



## City of Sebastopol Planning Commission Staff Report

TO: Sebastopol Planning Commission  
FROM: Jane Riley, Contract Planning Director  
DATE: October 14, 2025  
ITEM NO: 7B  
SUBJECT: First Round of Code Amendments to Implement Housing Element (Workshop)

The purpose of this workshop is to provide the Planning Commission and members of the public with an update on the work plan and status for the first round of Zoning Code Changes that are required to implement the Housing Element. The Housing Element is a required Element of the City's General Plan and must be updated every 8 years. The current Housing Element was adopted in January 2023 and certified by HCD on March 7, 2023. The Housing Element contains a number of Programs which require changes to the City's Zoning Code and form the largest part of the City's work plan to implement its Housing Element, as required by HCD to maintain certification. Priorities for the work plan have been established by the Housing Element itself and by HCD: each change detailed below has both a 2024 due date within the Housing Element and was prioritized by HCD in their letter certifying the City's Housing Element. These Zoning Code Changes constitute "Round 1" and are required to align the City's existing Code with changes in State law (AB 2162, SB 48, AB 139) and HCD priorities to remove constraints and facilitate new housing.

### Planned Project Schedule

Public Workshop: October 2025

Public Hearing for adoption at Planning Commission: November 2025

Public Hearing for adoption at City Council: January 2026

### **Round 1 Zoning Code Changes for Housing Element Implementation**

#### Housing Element Program D-2.2 Zoning Code Updates:

##### **a) Permanent Supportive Housing and Low Barrier Navigation Centers:**

The Zoning Code and Use Table will be amended to allow permanent supportive housing and low barrier navigation centers by right in zones where multifamily and mixed uses are permitted, in compliance with Government Codes 65660 and 65651 as amended by AB 2162 and SB 48.

##### **b) Large Community Care Facilities:**

The Use Table in the Zoning Code will be amended to allow large residential community care homes for 7 or more individuals, consistent with State law and subject to objective criteria, in all residential zones.

**c) Multifamily Housing:**

The Development Standards Table in the Zoning Code to replace the existing 2-story height limit with an objective 35' height limit for multifamily housing in the R6 and R7 zones.

**d) Accessory Dwelling Units:**

The ADU Ordinance will be updated to comply with recent changes to state law, and the Use Table will be amended to allow JADUs in the R7 Zone. Additional changes to the ADU code are proposed to allow ADUs to be condominiumized and sold separately from the main home, as allowed by AB 1033, in support of “missing middle” housing efforts and housing for 1<sup>st</sup> time homebuyers.

**e) Emergency Shelter Parking:**

The Parking Table in the Zoning Code will be amended to align the parking requirements for emergency shelters with the requirements of Government Code 65583(a)(4)(A) as amended by AB 139.

**f) Design Review Findings:**

The Zoning Code will be amended to revise the design review findings (17.450.030) to remove constraints and provide consistency with the recently-adopted Objective Design Standards.

Program B-1.2 (b) Reasonable Accommodations:

**Reasonable Accommodations:**

To comply with state law and HCD findings, the City will remove the application fee for reasonable accommodation and will update the zoning code to remove reasonable accommodations Finding 7 (Potential impact on surrounding uses).

Program A-3.4 Workforce Housing Overlay Zone:

**Workforce Housing Overlay Zone:**

The City will adopt a Workforce Housing Overlay Zone to better integrate housing into areas near jobs and transit. This “Round 1” effort will adopt the WH Overlay Zone into the Code, but will not place it on any parcels (rezone) at this time.

**RECOMMENDATION**

Staff recommends that the Planning Commission consider the Code changes above and hear comments from the Commission, staff, and members of the public.

Attachments:

- A. Summary Fact Sheet: Round 1 Zoning Code Changes to Implement the 2023 Housing Element
- B. Letter from HCD re Need to Update the ADU Ordinance, dated October 8, 2025



## Round 1 Zoning Code Changes for Housing Element Implementation

### 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 changes to be made during this first round are required to align the City’s existing Code with changes in State law (AB 2162, SB 48, AB 139) and with HCD priorities to remove constraints and facilitate new housing.

When the State Department of Housing & Community Development (HCD) certified the City’s Housing Element on (date), they included language encouraging the City to implement certain programs in a timely manner. Remaining in compliance with our Housing Element programs and timelines is important: if the City falls out of compliance with their Housing Element, they could lose funding and local land use control. Each change detailed below has both a 2024 due date within the Housing Element and was prioritized by HCD in their letter certifying the City’s Housing Element.



### PROJECT DESCRIPTION

The First Round of Zoning Changes to Implement the Housing Element will address 8 of the Housing Element’s Programs and subprograms, all of which will make changes to the City’s Zoning Code as outlined below:

#### 1. Housing Element Program D-2.2 Zoning Code Updates:

a) Permanent Supportive Housing and Low Barrier Navigation Centers:

b) Large Community Care Facilities:

c) Multifamily Housing:

The Zoning Code and Use Table will be amended to allow permanent supportive housing and low barrier navigation centers by right in zones where multifamily and mixed uses are permitted, in compliance with Government Codes 65660 and 65651 as amended by AB 2162 and SB 48.

The Use Table in the Zoning Code will be amended to allow large residential community care homes for 7 or more individuals, consistent with State law and subject to objective criteria, in all residential zones.

The Development Standards Table in the Zoning Code will be changed to replace the existing 2-story height limit with an objective 35-foot height limit for multifamily housing in the R6 and R7 zones.

d) Accessory Dwelling Units:

The ADU Ordinance will be updated to comply with recent changes to state law, and the Use Table will be amended to allow JADUs in the R7 Zone.

e) Emergency Shelter  
Parking:

The Parking Table in the Zoning Code will be amended to align the parking requirements for emergency shelters with the requirements of Government Code 65583(a)(4)(A) as amended by AB 139.

f) Design Review Findings:

The Zoning Code will be amended to revise the design review findings (17.450.030) to remove constraints and provide consistency with the recently-adopted Objective Design Standards.

## 2. Program B-1.2 (b) Reasonable Accommodations:

a) Reasonable Accommodations. To comply with state law and HCD findings, the City will remove the application fee for reasonable accommodation and will update the zoning code to remove reasonable accommodations Finding 7 (Potential impact on surrounding uses).

## 3. Program A-3.4 Workforce Housing Overlay Zone:

a) Workforce Housing Overlay Zone. The City will adopt a Workforce Housing Overlay Zone to better integrate housing into areas near jobs and transit. This “Round 1” effort will adopt the WH Overlay Zone into the Code but will not place it on any parcels (rezone) at this time.

### Planned Project Schedule (DATES ARE TENTATIVE)

Public Workshop: October 14, 2025

Public Hearing for adoption at Planning Commission: December 9, 2025

Public Hearing for adoption at City Council: January 6, 2026



**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY 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](mailto:Auzzie.Sheard@hcd.ca.gov).

Sincerely,



Jamie Candelaria  
Section Chief, ADU Policy  
Housing Accountability Unit