

City Council

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City of Sebastopol Planning Commission Staff Report

Meeting Date: December 13, 2016
Agenda Item: 9A
To: Planning Commission
From: Kenyon Webster, Planning Director
Subject: Resolution of Intention, Comprehensive Zoning Ordinance/Map Update
Recommendation: Adopt Resolution
Applicant/Owner: City of Sebastopol
Address: City-Wide
CEQA Status: Certified General Plan Environmental Impact Report

Introduction:

This report recommends that the Commission adopt a Resolution of Intention for a comprehensive Zoning Ordinance and Zoning Map update, with the primary purpose of achieving consistency with the recently-adopted General Plan.

Project Description:

On November 15, 2016, the City Council adopted a new General Plan. The new General Plan calls for numerous revisions to the Zoning Ordinance, and also necessitates revisions to the Zoning Map.

State law requires zoning regulations to be consistent with the General Plan, so revisions to achieve consistency are required. While there are some clear and specific revisions needed for consistency, the General Plan also has many more general policies that involve discretionary formulation of regulations.

The intent of the update project to provide a focused update to implement the policy directives of the new General Plan. In addition, there are various legal, formatting and language clarification revisions that are expected to be identified in the process, and there may be other updates, such as review of the Sign Ordinance and updates to Accessory Unit regulations, that occur on a separate track from the General Plan-related update.

CEQA Status:

An Environmental Impact Report (EIR) was prepared and certified for the General Plan update. As the Zoning Ordinance/Map update is intended to implement the General Plan, it is anticipated that CEQA compliance can rely on the certified EIR.

Planned Process:

The City Council has authorized the De Novo Planning Group to prepare the focused Zoning Ordinance/Map update. The Planning Commission will provide the key forum for formulation of the updates.

As with the General Plan update, it will be important for the Ordinance update process to stay on track and on budget, particularly in regard to the number of meetings to be attended by the consultants.

The attached Resolution of Intention announces the City's intention to begin the updates.

The first major work session dedicated to the update with the Commission is scheduled for January 24, 2017, a second session is planned for February 28, 2017. The intent of those meetings is not to cover every single potential change, rather it is to work through major policy issues, and get public comments, and Commission comments and direction on Ordinance revisions.

Staff would also like to know if the Commission would be open to a meeting start time of 6:30 p.m. on those days.

Commissioners should review the adopted General Plan, with particular focus on the Land Use and Housing Elements, which contain most of the policies relating to Zoning Ordinance/Map revisions. As noted, a number of policies provide general direction for revision of regulations, but leave specific details to the Zoning Ordinance/Map update process. Formulating these details will be the challenging part of the update process.

In addition to policy changes identified by the new General Plan, staff will identify a number of other clarifying revisions. These include reorganizing some definitions, adding provisions to address uses or interpretive issues that have arisen in recent years, and reformatting some sections for ease of use.

After the Commission has conducted its initial two meetings, a draft revision document will be presented based on that discussion. In addition, where there are clear and specific changes identified in the General Plan, such as specific numerical changes to FARs and changes to the Growth Management ordinance, the initial draft of the Zoning Ordinance will identify such proposed changes, along with various other clarifying changes.

It is also important to note that some other Zoning Ordinance revisions will proceed on their own track, separate from the Zoning Ordinance update process. These include revisions relating to recent State law changes for accessory (formerly 'second dwelling') units; potential revisions of the Sign Ordinance to be primarily addressed by the Design Review Board; and applicant-proposed changes that may occur, including but not limited to those proposed by the Hotel Sebastopol project, and the second cannabis dispensary project. In addition, the Council may explore expedited Zoning Ordinance revisions relating to spurring housing development (the General Plan includes a number of changes relating to this issue).

Guiding Principles:

The General Plan will provide substantive guidance on policy. As the update progresses, Commissioners should also consider general principles regarding formulation of regulations. Simple, clear language and formatting can be invaluable for future users of the Ordinance.

Regulations that set basic rules, but avoid highly detailed, rigid standards are also desirable. It is very difficult for laws to imagine all situations, and unintended consequences typically result when laws are overly specific. In addition, excessively detailed regulations are difficult for persons to fully understand and implement.

Public Comment:

The Planning Department has not yet received public comments on the planned update.

Recommendation:

Staff recommends that the Commission adopt the Resolution of Intention, and that Commissioners review the General Plan in preparation for the Zoning Ordinance update.

Attachments:

- Resolution of Intention
- De Novo memorandum
- Adopted General Plan

Resolution of Intention

Planning Commission Resolution

**Resolution of Intention to Initiate Comprehensive
Zoning Ordinance and Zoning Map Update**

1. Whereas, the City of Sebastopol completed a comprehensive General Plan update with adoption of a new General Plan on November 15, 2016; and
2. Whereas, the new General Plan includes policies and actions calling for numerous updates to the Zoning Ordinance and Zoning Map; and
3. Whereas, State law requires Zoning regulations to be consistent with the General Plan, and therefore updating the Zoning Ordinance and Zoning Map is required; and
4. Whereas, the Zoning Ordinance and Map update is expected to include other clarifying and policy changes identified by the update consultant, Planning Department staff, the Commission, and City Council; and
5. Whereas, other updates, such as to the Sign Ordinance and Accessory Dwelling Unit standards, may also be initiated and processed separately from the revisions identified in the General Plan process.

Now, therefore, the Planning Commission does hereby adopt this Resolution of Intention announcing the intention to begin a comprehensive Zoning Ordinance and Zoning Map update to implement and achieve consistency with the new General Plan, and make other appropriate revisions.

Approved on _____ by the following vote:

AYES:

NOES:

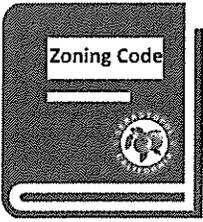
ABSTAIN:

ABSENT:

Certified: _____

Kenyon Webster, Planning Director

De Novo Work Plan



FOCUSED ZONING CODE UPDATE

MEMORANDUM

TO: Kenyon Webster

FROM: Ben Ritchie and Beth Thompson, De Novo Planning Group

SUBJECT: Focused Zoning Code Update Overview and Next Steps

DATE: December 13, 2016

INTRODUCTION

In January 2017, the Planning Commission will begin the process of reviewing the Zoning Code and working with City staff and the consultant team to update the Zoning Code to conform to the General Plan.

WORK PROGRAM

A series of eight working meetings will be held with the Planning Commission to consider specific topics and review draft revisions. We anticipate that the first two meetings will focus on receiving general guidance and input from the Commission in regards to issues that may potentially be addressed in the focused Zoning Code update. The subsequent meetings will include five meetings to review revisions to sections of the Zoning Code and one meeting to review changes to the Zoning Map, as shown below:

1. Focused Issue Review Meeting #1
2. Focused Issue Review Meeting #2
3. Review Draft Revisions: Definitions and Zoning Districts (Sections 17.08 through 17.94)
4. Review Draft Revisions: Standards and Regulations (Sections 17.110 through 17.220)
5. Review Draft Revisions: Standards and Regulations (Sections 17.230 through 17.245, new sections)
6. Review Draft Revisions: Standards and Regulations (new sections)
7. Review Draft Revisions: Administration and Procedures (Sections 17.250 through 17.330)
8. Zoning Map

Following the working meetings, a check-in meeting will be held with the City Council to present the results of the Planning Commission's efforts and direction, and to provide the Council with an opportunity to provide preliminary input and comments on proposed revisions.

The Draft Zoning Code will then be prepared as a single document. The Planning Commission will then consider the Public Review Draft Zoning Code and provide a recommendation to the City Council. Two meetings are planned for Planning Commission consideration of the Draft Zoning Code.

SCOPE OF ZONING CODE UPDATE

The Focused Zoning Code Update will concentrate on revisions that are appropriate to implement the General Plan and is not planned to be a comprehensive overhaul of the Zoning Code. The following items will be addressed in the Focused Zoning Code Update:

1. Definitions (General Plan Update Actions LU 1d, H G-1, H G-3, H G-4)

Review and update the Zoning Code to add definitions and descriptions for the following:

- Update definition of what constitutes a 'permanent dwelling',
- Clarify whether hotels are treated as residential or commercial uses,
- Define 'retail use',
- Revise definition of restaurant, and consider separate definitions for ice cream shops and coffee shops,
- Define 'secondary use',
- Review definitions for child care uses to ensure consistency with State law,
- Define 'farmworker housing', 'homeless shelter', 'supportive housing', and 'transitional housing' consistent with State law,
- Define 'tiny house',
- Review all definitions in relation to allowed uses and ensure that all uses are defined in the Zoning Code, and
- Update or add other definitions as necessary.

2. Zoning Districts Review (General Plan Update Actions LU 1a, LU 1c, LU 1d, LU 6e, CSF 2d, LU 9a, H B-5, H G-1, H G-2, H G-3, H G-4, H G-16, H G-17)

Each zoning district (RE, RA, RR, RSF-1, RSF-2, RD, RM-M, RM-H, O, CN, CO, CG, CD, CH, M, OL/M, CF, PC, S, W, and MHP) will be reviewed and revised as necessary to address:

- Consistency with associated General Plan land use designations,
- Allowed General Plan residential densities and non-residential land use intensities,

- Permitted and conditionally permitted uses for each district to reflect the new and updated uses included in the definitions and uses addressed in the revisions described below under 3 (Standards and Regulations),
- Parks as a permitted use in all districts,
- Congregate housing facilities within all residential zoning districts,
- Research and technology uses as permitted uses in industrial zones and to accommodate a mix of complementary uses in industrial zones,
- Community gardens in appropriate districts,
- Land trusts for housing projects,
- Minimum density requirements for residential-only projects,
- Criteria and appropriate locations for residential-only projects in non-residential zones,
- Allowing 3 stories/40 feet in appropriate commercial districts,
- Employee housing, farmworker housing, homeless shelter, supportive housing, and transitional housing consistent with State law,
- Modifying the Mobile Home Park zoning overlay district to include provisions that would prohibit the conversion of mobile home parks to high density residential uses and consider revisions that would protect the mobile home park from conversion to non-affordable uses, and
- Revising the Downtown Core district to address:
 - Development standards to facilitate and allow higher residential development densities in the Downtown Core,
 - A minimum FAR of 1.0 for new major development projects within the Downtown Core,
 - Renaming the Downtown Core district consistent with the General Plan, and
 - Requiring any new project in the Downtown Core be at least two stories in height, and allow building heights up to four stories/50 feet in the Downtown Core if residential uses are on any of the upper stories.

3. Standards and Regulations (General Plan Update Actions LU 1e, CSF 2I, EV 2d, CD 1j, H B-6, H D-9, H G-4, H G-6, H G-15, H G-16, N 1a, N 1b, N2a, N 2b)

The Zoning Code will be reviewed and updated to address specific standards and regulations for the following topics:

- Amateur bee keeping,
- Commercial outdoor barbecues,
- Cottage food uses consistent with State law,

- Child care uses consistent with State law,
- Mortuaries,
- Small wine tasting establishments,
- Review and update standards and provisions for community gardens and small urban farms,
- Provide authority to require deed restrictions regarding potential use of accessory buildings as a dwelling,
- Home occupations,
- Smoke shops,
- Gas station and car wash standards,
- Mobile food trucks,
- Medical cannabis dispensaries and related operations and activities,
- Outdoor music uses and activities,
- Tiny houses,
- Minimum parks and open space standards,
- Review and update the Formula Business Ordinance as appropriate,
- Standards that prohibit the development of auto-centric strip commercial design in new development projects,
- Vacation and short-term rentals, such as Airbnb.com and vrbo.com units,
- Update the Density Bonus Ordinance consistent with State law,
- Second units consistent with State law,
- Update the Inclusionary Housing Ordinance consistent with State law,
- Revising architectural and design review requirements for a manufactured home to be consistent with State law,
- Revise noise standards and requirements to be consistent with the General Plan,
- Update off-street parking requirements where necessary and consider reduced parking requirements in the downtown,
- A special use permit process and standards for periodic noise level exceedances.

4. Streamline and Improve Implementation of the Zoning Code (General Plan Update Actions LU 1a, EV 1d, EV 5c, H G-13)

The Zoning Code will be reviewed to identify ways the Zoning Code can be streamlined and made more user-friendly to improve implementation of the Zoning Code and to improve the permitting process. This effort will include:

- Preparation of a summary table that identifies permitted and conditionally permitted uses for each zoning district,
- Preparation of a summary table for each district category (residential, commercial, industrial, etc.) that identifies development standards (building heights, setbacks, lot coverage, etc.) for each zoning district, and
- Updating approval procedures established by Sections 15.250 through 17.330 to streamline and improve the permitting process.
- Review the development application, permit review, and approval processes for businesses and revise as needed in order to allow streamlined, efficient review of entitlements and permits for expansions and new business.
- Ensure that there are no unnecessary impediments to improvements of existing businesses, establishment of home-based and start-up businesses, or development of co-working spaces and small business incubators.
- Review and update Temporary Use regulations;
- Determine whether the Planning Commission may be made the final authority for subdivisions of four or fewer parcels.

5. Zoning Map Update

The Zoning Map will be updated to reflect changes to the General Plan Land Use Map and to ensure consistency between the Land Use and Zoning Maps. City staff and the consultant team will develop a draft Zoning Map that identifies specific parcel-level revisions where the current zoning conflicts with the General Plan. The Planning Commission will be provided with a table summarizing the proposed changes and corresponding map and will be asked to identify appropriate revisions, as necessary.

UPCOMING FOCUSED ISSUE REVIEW MEETINGS (JANUARY AND FEBRUARY 2017)

The City staff and consultant team anticipates addressing the following topics at the focused issue review meetings to be held in January and February 2017. The Planning Commission will not be asked to make any final decisions, but will be requested to provide direction regarding the course of the Zoning Code Update in addressing these issues.

The information provided below is preliminary and is intended to provide the Planning Commission with advance notice of the issues to be discussed. Prior to each meeting, the Planning Commission will be provided with a memo that describes each issue, identifies specific General Plan requirements, provides

information on how each topic is addressed by State law (where applicable), and summarizes relevant standards of other jurisdictions.

Planned topics at the two initial meetings are listed below. The intent of the topics listed is to obtain comments and direction regarding some of the major issues. Based on this direction, draft revisions will be created for the Commission's review. In addition, a number of more straightforward revisions, as well as more minor revisions will also be included.

Focused Issue Review Meeting #1, January 24

- Residential Zoning Districts: *Consider creation of one or two new residential zoning districts in order to accommodate the density ranges of the General Plan. Provide input regarding the densities and types of residential uses allowed in each district.* The Commission will be provided with a comparison of Sebastopol's current residential zoning districts to the General Plan land use designations in order to identify gaps and focus the discussion.
- Mobile Food Trucks: *How should mobile food trucks be regulated? Should the City develop standards for hours of operation, length of time that a mobile food truck may be parked and serving food on a public street, etc.?* An overview of mobile food truck criteria from other jurisdictions will be provided for the Commission's consideration.
- Very small houses: *Should very small houses be allowed in all residential districts? Should this be in addition to existing permitted densities? Are there minimum lot sizes, minimum/maximum house sizes, or other requirements that need to be specified?* An overview of very small house standards from other jurisdictions will be provided for the Commission's consideration.
- Parking standards: *Should parking standards be modified significantly?* An overview of parking standards and parking incentives/programs from other jurisdictions will be provided for the Commission's consideration.

Focused Issue Review Meeting #2 February 28

- Definitions: *Are there specific terms that should be defined in the Zoning Code?* See Scope of Zoning Code Update, Item 1 for a list of terms that have been identified as requiring a definition.
- Vacation rentals: *Should existing standards be revised?* Information from other jurisdictions will be provided.
- Gas stations and car washes: *What standards should the Zoning Ordinance provide?* Information from other jurisdictions will be provided.
- Uses: *Are there specific uses that should be addressed in the Zoning Code?* See Scope of Zoning Code Update, Items 2 and 3 for a list of uses and topics that are planned to be addressed.

Adopted General Plan