: June 7, 2016
To: Mayor and City Council
From: Kenyon Webster, Planning Director
Subject: Mandatory Zoning Ordinance Amendments Identified by Housing Element
Recommendation: Adopt Ordinance
Funding: Currently Budgeted: Yes No N/A
Net General Fund Cost:
If Cost to Other Fund(s),
 Yes No N/A

On May 17, 2016 the Council introduced an ordinance making several Zoning Ordinance amendments that were identified in the recently-adopted Housing Element, to achieve consistency with mandatory provisions of State law. The ordinance is now presented for adoption.

Attachment: Ordinance for adoption

Ordinance No. _____

**AN ORDINANCE FOR ADOPTION
OF THE CITY OF SEBASTOPOL, CALIFORNIA,
AMENDING THE SEBASTOPOL MUNICIPAL CODE
TO ENACT VARIOUS STATE-MANDATED CHANGES TO THE ZONING ORDINANCE
PURSUANT TO THE ADOPTED HOUSING ELEMENT**

Whereas, the State of California supports provision of adequate housing to all economic segments of the community; and

Whereas, the State has adopted a number of housing-related laws, some of which require local jurisdictions to align their regulations to achieve consistency with State law; and

Whereas, the City's Housing Element of the General Plan, adopted in March 2015, identified six mandated amendments to the City's Zoning Ordinance; and

Whereas, on February 23rd, 2016, the Planning Commission conducted a duly-noticed public hearing regarding the proposed amendments and recommended their adoption; and

Whereas, on May 17, 2016, 2016 the City Council received the Commission's recommendations, and conducted a public hearing.

Now, therefore, the City Council does hereby amend specified provisions of the Zoning Ordinance as follows:

1. Housing Element Action G-3. Add definitions for Transitional and Supportive Housing.

Rescind the existing definition of 'Transitional Housing in Municipal Code Section 17.08.121 I, and add the following definitions to Chapter 17.08 Definitions:

SUPPORTIVE HOUSING: Supportive housing means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

TRANSITIONAL HOUSING: Transitional housing means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing is considered a

residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

2. Housing Element Action G-1. Add allowances for farmworker housing.

Add definition of Employee housing (agricultural) to Chapter 17.08:

EMPLOYEE HOUSING (AGRICULTURAL): Employee housing (agricultural) means housing for commercial agricultural employees as described in California Health and Safety Code Sections 17021.5 and 17021.6, and employee housing as defined in California Health and Safety Code Section 17008 and the other applicable provisions of the Employees Housing Act at California Health and Safety Code Section 17000 et seq., and to include a residential safety management plan.

Add reference to this use as a permitted use in zoning districts that allow agricultural uses, including the RE, RA, RR districts:

- 17.16.020 A. (5) Employee Housing (Agricultural)
- 17.20.020 A. (5) Employee Housing (Agricultural)

- 17.24.020 A. (5) Employee Housing (Agricultural)

3. Housing Element Action G-2. Allow homeless shelters in the General Commercial District via administrative approval rather than requiring Design Review Board approval.

Modify Municipal Code Section 17.60.020 D. to read as follows:

Homeless Shelter with administrative permit review.

4. Housing Element Action G-6. Allow second dwelling units via administrative approval rather than requiring Design Review Board approval.

Rescind Municipal Code Section 17.110.030 in its entirety, and substitute the following:

17.110.030 Second Dwelling Unit Criteria

17.110.030 Second Dwelling Unit Criteria

- A. Location: Second dwelling units may be allowed only on parcels zoned for single-family, duplex or multi-family 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 second dwelling units in Section 17.110.030(D) may be considered a second 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 (1) second 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 section 17.110.030(D), below.
- D. Conditions: The second 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 second 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 second dwelling unit shall not exceed 840 square feet.
 - 2) Height: The height of a one-story second detached unit shall not exceed 17 feet, and a detached two-story second unit shall not exceed 25 feet.
 - 3) Architecture: Second 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.
 - 4) Setbacks: Two-story second dwelling units and second 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 second dwelling units shall be subject to one-half of the primary residence side and rear setbacks, but not less than five feet.

- 5) Mobile Homes: Mobile homes shall not be used as second dwelling units.
 - 6) Manufactured Homes: Manufactured second 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.
 - 7) 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 second unit.
 - 8) Selling Second Units: The second unit shall be not offered for sale apart from the principal unit.
 - 9) Renting Second Units: The rental of a second unit is allowed, but not required.
 - 10) Separate Entrance Required: The entry to an attached second unit shall be accessed separately and securely from the principal unit.
 - 11) Applicable Codes: Second dwelling units must comply with applicable Building, Fire and other Health and Safety Codes.
 - 12) Lot Coverage: Second dwelling units shall not be considered when calculating the maximum lot coverage allowed.
 - 13) Off-Street Parking: One off-street parking space shall be provided per bedroom, except that units with two or fewer bedrooms shall require one parking space. The required parking may be provided in tandem to the parking for the principal unit and may be located in a required rear or side setback to within three feet of the property line, or in a driveway in the front yard setback area, or up to one parking space on the directly adjoining street frontage may count towards this parking requirement. Any on-site parking spaces shall have a dimension of at least 8 ½ feet in width and 18 feet in length if uncovered, and 10 feet of width and 20 feet in length if covered.
- E. Application Procedure: Planning Director approval shall be required for all second 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 second unit, setbacks, utility connections and vehicle parking.

- F. Conversion of Existing Structures into Second Units: Subject to the approval of the Planning Director, in the case of the conversion of a 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 non-conforming. 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. In addition, in order to convert an accessory structure that was once used, or intended to be used, as a garage the applicant shall indicate replacement parking elsewhere on the property that meets the residential parking development standards set forth in Section § 17.220.
- G. Existing Non-Permitted Second Units: The Planning Director may approve a second unit constructed without benefit of appropriate permits, provided that the unit conforms to the California Residential Building Code, is subject to applicable current permit and impact fees, and conforms to setback, parking, height, lot coverage, area, and other physical development standards otherwise applicable, except that such units shall not be eligible for the setback allowance above regarding Conversion of Existing Structures into Second Units. 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, and to ensure that it has a harmonious relationship to the property and adjacent properties.
- H. Second Dwelling Units shall not be counted as "development units" under the General Plan density requirements.

5. Housing Element Actions D-9, G15. Update density bonus provisions (that apply when various percentages of affordable housing are provided by a project) to be consistent with current State law.

Rescind Municipal Code Sections 17.240.100 and 17,240.140 in their entirety, and substitute the following:

17.240.100 Density Bonuses and Incentives

- (a) The purpose and intent of this section is to establish the standards and procedures in granting affordable housing density bonuses for housing developments, in an effort to incentivize the development of affordable units in the City; and implement the requirements of the State Density Bonus Law (Government Code Chapter 4.3).
- (b) Density bonuses and incentives shall be offered by the City pursuant to the provisions of Government Code Chapter 4.3.
- (c) These Density Bonus and Incentives provisions shall be understood to be amended by operation of law in the event and to the extent the State Density Bonus Law is amended.

6. Housing Element Action G-16. Modify Zoning Ordinance provisions for manufactured homes.

Modify Municipal Code Section 17.08.114 A. to read as follows:

MANUFACTURED HOUSING: A residential building, dwelling unit or habitable room thereof, which is either wholly constructed or partially assembled on a site in accordance with the State Health and Safety Code. Architectural and design review requirements for manufactured housing shall conform to the applicable standards for other types of dwellings, but shall not exceed those allowed under Government Code Section 65852.3.

This Amendment is hereby adopted.

Adopted by the City Council on the 7th day of June, 2016

Approved: _____
Mayor

Ayes:

Noes:

Absent:

Abstain:

Attest: _____ City Clerk