



City of Sebastopol Planning Commission Staff Report

Meeting Date: December 9, 2025

Agenda Item: 6A

To: Planning Commission

From: Jane Riley, AICP - Planning Director

Subject: Zoning Code Amendments to Implement Housing Element

Proposal: Amend Sebastopol Municipal Code Chapter 17 (Zoning) to add definitions, make certain housing-related zoning code changes required by new State laws, provide legal consistency between the General Plan and Zoning, adopt a new Workforce Housing Combining Zone, and adopt new provisions to allow separate conveyance of ADUs as condominiums. No parcels are being rezoned as a part of this proposal.

Applicant/Owner: City of Sebastopol

Location: Citywide

APNs: Various

CEQA Status: Exempt

General Plan: General Plan Housing Element

Ord. Reference: Multiple – see Table 1

Zoning: Multiple zoning designations - see Table 1

Recommendation: Hold a Public Hearing, consider policy options, and adopt a resolution recommending that the City Council adopt the proposed ordinance

REGULATORY BACKGROUND

The Zoning Code is the primary tool used to implement the City's General Plan. The Housing Element of the General Plan was adopted in January 2023, and it includes 26 programs to be implemented, including both existing or ongoing programs and new programs. The Housing Element sets forth a schedule of implementation for these Programs, with due dates ranging from 2023 through 2029. When the State Department of Housing & Community Development (HCD) certified the City's Housing Element on March 7, 2023, they included language requiring the City to implement certain programs in a timely manner (Attachment 1). Remaining in compliance with our Housing Element programs and timelines is important: if the City falls out of compliance with its Housing Element, it could lose both funding and local land use control.

SUMMARY AND RECOMMENDATION

The First Round of Code Changes to Implement the Housing Element consists of the programs that are required to align the City's existing Code with changes in State law (AB 2162, SB 48, AB 139); to provide the legally-required consistency between the General Plan and the Zoning Code; and to comply with HCD's direction to implement these programs in a timely manner. All of the mandatory Programs being implemented in this package were due to be adopted by the end of 2024 or earlier. In November of 2024 the Sebastopol City Council identified Housing Element Implementation as one of its priorities for the upcoming year. Recent communications from HCD, including an October 2025 letter of inquiry regarding the status of required updates to the City's ADU Ordinance (Attachment 2), have further encouraged the City to prioritize the implementation of its highest-priority programs. Table 1 below denotes the HCD Priority Program(s) that each change implements.

Staff recommends that the Planning Commission hold a public hearing, consider policy options where available, and move the package of Code Amendments forward by adopting the attached Resolution making their recommendations to the City Council.

PROJECT DESCRIPTION

This set of proposed code amendments will address the City's housing objectives and provide legal consistency between the General Plan and Zoning. The amendments will update the zoning code to comply with changes in state laws and the Housing Element; encourage higher density development near jobs and transit by enacting an overlay zone for workforce housing; clarify development standards for higher-density housing and for accessory dwelling units (ADUs); and encourage housing for 1st time homebuyers by authorizing the separate sale of ADUs as condominiums. The Sections of the Code to be changed and the basis for each change are further outlined in Table 1, below:

Table 1: Code Changes to Implement Housing Element (Phase One)

Staff Report Issue #	Description of Change	Basis for Change	HCD Priority Program(s)	Zoning Code Sections to be Changed
1	Changes to Table of Residential Land Uses & Related Definitions to add Low Barrier Navigation Centers in the R5, R6 and R7 zones, and to clarify that Supportive Housing and Community Care Homes are allowed uses in all residential zones.	State Laws require all of these changes, which are also listed as Programs in the City's certified Housing Element	D-2.2 Zoning Code Updates	Section 17.08 (Definitions); Table 1 (Permitted Residential Land Uses) in Section 17.20.030 (Ordinance Exhibits A and B)
2	Change to replace the existing 2 story height limit with a 35' height limit in the R6 and R7 zones	Housing Element Program required by HCD	A-3.1 Objective Design Standards; D-2.2 Zoning Code Updates	Table 2 (Residential Development Standards) in Section 17.20.030 (Ordinance Exhibit C)
3	Adopt a WH (Workforce Housing) Combining Zone	Housing Element Program required by HCD	A-3.4 Workforce Housing Overlay Zone; A-3.5 Opportunities for By-right Housing	Add a new Section 17.42 (Workforce Housing Combining Zone) (Ordinance Exhibit D)
4	Reduce parking requirement for homeless shelters to 1 space per employee	State law; Housing Element Program required by HCD	D-2.2 Zoning Code Updates	Table 1 (Parking Requirements) in Section 17.110.030 (Ordinance Exhibit E)

5	Update of ADU Ordinance to 1) address changes in State Law; and 2) allow separate conveyance of ADUs as condos	1) is required by State law; 2) is not required but furthers Housing Element programs for Missing Middle/1 st time homebuyers	D-2.2 Zoning Code Updates; A-3.3 Missing Middle Housing	Section 17.220 (Accessory Dwelling Units) (Ordinance Exhibit F)
6	Revise Standards for Reasonable Accommodations to remove finding related to impact on surrounding land uses	State law; Housing Element Program required by HCD	D-2.2 Zoning Code Updates; B-1.2 Reasonable Accommodation	Section 17.425.060 (Reasonable Accommodations) (Ordinance Exhibit G)
7	Remove discretionary review requirements for qualified housing projects	State law requires ministerial approval for qualified residential projects	A-3.1 Objective Design Standards; A-3.5 Opportunities for By-right Housing	Section 17-450-030 (Design Review Procedures) (Ordinance Exhibit H)

The Commission may note that there are two Housing Element Programs appearing on the HCD Priority list for timely implementation that are not covered by this set of Zoning Code Amendments: Program A-4.2 (Fee Mitigation and Transparency) and D-4.1 (Replacement Housing Requirement). Neither of these two programs requires a change to the Zoning Code and are therefore not included in this package of Code changes. The Commission and Council will receive a full report on the status of the City's progress in implementing all its Housing Element Programs this Spring as part of the 2025 Annual Planning Report.

ENVIRONMENTAL REVIEW

The adoption of zoning changes to implement an adopted General Plan Housing Element is categorically exempt from CEQA under multiple Sections. Section 15061 (b) (3) exempts projects that will have no physical change or effect on the environment. Public Resources Code (PRC) Section 21080.17 exempts the adoption of ADU and JADU Ordinances. AB 130 (2025) added a new exemption to PRC Section 21080.66 for changes to the Zoning Code that are necessary to implement an adopted General Plan Housing Element. All proposed Zoning Code changes are therefore exempt from further review under CEQA.

PROCESS AND TIMELINE

The proposed housing code changes have been duly noticed, including publication of a 1/8 page ad in the Press Democrat and email notice to interested parties and members of the public who requested notification. The Planning Commission also held a public workshop on the Code Changes October 14, 2025. At the conclusion of the Planning Commission's public hearing and deliberations tonight, the Commission's recommendations will be forwarded to the City Council for its consideration.

ANALYSIS AND POLICY OPTIONS

As shown in Table 1 above, each of the Zoning Code changes in this Phase 1 package of Code Amendments are required and prescribed by state laws with two exceptions: the Workforce Housing Combining Zone (required by Housing Element, but specifics not prescribed) and the AB 1033 provisions for separate sale of ADUs (the proposed changes to the ADU and JADU provisions are required, but the new Section 17-220.025 to allow separate conveyance of ADUs as condominiums is optional). The below analysis lays out each of the Zoning Code Amendments in ordinance order, and for the two that are not

prescribed by law, policy options are provided for the Commission's consideration.

Issue #1. Residential Land Uses and Related Definitions

State law requires certain residential uses that accommodate special needs populations to be allowed by-right in residential zones. Specifically, Supportive Housing (aka Permanent Supportive Housing) and Community Care Homes must be allowed by right in all zones where residential uses are permitted. Related definitions have been added/modified, as shown on Ordinance Exhibit A, to differentiate between Large Residential Community Care Facilities (commercial memory care facilities, for example) which still require a Use Permit, and Residential Community Care Homes, which take the form of a residential unit and must be allowed by-right.

Low Barrier Navigation Centers are defined in Government Code Section 65660 as "a Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing." State law requires that Low Barrier Navigation Centers be allowed in commercial zones that allow residential uses; this change has also been added to the Residential Land Use Tables (Ordinance Exhibit B) and the State definition of Low Barrier Navigation Center added to the Definitions section (Ordinance Exhibit A).

Recommendation: Approve the changes to the definitions of "Low Barrier Navigation Center" and "Residential Community Care Home" to the definitions section of the Zoning Code, as shown on Ordinance Exhibit A; approve the changes to the Residential Land Use Table to achieve consistency with State laws, as shown on Ordinance Exhibit B.

Issue #2. Residential Development Standards (height)

In its review of the City's development standards for residential uses, HCD determined that the existing 2 story height limit for multifamily apartments in the R6 and R7 zones posed a constraint to development. HCD required a Program to mitigate this constraint by replacing the existing 30 foot, 2 story height limit with an objective 35' height limit, which will allow both 2 and 3-storied construction within that limit. The Residential Development Standards Table is amended to eliminate the 2 story limit and replace it with a 35' height limit in the R6 and R7 zones, as shown on Ordinance Exhibit C.

Recommendation: Approve the change to the Residential Development Standards Table, as shown on Ordinance Exhibit C.

Issue #3. Applicability of the Workforce Housing Combining Zone

The Housing Element includes a Program to initiate a Workforce Housing Overlay district to allow for the expedited permitting process of residential housing within the Commercial corridor of Sebastopol. On June 28th, 2023 the City was awarded a Priority Development Grant (PDA) from the Metropolitan Transportation Commission (MTC) to establish a priority development area along the Highway 116 corridor that spans from northern and southern city limits. While not a Specific Plan for the PDA, this project would provide the elements required for refocusing the infill development along the corridor, and potentially revitalizing an existing shopping center, by adopting a new WFH combining district.

Housing Element program A-3.4 anticipates placement of a Workforce Housing Combining Zone over the commercial parcels in this area. Today's action would adopt the WFH provisions into the City code, but would not place the combining zone on any parcels. Rezoning of parcels to include this combining zone

would take place at the conclusion of the PDA.

Policy Options:

Option A. Limit availability of the WH Combining Zone to the commercial parcels along the Highway 116 corridor, including parcels with CG, CO and CD zoning designations. This is the “funded” project and the one that will be covered by the PDA and EIR.

Option B. Extend availability of the WH Combining Zone to the commercial and commercial/industrial parcels along the east side of Highway 12, including parcels with (Barlow) and CD zoning designations. This Option would open up The Barlow to residential development but would not be studied by the project EIR. Further, the flood issues in this portion of the City make residential development here more problematic.

Recommendation: Option A, limit availability of the WH Combining Zone to those parcels along the Highway 116 corridor, as originally intended. Should residential development be desired along the east side of the Highway 12 corridor in future, the allowable land uses for the (commercial industrial) zone could be amended to add them once the flooding and other potential environmental issues have been explored and addressed.

Issue #4: Proximity of Transit and Services for the Workforce Housing Combining Zone

The intent of the Workforce Housing Combining Zone is to encourage increased investment and appropriate residential use to support commercial development along the Highway 116 corridor when there is adequate access to jobs and transit.

Ideally, workforce housing would be located within easy walking distance to both employment and transit centers. For transit-oriented developments, a comfortable walking distance for people of all ages to catch a bus is 2-3 blocks, or up to about 1,300 feet. The generally accepted walking distance to employment for adults of working age is up to 3,000 feet, taking 10 to 15 minutes. For the purpose of applying the WH Combining Zone in Sebastopol, staff suggests that, given the City’s small size, a transit stop must be within 1,300 feet and an employment node must be within 2,500 feet of the workforce housing units. Transit centers are defined as a bus stop with average headways of not more than 60 minutes during peak hours. An employment node would need to include land with sufficient employment densities for the workforce. The policy options included below are consistent with Sonoma County’s assumed employment densities of 22 jobs per acre in industrial zones and 71 jobs per acre in retail and office zones.

Policy Options

Option 1: Require a maximum distance from employment center or transit of 2,500 feet. This option would set a maximum distance that is generally close enough to walk to either work or a bus stop, but may be too far for older persons or young children to comfortably walk to access transit.

Option 2: Define employment nodes as a minimum area of two acres of contiguous commercially zoned land or five acres of contiguous industrial-zoned land or combination thereof providing an equivalent ratio. This option would provide flexibility in location while ensuring that housing is near employment centers.

Option 3: Provide that the employment be on the same parcel as the workforce housing or adjacent to workforce housing. While requiring this option would strictly limit the number of housing sites

that could be considered for the combining zone, it could be included as an option for employers wishing to provide employee housing.

Recommendation

Options 2 and 3: Apply the WH Combining Zone to properties that are within 1,300 feet of a transit center or 2,500 feet of an employment node with at least two acres of commercial zoning or five acres of industrial zoning or to serve employment on the same or adjacent parcel. This option would provide a large degree of flexibility in applying this combining zone to the largest number of potential sites while still providing proximity to allow employees to walk, bike, or take transit to work.

Issue #5: Parking Requirements for Homeless Shelters

State law limits the amount of parking that a City can require for a homeless shelter to 1 space per employee or staff person.

Recommendation: Approve the change to the Required Parking Table to specify the parking requirements for homeless shelters is 1 space per each staff person on maximum shift, as shown on the attached Ordinance Exhibit E.

Issue #6: Accessory Dwelling Unit (ADU) and JADU Code Changes

Recommendation: Approve as shown in Ordinance Exhibit F

Issue #7: Separate Conveyance of ADUs as Condominiums (Assembly Bill 1033)

With the passage of AB 1033 the State established a mechanism for jurisdictions to allow ADUs to be sold separately from a primary residence as condominium units, offering new opportunities for entry level homeownership. Similar to the requirements for condominiums, property owners selling an ADU must form a homeowner's association (HOA) for property maintenance and establish separate utilities for the property. ADU condominiums are eligible for federally guaranteed mortgages. Overall, AB 1033 provides affordable homeownership opportunities to those historically excluded from purchasing homes and incentivizes homeowners who can construct ADUs to benefit financially from providing for-sale housing.

Benefits to Homeowners. The separate sale of ADUs can benefit homeowners as this could unlock equity without having to sell or refinance the main home. It maximizes property value by having the flexibility to sell both the main home and ADU separately, monetizing ADUs as assets rather than solely relying on rental income. It provides affordable housing options for first-time buyers as well as for people looking to downsize. Developing and selling an ADU can provide quick financial liquidity, giving homeowners the opportunity to invest elsewhere or to pay off mortgages.

Benefits to Home Buyers. Having an adopted AB 1033 program can also help buyers access a lower entry price for housing, as ADUs tend to be more affordable. Entry-level homes can help first-time buyers to get into the housing market without incurring the higher costs associated with traditional homes. For-sale ADUs can also provide opportunities for residents who want a smaller and more manageable unit. Finally, ADUs provide opportunities to buy into desirable, higher resource neighborhoods where most traditional homes are scarce and unaffordable.

Previous Actions. At its regularly scheduled meeting of May 13, 2025, the Planning Commission heard a presentation from the Napa Sonoma Collaborative about the possibility of the City opting into AB 1033

for the separate sale of ADUs. During the meeting, the Commission expressed favored support for the initiative and provided staff with considerations for a subsequent meeting. Points of discussion included infrastructure concerns and utilities requirements for new ADUs, questions around the establishment of HOAs and ensuring access to homeowners of varying expertise, ensuring that creation of these new units is consistent with the General Plan and Housing Element, and overall making it easy and straightforward for homeowners to utilize the program. Currently, San Jose, Santa Cruz, San Diego, Encinitas and Oakland are among the earliest cities to have adopted AB 1033. A variety of other cities including Berkeley, San Francisco, Chula Vista, and Carlsbad are working toward ordinances to implement AB 1033.

Requirements for Implementation of AB 1033

Government Code Section 65852.2 (a)(10) requires the ordinance to include provisions for the following:

1. The condominium must qualify as a common interest development pursuant to the California Davis-Stirling Common Interest Development Act (Civil Code Sections 4000 et seq).
2. The condominium must be created in conformance with all applicable objective requirements of the Subdivision Map Act (Government Code Sections 66410 et seq) and all objective requirements of a local subdivision ordinance.
3. A safety inspection of the accessory dwelling unit must be conducted before recording the condominium plan.
4. The subdivision map or condominium plan cannot be recorded against the property until the lienholder(s) consents. The lienholder can opt to not consent, effectively prohibiting the subdivision. Or the lienholder may consent provided that certain terms and conditions are met.
5. The homeowner will be required to notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.
6. If the property is in a planned development with an existing association, the property owner must first obtain the express written authorization of the existing association before recording a condominium map.

Along with the stated requirements above, AB 1033 also requires written consent from applicants prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

“(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have.”

The bill also requires compliance with the Davis-Stirling Common Interest Development Act (CIDA), which is the California law governing the management and operation of common interest developments (CIDs), such as condominiums, cooperatives, and planned unit developments. It provides a legal framework for HOAs (Homeowners Associations) to manage these communities, ensuring transparency, fairness, and accountability. The Act covers a wide range of topics, including board elections, financial disclosures, maintenance responsibilities, and enforcement of community rules.

During their May 13, 2025, meeting, multiple Commissioners expressed concern about barriers to the creation of an HOA for a typical homeowner. The Napa Sonoma Collaborative has provided staff with a sample checklist that can be modified to fit the needs of the City. This checklist provides an easy entry point for the basic homeowner to start the process of converting their ADU into a condominium unit. These materials can be made bilingually available in both digital and paper form. While most items on the checklist can be completed by homeowners, there are items that may need to be completed by licensed professionals, i.e., parcel map and HOA bylaws. While the City can provide helpful guidance such as checklists, staff recommends that applicants consult with the appropriate legal counsel before finalizing their plans because HOA documents are complex and legally binding.

Policy Options

- A. Adopt the simplified Ordinance with the HOA requirements listed separately in a handout. This option would include all of the required elements of AB 1033 while limiting confusing language. However, there would be two sources of information for the public to access.
- B. Adopt a version of the Ordinance that includes all of the HOA requirements. This option would also include all of the required elements of AB 1033 as well as the requirements for the establishment of an HOA. It would be longer and less user friendly.
- C. Do not adopt. This option would not adopt the AB 1033 provisions.

Recommendation: Policy Option A, approve as shown in Ordinance Exhibit F.

Issue #8: Reasonable Accommodations under the Fair Housing Acts

The Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) require that local agencies provide reasonable accommodation in the application of zoning laws and other land use regulations, policies, and procedures for persons with disabilities who are seeking access to housing of their choice. A request for reasonable accommodation under the Acts may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing when those regulations would eliminate regulatory barriers and provide the person with a disability equal opportunity to the housing of their choice. Sebastopol adopted the reasonable accommodations ordinance Chapter 17.425 in 2018 but it currently includes a finding for approval that is not in compliance with State law.

Recommendation: Approve the removal of the finding related to the impact on surrounding land uses, as shown on Ordinance Exhibit G.

Issue #9: Design Review Procedures.

Sebastopol's Housing Element Technical Background Report identifies Sebastopol's current Design Review Procedures as a potential constraint to the development of housing. HCD has required a Program to eliminate arbitrary decision-making from the City's Design Review Procedures and rely instead on objective standards and clear findings for approval. Specifically, HCD identified the discretionary review process and arbitrary findings for approval as constraints to housing that must be removed. Housing Element Program. Rather than eliminating discretionary Design Review altogether, staff has added a new section to ensure the design of residential projects is in conformity with the adopted Design and Development standards.

Recommendation: Approve the changes to eliminate the discretionary review process for qualifying housing projects, while maintaining it for commercial projects. Recommended changes are shown on Ordinance Exhibit H.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission hear the staff presentation and:

1. Hold a public hearing;
2. Deliberate on the policy options provided in the staff report; and
3. Adopt a resolution finding the project exempt from CEQA and recommending the zoning code changes to the City Council.

The Planning Commission's recommendation and discussion will be forwarded to the City Council for consideration at another public hearing this winter.

ATTACHMENTS

- A- Housing Element Certification Letter dated March 07, 2023
- B- Inquiry letter from HCD re: Status of ADU Ordinance Changes dated October 08, 2025
- C- Draft Planning Commission Resolution
- D- Draft Ordinance with Exhibits A - H

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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March 7, 2023

Larry McLaughlin, City Manager
City of Sebastopol
7120 Bodega Avenue
Sebastopol, CA 95473

Dear Larry McLaughlin:

RE: City of Sebastopol's 6th Cycle (2023-2031) Adopted Housing Element

Thank you for submitting the City of Sebastopol's (City) housing element adopted on January 3, 2023, and received for review on January 9, 2023, including modifications received on March 2, 2023, authorized by Resolution Number 6501-2023. Pursuant to Government Code section 65585, subdivision (h), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on February 27, 2023, with Kari Svanstrom, Planning Director, John Jay, Associate Planner and consultants Jane Riley and Elliott Pickett.

HCD is pleased to find the adopted housing element in substantial compliance with State Housing Element Law (Article 10.6 of the Gov. Code). The adopted element, including modifications, addresses the statutory requirements described in HCD's December 1, 2022 review.

Additionally, the City must continue timely and effective implementation of all programs including, but not limited to, the following:

- Program A-3.1: Objective Design Standards
- Program A-3.3: Missing Middle Housing
- Program A-3.4: Workforce Housing Overlay Zone
- Program A-3.5: Opportunities for By Right Housing
- Program A-4.2: Fee Mitigation and Transparency
- Program B-1.2: Code Enforcement and Reasonable Accommodation Procedures
- Program D-2.2: Zoning Code Updates
- Program D-4.1: Replacement Housing Requirement

The City must monitor and report on the results of these and other programs through the annual progress report, required pursuant to Government Code section 65400.

Please be aware, Government Code section 65585, subdivision (i) grants HCD authority to review any action or failure to act by a local government that it determines is inconsistent with an adopted housing element or housing element law. This includes failure to implement program actions included in the housing element. HCD may revoke housing element compliance if the local government's actions do not comply with state law.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City now meets housing element requirements for these and other funding sources.

HCD wishes Sebastopol success in implementing its housing element and looks forward to following the City's progress through the annual progress report pursuant to Government Code section 65400. If HCD can provide assistance in implementing the housing element, please contact Fidel Herrera of our staff, at Fidel.Herrera@HCD.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul McDougall", with a stylized flourish at the end.

Paul McDougall
Senior Program Manager

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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October 8, 2025

Kari Svanstrom
Community Development Director
City of Sebastopol
7120 Bodega Avenue
Sebastopol, CA 95472

Dear Kari Svanstrom:

**RE: City of Sebastopol – Accessory Dwelling Unit (ADU) Ordinance Updates –
Letter of Technical Assistance**

The most recent ADU ordinance on file for City of Sebastopol with the California Department of Housing and Community Development (HCD) is from 2019. Given the numerous changes to State ADU Law since the adoption of the ordinance, the ordinance may be outdated and out of compliance with State ADU Law. If HCD's records are incorrect, and a new ordinance has been adopted, please submit it to the [ADU Portal](#) for HCD's review.

Below are the changes to State ADU Law that have occurred in recent years and may warrant an update to the City of Sebastopol's ADU ordinance:

Updates to the [ADU Handbook \(2025\)](#)

- Clarifies that ADU Law prohibits deed restrictions on ADUs. A deed restriction would be an "additional standard" and thus cannot be imposed on ADUs (Gov. Code, § 66315).
- Clarifies that homeowners' associations (HOAs), as a third party, cannot influence the approval of an application to create an ADU. Third party reviews by an HOA or their representatives or agents would violate State ADU Law. (Gov. Code, § 66315.) No other local ordinances, policies, or regulations may be applied in the approval or denial of an ADU or junior ADU (JADU) permit application (Gov. Code, § 66317, subd. (c)).
- Clarifies that local agencies may not require parking as a condition to permitting a JADU, even when the JADU is converted from an attached garage (Gov. Code, § 66334, subd. (a)).

Changes to ADU Law in 2024:

- SB 477 (Chapter 7, Statutes of 2024) made changes to the numbering of the sections of the Government Code for State ADU and JADU Laws.
- Prohibits a local agency from denying a permit for an unpermitted ADU or JADU that was constructed before January 1, 2020, for building code violations, unless the local agency makes a finding that correcting the violation is necessary to comply with conditions that would otherwise deem a building substandard (Gov. Code, § 66332, subds. (a)-(c)).
- Defines “livable space” as a space in a dwelling intended for human habitation, as the term appears in Government Code sections 66313, subdivision (e), and 66323, subdivision (a)(3)(A).
- Provides that uncovered, off-street parking spaces demolished in conjunction with the construction of an ADU do not need to be replaced (Gov. Code, § 66314, subd. (d)(11)).
- Changes the allowable number of detached ADUs on a lot with an existing multifamily dwelling to eight detached ADUs, provided that the number of ADUs does not exceed the number of existing units on the lot (Gov. Code, § 66323, subd. (a)(4)(A)(ii)).
- Prohibits a local agency from imposing any objective development standards on 66323 Units that are not authorized by the provisions of Government Code section 66323, subdivision (a) (Gov. Code, § 66323, subd. (b)).

Changes to ADU Law in 2023:

- Sunsets a former prohibition on a local agency imposing an owner occupancy requirement on any ADU and instead prohibits a local agency from requiring owner occupancy for an ADU (Gov. Code, § 66315).
- Allows a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and ADU(s) as condominiums, subject to certain conditions (Gov. Code, §§ 66340-66342).

Changes to ADU Law in 2021:

- Allows local agencies to permit the separate conveyance of ADUs from the primary dwelling under Government Code section 66341 in certain circumstances.

Changes to ADU Law in 2020:

- Requires that an application for the creation of an ADU or JADU is deemed approved (not just subject to ministerial approval) if the local agency has not approved or denied the completed application within 60 days (Gov. Code, § 66317, subd. (a)).

- Requires ministerial approval of an application for a building permit within a residential or mixed-use zone to create one ADU and one JADU per lot (not one or the other), within the proposed or existing single-family dwelling, if certain conditions are met (Gov. Code, § 66323, subd. (a)(1)(A)).
- Allows for rental or leasing of a separate interest ADU or JADU in a common interest development, notwithstanding governing documents that otherwise appear to prohibit renting or leasing of a unit, and without regard to the date of the governing documents (Civ. Code, §§ 4740, subd. (a); 4741, subd. (a)).
- Allows a homeowner to create “any of the following”: one converted or attached ADU; one detached, new construction ADU; and one JADU (Gov. Code, § 66323, subds. (a)(1)-(2)). More information can be found in HCD’s 2025 ADU Handbook.

Changes to ADU Law in 2019:

- Prohibits local agencies from including requirements on minimum lot size in development standards for ADUs (Gov. Code, § 66314, subd. (b)(1)).
- Allows local agencies to designate areas where ADUs may be located based on the adequacy of water and sewer services, as well as on impacts on traffic flow and public safety (Gov. Code, § 66314, subd. (a)).
- Eliminates all owner occupancy requirements by local agencies for ADUs approved between January 1, 2020, and January 1, 2025 (Gov. Code, § 66315).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet (Gov. Code, § 66321, subds. (b)(2), (b)(3)).
- Prohibits a local agency from requiring replacement of off-street parking spaces for ADUs created through the conversion of a garage, carport, or covered parking structure (Gov. Code, § 66314, subd. (d)(11)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, §§ 66317, subd. (a); 66335, subd. (2)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes, and are available to the public (Gov. Code, § 66313, subd. (m)).
- Adds impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees, but those fees must be proportional in size (by square foot) to fees charged for the primary dwelling unit (Gov. Code, § 66324, subd. (c)(1)).
- Defines of an “accessory structure” to mean a structure that is accessory and incidental to a dwelling on the same lot (Gov. Code, § 66313, subd. (b)).

- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 66320).
- Allows for a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom and an interior entry into the single-family residence (Gov. Code, § 66333, subd. (d)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 66331; HSC, § 17980.12).
- Makes covenants, conditions, and restrictions that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use void and unenforceable (Civ. Code, § 4751)).

If an existing ADU ordinance fails to meet the requirements of State ADU Law, the ordinance is “null and void” and the local jurisdiction must apply the standards set forth in State ADU Law until it adopts an ordinance that complies with state law (Gov. Code, § 66316). HCD recommends that a local jurisdiction with a noncompliant ADU ordinance repeal the ordinance to provide clarity for ADU applicants who may otherwise rely on the outdated ordinance.

HCD requests a response by November 7, 2025 with either (1) a description of how the ADU ordinance continues to comply with State ADU Law despite the changes to the law, or (2) a plan and timeline to either repeal the current ordinance or adopt an amended, compliant ordinance and submit it to HCD for review.

If you have any questions or need additional information, please contact Auzzie at Auzzie.Sheard@hcd.ca.gov.

Sincerely,



Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit

City of Sebastopol
Resolution No. _____

AN ORDINANCE OF THE PLANNING COMMISSION OF THE CITY OF SEBASTOPOL
RECOMMENDING THE CITY COUNCIL ADOPT CHANGES TO THE ZONING CODE TO
IMPLEMENT HOUSING ELEMENT PROGRAMS AND PROVIDE CONSISTENCY WITH
NEW STATE LAWS

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 City of Sebastopol adopted a new General Plan Housing Element on January 3, 2023; and
3. Whereas, the California Department of Housing and Community Development (HCD) found Sebastopol's Housing Element in compliance with state law and granted certification on April 3, 2023; and
4. Whereas, the General Plan Housing Element contains a schedule of programs to be implemented by the end of 2024, including programs that require amendments to the City's Zoning Code to provide consistency between the General Plan and Zoning, as required by law; and
5. Whereas, there have been multiple changes to state laws regulating housing projects and accessory dwelling units since 2022, and changes to the City's Zoning Code are required to provide consistency with state laws; and
6. Whereas, the Planning Commission conducted public workshop on revisions to the Zoning Ordinance to Implement the Housing Element on October 14th, 2025; and
7. Whereas, the Planning Commission conducted a duly noticed public hearing to review the recommended changes to the Zoning Ordinance to Implement the Housing Element on December 9 2025, accepted public comment, and;
8. Whereas, Zoning Code amendments that are necessary to implement a certified General Plan Housing Element are categorically exempt from additional review under the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED that the City of Sebastopol's Planning Commission recommends that the City Council of the City of Sebastopol approve and adopt amendments to the City of Sebastopol Zoning Ordinance

SECTION I. The Planning Commission finds and declares that the adoption of the code changes necessary to implement the recently adopted General Plan Housing Element and to enable expanded opportunities for additional housing types in appropriate areas within the City. The Planning Commission finds that the following facts support the adoption of this ordinance:

1. The proposed amendments to the Zoning Code are consistent with the City of Sebastopol General Plan and directly further the goals, objectives, policies and programs of the General Plan Housing Element; and
2. The proposed amendments are necessary to achieve compliance with new state laws related to housing, and with the recently adopted General Plan Housing Element.

SECTION II. Chapter 17 of the Sebastopol Municipal Code (Zoning) is amended as follows:

1. Section 17.08 (Definitions) is amended to add the following definitions in its alphabetical order,
 - a. Low Barrier Navigation Center
2. Table 1 (Permitted Residential Land Uses) in Section 17.20.030 is amended to allow Low Barrier Navigation Centers in the R5, R6 and R7 zones, and to allow Supportive Housing and Residential Community Care Homes in any zone where residential uses are allowed,
3. Table 2 (Residential Development Standards) in Section 17.20.030 is amended to replace the existing 2 story height limit with a 35' height limit in the R6 and R7 Zoning districts,
4. A new Section 17.42 (Workforce Housing Combining Zone) is added to the Zoning Code to establish new allowances for residential development on commercial sites along Highway 116,
5. Table 1 (Parking Requirements) in Section 17.110.030 is amended to specify "1 per each staff person at maximum shift" for homeless shelter uses,

6. Section 17.220 (Accessory Dwelling Units) is amended to provide alignment with new state laws, and to allow separate conveyance of Accessory Dwelling Units as condominiums, as allowed by Assembly Bill 1033 (2025)
7. Section 17.425.060 (Reasonable Accommodations) is amended to remove the finding related to impacts on surrounding land uses,
8. Section 17-450-030 (Design Review Procedures) is amended to remove discretionary review for qualified residential projects that require ministerial application processing while retaining design review for non-residential projects,

VOTE:

Ayes:

Noes:

Abstain:

Absent:

APPROVED:

Jane Riley, Interim Planning Director

City of Sebastopol
Ordinance No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
ADOPTING CHANGES TO THE ZONING CODE TO IMPLEMENT HOUSING ELEMENT
PROGRAMS AND PROVIDE CONSISTENCY WITH NEW STATE LAWS

1. Whereas, the City of Sebastopol adopted a new General Plan Housing Element on January 3, 2023; and
2. Whereas, the California Department of Housing and Community Development (HCD) found Sebastopol's Housing Element in compliance with state law and granted certification on April 3, 2023; and
3. Whereas, the General Plan Housing Element contains a schedule of programs to be implemented by the end of 2024 and 2025, including programs that require amendments to the City's Zoning Code to provide consistency between the General Plan and Zoning, as required by law; and
4. Whereas, there have been multiple changes to state laws regulating housing projects and accessory dwelling units since 2022, and changes to the City's Zoning Code are required to provide consistency with state laws; and
5. Whereas, the Planning Commission conducted public workshop on revisions to the Zoning Ordinance to Implement the Housing Element on October 14th, 2025; and
6. Whereas, the Planning Commission conducted a duly noticed public hearing to review the recommended changes to the Zoning Ordinance to Implement the Housing Element on December 9 2025, accepted public comment, and adopted a resolution forwarding the proposed Zoning Ordinance amendments to the City Council and recommending its adoption; and
7. Whereas, the City Council conducted a duly noticed public hearing to review the recommended changes to the Zoning Ordinance to Implement the Housing Element and accepted public comment on January 06, 2026 (first reading); and
8. Whereas, on January 20, 2026 the City Council conducted a duly-noticed Public Hearing, deliberated, and found that the recommended changes to the Zoning Ordinance to Implement the Housing Element are compatible with the general objectives of the General Plan, in that it directly implements certain programs of the General Plan Housing Element, thereby achieving consistency between the General Plan and the Zoning Ordinance; and
9. Whereas, Zoning Code amendments that are necessary to implement a certified General Plan Housing Element are categorically exempt from additional review under the California Environmental Quality Act (CEQA).

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

SECTION I. The Council finds and declares that the adoption of this Ordinance is necessary to implement the recently adopted General Plan Housing Element and to enable expanded opportunities for additional housing types in appropriate areas within the City. The Council finds that the following facts support the adoption of this ordinance:

1. The proposed amendments to the Zoning Code are consistent with the City of Sebastopol General Plan and directly further the goals, objectives, policies and programs of the General Plan Housing Element; and
2. The proposed amendments are necessary to achieve compliance with new state laws related to housing, and with the recently adopted General Plan Housing Element.

SECTION II. Chapter 17 of the Sebastopol Municipal Code (Zoning) is amended as follows:

1. Section 17.08 (Definitions) is amended to add the following definition in its alphabetical order, as set forth in the attached **Exhibit A**:
 - a. Low Barrier Navigation Center
2. Table 1 (Permitted Residential Land Uses) in Section 17.20.030 is amended to allow Low Barrier Navigation Centers in the R5, R6 and R7 zones, and to allow Supportive Housing and Residential Community Care Homes in any zone where residential uses are allowed, as shown in the attached **Exhibit B**.
3. Table 2 (Residential Development Standards) in Section 17.20.030 is amended to replace the existing 2 story height limit with a 35' height limit in the R6 and R7 Zoning districts, as set forth in the attached **Exhibit C**.
4. A new Section 17.42 (Workforce Housing Combining Zone) is added to the Zoning Code to establish new allowances for residential development on commercial sites along Highway 116, as set forth in the attached **Exhibit D**.
5. Table 1 (Parking Requirements) in Section 17.110.030 is amended to specify "1 per each staff person at maximum shift" for homeless shelter uses, as shown in the attached **Exhibit E**.
6. Section 17.220 (Accessory Dwelling Units) is amended to provide alignment with new state laws, and to allow separate conveyance of Accessory Dwelling Units as condominiums, as allowed by Assembly Bill 1033 (2025) as shown on the attached **Exhibit F**.
7. Section 17.425.060 (Reasonable Accommodations) is amended to remove the finding related to impacts on surrounding land uses, as shown in the attached **Exhibit G**.
8. Section 17.450.030 (Design Review Procedures) is amended to remove discretionary review for qualified residential projects that require ministerial application processing while retaining design review for non-residential projects, as shown in the attached **Exhibit H**.

SECTION III: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION IV: This Ordinance shall be and the same is hereby declared to be in full force and effect on and after 30 days following its passage, and shall be published once before the expiration of fifteen (15) days after passage, with the names of the Councilmembers voting for or against the same, in a newspaper of general circulation, published in the County of Sonoma, State of California.

Approved for First Reading and Introduction on this ____ day of _____, 2026.

Scheduled for Second Reading and Approval on the ____ day of _____, 2026.

VOTE:

Ayes:

Noes:

Abstain:

Absent:

APPROVED: _____

Jill McLewis, Mayor

ATTEST: _____

Mary Gourley, Interim City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____

Alex Mog, City Attorney

Chapter 17.08

DEFINITIONS

Section 17.08 (Definitions) is amended to add the following definition in its alphabetical order, as set forth in the attached **Exhibit A**:

"Low Barrier Navigation Center" means Housing First, low barrier, temporary, service-enriched shelter focused on helping homeless individuals and families to quickly obtain permanent housing. Low barrier includes best practices to reduce barriers to entry, such as allowing partners, pets, storage of personal items, and privacy. (Gov. Code, § 65660.).

Chapter 17.20 RESIDENTIAL DISTRICTS

17.20.030 Development standards.

Table 17.20-1. Permitted and Conditionally Permitted Uses in the Residential Districts

Use	R1	R2	R3	R4	R5	R6	R7	RMH
Accessory dwelling <u>unit (ADU)</u>	P	P	P	P	P	P	P	-
<u>Low Barrier Navigation Center</u>	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>	=
Junior accessory dwelling <u>unit (JADU)</u>	P	P	P	P	P	P	-	-
Large Residential community care <u>facility</u> , residential	C	C	C	C	C	C	C	-
<u>Residential community care home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	=
<u>Supportive Housing</u>	=	=	=	=	<u>P</u>	<u>P</u>	<u>P</u>	

**Chapter 17.20
RESIDENTIAL DISTRICTS**

Chapter 17.20.030

Table 17.20-2. Development Standards in the Residential Zones

Development Standard	R1	R2	R3	R4	R5	R6	R7	RMH
Maximum building height								
Main buildings	30 ft., 2 stories	30 ft., 2 stories	30 ft., 2 stories	30 ft., 2 stories	30 ft., 2 stories	350 ft., 2 stories	350 ft., 2 stories	30ft., 2 stories
Deed-restricted affordable housing, three stories	-	-	-	-	-	-	40 ft., 3 stories	-

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Chapter 17.42

WH WORKFORCE HOUSING COMBINING DISTRICT

17.42.005. Purpose.

The purpose of the Workforce Housing (WH) Combining District is to implement policies and programs of the Sebastopol Housing Element by increasing the supply of housing for the local workforce near jobs and transportation services. When the WH Overlay Zone is applied to a parcel, allowed uses shall include those allowed by the underlying zone district, or the residential and mixed uses allowed by this Section, or both.

17.42.010. Applicability.

The WH combining district may be applied to properties within commercial areas with the following base zones:

- (a) CG (General Commercial) District;
- (b) CO (Office Commercial) District;
- (c) CD (Downtown Core) District;

17.42.020. Designation criteria.

Parcels proposed for rezoning to add the Workforce Housing Combining District must meet all of the following criteria:

- (a) Parcel must be located within the downtown or along the 116 commercial corridor.
- (b) There are adequate urban services available to serve the projected residential development.
- (c) The proposed parcel would accommodate housing to serve an on-site commercial or industrial uses; or the parcel is located within thirteen hundred feet (1,300') from either one (1) of the following:
 - (1) A bus stop with average headways of sixty (60) minutes or less during peak hours; or
 - (2) If the subject parcel is not developed or planned for both residential and employment opportunities on site, then the parcel to be rezoned shall be located within 1300' of an employment opportunity with at least 6 jobs, or at least two acres of commercially or five acres of Industrially zoned land.
- (d) The proposed rezoning to add the -WH Overlay is consistent with the overall goals, objectives, policies and programs of the general plan and any applicable area or specific plans as amended from time to time.
- (e) The parcel to be rezoned is not directly adjacent to incompatible land uses that emit noxious levels of noise, odor, and other pollutants.

17.42.030. Permitted uses.

The following uses are permitted in addition to those allowed by the underlying base zone, in compliance with Section 17.250 (Inclusionary Housing):

- (a) Multi-family housing projects providing at least the number of inclusionary units required under 17.250.050.A on-site;
- (b) Planned developments and condominiums with as-built density of not less than 12 units per acre and providing at least twenty percent (15%) of the total units affordable to low- and moderate-income households;
- (c) Cottage courts, duplexes, triplexes, quadplexes, small-lot ownership developments, and similar small home villages when the project achieves an as-built density of not less than 10 units per acre and when the inclusionary requirements of 17.250.050.A are met on site.
- (d) Mixed-use projects in compliance with Section 17.25.030 (c). (Residential Mixed Use Development Standards on Commercial Parcels) providing at least ten percent (10%) of the total residential floor area as affordable to lower-income households or at least fifteen percent (15%) of the total residential floor area as affordable to moderate-income households.

Notwithstanding the above, nothing in this Code Section shall be construed to prevent a property containing a single-family home within the WH Combining Zone from being developed in accordance with state law, including but not limited to statutory allowances for Accessory Dwelling Units and Junior Accessory Dwelling Units.

17.42.040. Uses permitted with a use permit.

- (a) Multifamily, mixed-use, or ownership housing projects providing less than the minimum densities or minimum number of affordable units or levels of affordability required in Section 17.42.030;
- (b) Multifamily, mixed-use, or ownership housing projects that do not meet the objective development criteria or design standards.

17.42.050. Residential and Mixed-Use development criteria.

Multifamily residential and mixed-use projects shall conform to the development standards listed in Section 17.20.030 for R7 (High Density Residential) and the City's Objective Design Standards. Cottage courts and similar ownership projects shall conform to the development standards listed in Section 17.20.030 for R5 (Single Family and Multi Family Residential) and the applicable portions of the Objective Design Standards. Additional criteria for parcels within the -WH Overlay Zone are set forth below:

- (1) Vacation rentals or other transient occupancies are prohibited within residential housing projects on any site in the -WH Zone.

- (2) Residential and mixed-use housing projects located on the same site as, or directly adjacent to, existing or proposed commercial or industrial uses must notify prospective tenants of the potential for noise disturbance or future noise disturbance.

Chapter 17.110
OFF-STREET PARKING REGULATIONS

17.110.030 Schedule of off-street parking space requirements.

Table 17.110-2. Parking Requirements

	Vehicle Parking Spaces	Rideshare Spaces	Bicycle Parking Spaces
Homeless shelter	1 per 10 bed each staff person at maximum shift	-	25% of the required vehicle space

Chapter 17.220

ACCESSORY DWELLING UNITS

Sections:

17.220.010 Purpose.

17.220.020 Accessory dwelling unit criteria.

17.220.030 Junior accessory dwelling unit criteria.

17.220.010 Purpose.

This chapter provides for accessory dwelling units (ADU) and junior accessory dwelling units (JADU) consistent with [California Government Code Sections 66310 to 66342](#)~~Government Code Section 65852.2~~. (Ord. 1129 Exh. A § 6, 2019; Ord. 1111, 2018)

17.220.020 Accessory dwelling unit criteria.

A. *Location.* Accessory dwelling units may be allowed as follows:

1. Parcels zoned for single-family, duplex or multifamily use, or on nonresidentially zoned properties, which are currently used for a single-family [or multifamily](#) residential use, either simultaneous to or subsequent to construction of the ~~primary dwelling or dwellings~~[principal single-family detached dwelling](#);
 2. Parcels which are currently used for a multifamily land use, when the accessory dwelling unit is created within portions of the existing multifamily dwelling structure that is not used as livable space, and if each space complies with applicable building and health and safety codes. However, one-story detached accessory dwelling units may be allowed on a multifamily dwelling parcel provided such units comply with the development standards for one-story accessory dwelling units in subsection [D](#) of this section;
 3. 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.*

1. *Single-Family Residential Uses.* ~~In no case shall more than one accessory dwelling unit and one junior accessory dwelling unit be placed on the same lot or parcel for single-family dwellin~~This section shall allow the creation of any of the following units, or any combinations of the following units:gs.

a. One ADU created within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure; a 150 sq. ft. expansion to an existing accessory structure must also be permitted to accommodate ingress and egress.

b. One JADU created within the proposed space of a single-family dwelling or existing space of a single-family dwelling; JADU complies with requirements of California Government Code Section 66333.

c. One detached, new construction ADU with a floor area of up to 800 square feet with four-foot side and rear setbacks and a height compliant with California Government Code Section 66321, subd. (b).

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2. *Multifamily Residential Uses.*

a. ~~No more than two detached accessory dwelling units shall be allowed on a parcel zoned multifamily residential. Up to eight detached accessory dwelling units shall be allowed on a parcel zoned multifamily residential, provided that the total number of ADUs does not exceed the number of existing units on the lot. On multifamily lots with a proposed multifamily dwelling, up to two detached ADUs shall be allowed. Up to one attached ADU is allowed for each four existing multifamily units.~~

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b. ~~The number of accessory dwelling units allowed on a multifamily property are limited to not more than 25 percent of the number of multifamily dwelling units on the property, except that at least one accessory dwelling unit shall be allowed.~~

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

D. ~~Conditions~~Standards. 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:
 - a. Parcels of 10,000 square feet or greater: 1,000 square feet.
 - b. All other parcels: 850 square feet for a studio or one-bedroom accessory dwelling unit, or 1,000 square feet for an accessory dwelling unit that provides for more than one bedroom.
2. Notwithstanding the maximum sizes in D.1, an attached accessory dwelling unit shall not be restricted to less than 800 square feet. The floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area or 1,000 square feet, whichever is less, unless a larger size is permitted by D.1.

~~The increased floor area of an attached accessory dwelling unit shall not exceed 800 square feet or 50 percent of the existing living area, whichever is greater.~~

3. *Height*. ~~The height of a one-story detached accessory dwelling unit shall not exceed 18 feet, and a detached two-story accessory dwelling unit shall not exceed 25 feet.~~

a. A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.

b. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height is allowed if needed to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

c. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

A height of 25 feet for an accessory dwelling unit that is attached to a primary dwelling. An additional two feet in height is allowed if needed to accommodate a roof pitch on the

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~~accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.~~
~~Detached ADUs on a lot with an existing or proposed single-family or multifamily dwelling unit shall be permitted a maximum height of at least 16 feet.~~

~~d.~~

~~b. A maximum height of at least 18 feet shall be permitted for a detached ADU on a lot that is within a half-mile walking distance of a major transit stop or a high-quality transit corridor, or on a lot with an existing or proposed multifamily, multistory dwelling. An additional two feet in height shall be permitted to accommodate a roof pitch that aligns with the roof pitch of the primary dwelling unit.~~

~~c. Attached ADUs shall not exceed 25 feet, or the height limitation that applies to the primary dwelling in the local zoning ordinance, whichever is lower.~~

~~4. Architecture.~~

~~a. Accessory dwelling units shall be substantially compatible with the principal unit and the neighborhood.~~

~~ba. For accessory dwelling units located within the required setbacks of the primary residence, all windows along the wall facing the adjoining property line within the required setback shall be clerestory (minimum of five feet, six inches sill height above the finished floor) or shall have permanently obscured glazing.~~

~~Windows that vary from this standard may be allowed following the submittal of an application for approval of a discretionary design review application by the Planning Director or with written approval from the adjacent property owner that faces the window(s). Design Review Board approval shall be required for any windows that vary from the established standard if requested by a neighbor sharing a property line to the subject window(s).~~

45. Setbacks.

a. 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, except that a setback of no more than four feet from the side and rear lot lines shall be required for an attached ADU that is 800 square feet or smaller.

b. One-story accessory dwelling units (both attached and detached) shall have side and rear setbacks of not less than four feet.

c. No setback shall be required for an ADU or JADU created within an existing living area or accessory structure or an ADU created in a new structure in the same location to the same dimensions as an existing structure, garage or other accessory structure.

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~~which was constructed with a building permit as of January 1, 2020, that is converted to an accessory dwelling unit.~~

d. A setback of no more than ~~four~~ five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an ~~existing~~ garage.

~~e. A front yard setback shall be the same as required for the primary dwelling, except that no front yard shall be applied which would preclude an ADU of at least 800 square feet from being built on the property.~~

~~56. Manufactured and Mobile Homes.~~ Manufactured and mobile home accessory dwelling units that meet the requirements of State law shall be allowed; provided, that they are ~~placed~~ constructed on a permanent foundation, ~~have minimum roof pitch of 3:12, do not utilize metal or aluminum siding are deemed substantially compatible architecturally with the principal unit by the Planning Director,~~ and adhere to the development standards set forth in this chapter.

~~67. Utility Connections.~~ ~~Separate~~ At the discretion of the City Engineer, utility connections (sewer, water, gas, electricity, telephone) ~~are not required but may be provided at the request of the applicant if approved by the City Engineer. Water and sewer connections are subject to payment of applicable hook-up fees, as well as encroachment permit(s), if necessary. 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:~~

~~a. 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.~~

~~8. Selling Accessory Dwelling Units.~~ The accessory dwelling unit shall be not offered for sale apart from the principal unit.

~~79. Renting Accessory Dwelling Units.~~ The rental of an accessory dwelling unit is allowed, but not required.

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a. Accessory dwelling units on a single-family residential property authorized after July 1, 2017, may not be rented on a transient occupancy basis (less than 30 days), unless a conditional use permit for transient occupancy has been granted.

b. Accessory dwelling units ~~authorized~~ on a parcel with existing multifamily dwelling uses may not be rented on a transient occupancy basis (less than 30 days).

~~810.~~ *Separate Entrance Required.* The entry to an attached accessory dwelling unit shall be accessed separately and securely from the principal unit. ~~A pathway connecting the entrance to the accessory dwelling unit to the parking area or street is recommended but not required. No passageway shall be required.~~

~~a. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. For the purpose of this chapter, a passageway is a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.~~

~~911.~~ *Applicable Codes.* Accessory dwelling units must comply with applicable building, fire and other health and safety codes ~~except that if fire sprinklers were not required for the main home, they shall not be required in the accessory dwelling unit. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.~~

~~102.~~ *Lot Coverage.* Accessory dwelling units shall not be considered when calculating the maximum lot coverage allowed.

~~113.~~ *Parking.*

a. Accessory dwelling units have no parking requirement ~~and shall not have a separate driveway curb cut on the same property frontage.~~

b. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, no parking replacement spaces shall be required. Any other required on-site parking spaces shall be maintained for the principal unit, and 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.* ~~The ministerial approval of the~~ Planning Director, or designee, ~~approval~~ shall be required for all accessory dwelling units. The property owner shall file a completed ~~administrative review application with the Planning Department, or a~~ building permit application, and pay all applicable fees ~~for ministerial review~~. 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, ~~protected trees on the subject parcel and adjacent parcels,~~ utility connections and vehicle parking ~~if proposed~~.

F. *Nonconforming Zoning, Building Code Violations, and Unpermitted Structures.*~~F.~~

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1. ~~An accessory dwelling unit shall not be denied because of a nonconforming zoning condition, a building code violation, or an unpermitted structure that does not present a threat to public health and safety and is not affected by the construction of the accessory dwelling unit.~~

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2. ~~A permit for an unpermitted ADU or JADU, shall not be denied for a violation of Building standards, unless the local agency makes a finding that correcting the violation is necessary to comply with structural safety requirements. Reserved.~~

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~~G. Existing Nonpermitted Accessory Dwelling Units. The Planning Director may approve an accessory dwelling unit constructed without benefit of required permits; provided, that the unit conforms to the current building code, is subject to applicable current permit and impact fees, and conforms to setback, height, area, and other physical development standards otherwise applicable.~~

~~GH. Accessory dwelling units are not considered units for purposes of determining whether a project meets minimum or density requirements or limits in the calculation of density. shall not be counted as "development units" under the General Plan density requirements.~~

~~HI. 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. Accessory dwelling units of 750 square feet or less shall not be subject to City impact fees but may be subject to school impact fees. Accessory dwelling units larger than 750 square feet may, as determined by the City Council by resolution, be subject to impact fees charged proportionately in relation to the square footage of the primary dwelling unit.

~~J. The installation of fire sprinklers shall not be required in an accessory dwelling unit if they are not required for the primary residence (unless otherwise required by the Fire Chief based on State law).~~

IK. An accessory dwelling unit created under this chapter shall be maintained with the provisions of this chapter and shall not be destroyed or otherwise converted to any other use (including reverting to a portion of the primary residence) except with approval of the Planning Director. In considering such requests, the Planning Director shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit, and the impact on the City's affordable housing supply. As a condition of termination, the Planning Director shall require the owner to pay the applicable impact fees and to make modifications to the property to: (1) comply with current building code requirements and (2) comply with current development standards in effect at the time of the request to terminate the use of the ADU. ~~(Ord. 1129 Exh. A § 6, 2019; Ord. 1116 § 6, 2018; Ord. 1111, 2018)~~

17.220.025 Accessory Dwelling Unit Condominium

Purpose

This subsection implements Government Code Section 66342, as amended by Assembly Bill 1033 (2023) to allow the sale of individual accessory dwelling units in certain circumstances, described below, in accordance with Government Code Section 66342 and as may be further amended from time to time. Where there are inconsistencies, the Government Code shall control.

Requirement

A. Permit Required Pursuant to Government Code Section 66342, this Section provides for the streamlined approval for conversion of existing or new Accessory Dwelling Units (ADU) into condominiums. These condominiums shall be sold or otherwise conveyed ~~separateseparately~~ from the primary residence only under the conditions outlined in this Part and pursuant to Government Code Section 66341. No condominium conversion of a project shall be

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permitted in any district without first obtaining approval of a Parcel Map pursuant to the provisions of this Title and Title 16.7 of the Sebastopol Municipal Code.

B. *ADU Condominium Requirements* Subject to the provisions of Section 17.220.025, to achieve the purposes of this Chapter, all projects shall conform to the following requirements:

— Except as allowed by State law, all structures and buildings included as part of a condominium project shall conform to the building and zoning requirements applicable to the zoning district in which the project is proposed to be located. Designation of individual condominium units shall not be deemed to reduce or eliminate any of the building and zoning requirements applicable to any such buildings or structures.

1. —

1. —

2. The condominium shall be created pursuant to the Davis-Stirling Common Interest Development Act, Part 5 (commencing with Section 4000) of Division 4 of the Civil Code and with all applicable objective requirements of the Subdivision Map Act (Division 2 commencing with Section 66410) and all other objective requirements of this Subsection.

2. —

—

— Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows:

3. —

“(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have.”

3.4. An Accessory Dwelling unit may not shall be sold or otherwise conveyed separate from the primary residence except only under the conditions outlined in this Part and of Title 16.7 of the Sebastopol Municipal Code, or built by a qualified nonprofit corporation and

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would be sold to a qualified buyer. Prior to approval of a parcel map, a home or property owners' association or similar entity shall be formed for any condominium project. The association shall, at a minimum, provide for the administration, management and maintenance of all common areas including landscaping, drive aisles and parking areas, maintenance of the exterior of all buildings, pool or common roof, the collection of dues, payment of public utilities not billed separately to each unit, and enforcement of standards within the project.

—The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.

—For purposes of this subparagraph, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.

4. —

5. —

—If an accessory dwelling unit is established as a condominium, the homeowner shall notify providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.

6. —

—The ADU shall comply with all applicable technical codes including the California Building and Fire Codes. Prior to approval of the parcel map, a safety inspection of the ADU shall be conducted as evidenced through issuance of a final Building Permit or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.

7. —

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17.220.030 Junior accessory dwelling unit criteria.

A. *Location.* Junior accessory dwelling units may be allowed only on parcels zoned for single-family residential use with an existing single-family dwelling unit on the parcel; or, as part of a proposed single-family residential use, ~~including an attached accessory structure when it is within the proposed space of a single-family dwelling.~~

B. *Limitation.* In no case shall more than ~~one accessory dwelling unit and one~~ junior accessory dwelling unit be placed on the same ~~single family~~ lot or parcel.

C. *Size.* A Junior Accessory Dwelling unit shall not exceed 500 square feet.

~~DC.~~ *Occupancy.* Owner-occupancy is required ~~in the single-family dwelling unit when the JADU shares a bathroom with the main dwelling~~ in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the single-family dwelling unit or the newly created junior accessory dwelling unit. ~~Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.~~

~~ED.~~ *Existing Structure/Bedroom.* A junior accessory dwelling unit shall be located within the walls of an existing or proposed single-family residence ~~including attached garages.~~

~~FE.~~ *Entrance.* A junior accessory dwelling unit shall include its own discrete entrance, separate from the main entrance to the structure. A permitted junior accessory dwelling unit may include an interior entry to the main living area, and may include a second interior doorway for sound attenuation.

~~GF.~~ *Kitchen.* The junior accessory dwelling unit shall include an ~~all-electric~~ efficiency kitchen, which shall include all of the following: sink, food preparation counter, refrigerator, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

~~HG.~~ *Parking.* Junior accessory dwelling units have no parking requirement.

~~IH.~~ *Deed Restriction.* The junior accessory dwelling unit shall not be offered for sale apart from the principal unit. A deed restriction, which shall run with the land, shall be filed with the City and shall include both of the following:

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1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and
2. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

~~J. *No transient occupancy.* A junior accessory dwelling unit shall not be offered for rent less than 30 days. Air B&B and Vacation Rentals are prohibited.~~

~~K. *Timing.* A permit shall be issued within 60 days of submission of an application for a junior accessory dwelling unit that meets the criteria in this section and is part of an existing single-family dwelling or attached garage.~~

~~L. For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.~~

~~M. For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.~~

~~N. A junior accessory dwelling unit created under this chapter shall be maintained with the provisions of this chapter and shall not be destroyed or otherwise converted to any other use (including reverting to a portion of the primary residence) except with approval of the Planning Director. In considering such requests, the Planning Director shall consider the length of time such permit has been in force, the conditions of approval, the exceptions granted for the permit, and the impact on the City's affordable housing supply. As a condition of termination, the Planning Director shall require the owner to pay the applicable impact fees and to make modifications to the property to: (1) comply with current building code requirements and (2) comply with current development standards in effect at the time of the request to terminate the use of the JADU. As a condition of termination, the Planning Director shall require the owner to make modifications to the property to: (1) comply with current building code requirements and (2) comply with current development standards in effect at the time of the request to terminate the use of the ADU. (Ord. 1129 Exh. A § 6, 2019; Ord. 1111, 2018)~~

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Chapter 17.425

REASONABLE ACCOMMODATIONS UNDER THE FAIR HOUSING ACTS

17.425.060 Findings and decision.

A. *Findings.* The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

1. Whether the housing, which is the subject of the request, will be used by an individual disabled under the Acts.
 2. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
 3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City.
 4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
 5. The accommodation is necessary. (See Procedure No. 1 in subsection [B](#) of this section.)
 6. The accommodation is reasonable. (See Procedure No. 2 in subsection [C](#) of this section.)
 - ~~7. Potential impact on surrounding uses.~~
 - [78.](#) Physical attributes of the property and structures.
 - [89.](#) Alternative reasonable accommodations which may provide an equivalent level of benefit.
-

Chapter 17.450

DESIGN REVIEW PROCEDURE

17.450.030 Procedure for consideration.

A. The Design Review Board may delegate to the Planning Director the authority to approve applications for design review for minor exterior alteration of any building or structure in any district requiring design review, or to approve any other application for design review which has been approved in concept by the Design Review Board.

B. In considering an application for design review of a nonresidential project, the Design Review Board, or the Planning Director, as the case may be, shall determine whether:

1. The design of the proposal would be compatible with the neighborhood and with the general visual character of Sebastopol;
2. The design provides appropriate transitions and relationships to adjacent properties and the public right-of-way;
3. It would not impair the desirability of investment or occupation in the neighborhood;
4. The design is internally consistent and harmonious;
5. The design is in conformity with any guidelines and standards adopted pursuant to this chapter.

C. In considering an application for design review of a residential project, or of a mixed use project that includes at least 20% affordable units, the Design Review Board, or the Planning Director, as the case may be, shall determine whether the design is in conformity with the adopted design and development standards.

~~C. The Design Review Board, or the Planning Director, as the case may be, shall render approval only in conformity with subsection (B)(2) of this section, and such other resolutions and actions of the Design Review Board establishing standards and guidelines.~~

D. The Design Review Board, or the Planning Director, as the case may be, may designate such condition(s) in connection with any the discretionary design review application it deems

necessary to secure the purposes of this code, and may require such guarantee and evidence that such conditions are being, or will be, complied with. (Ord. 1111, 2018)
