City of Sebastopol

CITY OF SEBASTOPOL CITY COUNCIL
AGENDA ITEM REPORT FOR MEETING OF: November 17, 2026

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To:	Honorable Mayor and City Councilmembers
Requestor:	Vice Mayor Maurer and Mayor McLewis
Responsible Department:	City Attorney and Planning Department
Subject:	Request for City Council Direction to Staff to Rescind the City's AB 1033 Opt-In by Adopting a Resolution of Intention to Repeal Sebastopol Municipal Code Section 17.220.025 (Accessory Dwelling Unit Condominiums)

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RECOMMENDATION: That the City Council consider and provide direction to staff to, if supported, proceed with rescinding the City's opt-in to Assembly Bill 1033 by adopting a Resolution of Intention, pursuant to Sebastopol Municipal Code (SMC) Section 17.445.020(B), and initiating a Zoning Code amendment to repeal SMC Section 17.220.025 (Accessory Dwelling Unit Condominium) in its entirety.

PROCESS OF AGENDA ITEM:

a. Presentation of the item by the Requestor(s)
b. Council questions and discussion
c. Public comment
d. Council deliberation and action

EXECUTIVE SUMMARY: In January 2026, the City Council adopted Ordinance No. 1162 on a 4–1 vote. In addition to Housing Element implementation changes, the ordinance opted the City into AB 1033 (Government Code Section 66342) by adding SMC Section 17.220.025, which allows an accessory dwelling unit (ADU) to be converted to a condominium and sold separately from the primary residence.

Vice Mayor Maurer and Mayor McLewis have requested that the Council consider rescinding that opt-in. AB 1033 applies only in jurisdictions that adopt a local ordinance, so repealing SMC Section 17.220.025 would return Sebastopol to the State default under which an ADU may not be sold separately from the primary residence, except under the existing qualified nonprofit provision of Government Code Section 66341. Government Code Section 66341 is a separate state rule that allows an ADU to be sold apart from the main house in one narrow case: when a qualified nonprofit builds affordable housing for ownership

This item asks whether the Council supports directing staff to begin that process. Adopting the Resolution of Intention does not itself repeal the section; any repeal would first proceed to the Planning Commission for a recommendation, and then to the City Council for further consideration. Council approval would require two readings of the ordinance, which would only go into effect 30 days after adoption.

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BACKGROUND: At its January 6, 2026 meeting, the City Council held a public hearing and introduced Ordinance No. 1162 amending the Zoning Code to implement priority Housing Element programs and to add provisions allowing the separate sale of ADUs as condominiums, as allowed by AB 1033. The Council adopted the ordinance on second reading on January 20, 2026, and it took effect 30 days later. Sebastopol was the first, and remains the only, jurisdiction in Sonoma County to opt in.

SMC Section 17.220.025 requires, among other things, Parcel Map approval for the condominium conversion; compliance with the Davis-Stirling Common Interest Development Act and the Subdivision Map Act; written lienholder consent; formation of an owners' association; notice to utility providers; and a safety inspection of the ADU before map approval. The Planning Department published an AB 1033 Condominium Conversion Readiness Checklist in February 2026 which is attached for reference.

DISCUSSION: Because the AB 1033 provisions were adopted as a stand-alone section, the rescission is expected to be a straightforward repeal of SMC Section 17.220.025 in its entirety. Staff will review the Zoning Code for any conflicts before the Planning Commission hearing, including the items listed below.

Procedure. A Zoning Code amendment may be initiated by Resolution of Intention of the City Council (SMC 17.445.020(B)) and requires a Planning Commission public hearing and recommendation before Council action. The anticipated schedule is:

#	Step	Body	Target Date / Notice
1	Direction to staff; adopt Resolution of Intention initiating the amendment (SMC 17.445.020(B))	City Council	This meeting/November 17, 2026
2	Public hearing and recommendation	Planning Commission	December 22, 2026 at the earliest; 20-day notice (Gov. Code §65854)
3	Public hearing; introduction and first reading of repeal ordinance	City Council	January 2027 (TBD); notice period to be confirmed by City Attorney
4	Second reading and adoption	City Council	Following regular meeting; effective 30 days after adoption

Public Notice Period. Effective January 1, 2025, AB 2904 amended Government Code Section 65854 to require at least 20 days' notice of a Planning Commission hearing on a zoning amendment that affects the permitted uses of real property.

Planning Commission Scheduling. The earliest Planning Commission meeting that allows the 20-day notice is December 22, 2026.

Before the Planning Commission hearing, staff will review the following:

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- Ordinance No. 1162 removed language in SMC 17.220.020(D) stating that an ADU shall not be offered for sale apart from the principal unit.
- Staff will confirm whether the AB 1033 provisions are tied to any Housing Element program or commitment, and whether any finding or coordination with the California Department of Housing and Community Development is needed.
- Staff will identify any ADU condominium conversion or parcel map applications filed under Section 17.220.025 and, with the City Attorney, recommend how they should be treated.

STAFF ANALYSIS: The provisions of Government Code Section 66342 established under AB 1033 are optional, and the City may rescind its opt-in through the same Zoning Code amendment process used to adopt it. Adopting the Resolution of Intention starts that process and allows the Planning Commission and the public to weigh in before the Council takes final action. Section 17.220.025 remains in effect until a repeal ordinance is adopted and takes effect.

CITY COUNCIL GOALS / PRIORITIES / GENERAL PLAN CONSISTENCY:

This action relates to the City Council's goals and priorities, including:

Goals:
This action supports the City Council's goals and priorities, including:
• Goal 4: High-Performance Organization
• Restoring public trust through open, accountable, and transparent government
• Maintaining compliance with state law, including the Political Reform Act

General Plan:
Goal LU-6: Promote a Range of Housing Options to Provide Affordability for Families, Seniors, and Low Income Households, Consistent with the Demographic Profile of the Area.

Housing Element Policy A-3: Encourage a variety of housing types such as multi-family units, mixed use housing, ADU and JADUs, single-family attached (townhouses), and other typologies that make housing more affordable.

Housing Element Policy D-5: The city will promote programs that offer lower- income households pathways to homeownership.

Housing Element Program A-3.6: Encourage the Development of Accessory Dwelling Units

PUBLIC COMMENT: As of the preparation of this staff report, [no public comments have been received / the attached public comments have been received]. Any written public comments received after publication of this report will be provided to the City Council as supplemental materials prior to or at the meeting. Members of the public may also provide oral comments during the public comment portion of the agenda item.

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PUBLIC NOTICE: This item was noticed in accordance with the Ralph M. Brown Act and was made available for public viewing and review at least 72 hours prior to the scheduled meeting. If the Council provides direction to proceed, the Planning Commission and City Council public hearings will be noticed as required by State law and the Sebastopol Municipal Code.

FISCAL IMPACT: There is no direct fiscal impact associated with this action. Costs to prepare the amendment, provide public notice and conduct the hearings will be covered by existing Planning Department staff resources. This project will require and estimated staff commitment of 1 hour for the City Attorney, 4 hours for the Planning Director, 10 hours for the Associate Planner, and 1 hour for the Planning Technician – totaling $2,963 plus the costs of public notices.

RESTATED RECOMMENDATION: That the City Council provide direction to staff to rescind the City's AB 1033 opt-in by adopting a Resolution of Intention initiating a Zoning Code amendment to repeal SMC Section 17.220.025, and referring the amendment to the Planning Commission for a public hearing and recommendation.

OPTION(S):

1. Take no action and retain the current AB 1033 provisions in SMC Section 17.220.025.
2. Direct staff to return with options to amend, rather than repeal, SMC Section 17.220.025.

ATTACHMENTS:

1. Draft Resolution of Intention Initiating a Zoning Code Amendment to Repeal SMC Section 17.220.025
2. Ordinance No. 1162 (adopted January 20, 2026) – excerpt, SMC Section 17.220.025

APPROVALS:

Department Head Approval: Approval Date: 11/10/2026

CEQA Determination (Planning): Approval Date: 11/10/2026

The proposed action is not a project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(5). CEQA review of the repeal ordinance will be addressed when the ordinance is considered.

Administrative Services/Financial Approval: Approval Date:

Costs authorized in City Approved Budget: ☐ Yes ☐ No

Account Code (f applicable) _____

City Attorney Approval: Approval Date: 11/12/2026

City Manager Approval: Approval Date: 11/10/2026

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ATTACHMENT 1 – DRAFT

CITY OF SEBASTOPOL

RESOLUTION NO. _____-2026

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL INITIATING AN AMENDMENT TO TITLE 17 (ZONING) OF THE SEBASTOPOL MUNICIPAL CODE TO REPEAL SECTION 17.220.025 (ACCESSORY DWELLING UNIT CONDOMINIUM) AND REFERRING THE AMENDMENT TO THE PLANNING COMMISSION

WHEREAS, Government Code Section 66342, as added by Assembly Bill 1033 (2023), authorizes, but does not require, a local agency to adopt an ordinance allowing the separate conveyance of a primary dwelling unit and accessory dwelling unit or units as condominiums; and

WHEREAS, on January 20, 2026, the City Council adopted Ordinance No. 1162, which, among other amendments, added Section 17.220.025 (Accessory Dwelling Unit Condominium) to the Sebastopol Municipal Code to implement Government Code Section 66342; and

WHEREAS, the City Council desires to consider rescinding the City's election to allow the separate sale or conveyance of accessory dwelling units as condominiums by repealing Section 17.220.025; and

WHEREAS, Sebastopol Municipal Code Section 17.445.020(B) provides that a zoning amendment may be initiated by resolution of intention of the City Council; and

WHEREAS, Sebastopol Municipal Code Chapter 17.445 and Government Code Sections 65853 through 65857 require that the Planning Commission hold a duly noticed public hearing and make a recommendation to the City Council before the City Council acts on a zoning amendment; and

WHEREAS, adoption of this Resolution of Intention is not a project under the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(b)(5), and environmental review of the proposed amendment will be considered when the amendment is acted upon.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sebastopol as follows:

Section 1. The foregoing recitals are true and correct and are incorporated herein.

Section 2. The City Council hereby initiates an amendment to Title 17 of the Sebastopol Municipal Code to repeal Section 17.220.025 (Accessory Dwelling Unit Condominium) in its entirety, together with any conforming amendments necessary to maintain the internal consistency of the Zoning Code.

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Section 3. The proposed amendment is referred to the Planning Commission for a duly noticed public hearing and recommendation to the City Council in accordance with Sebastopol Municipal Code Chapter 17.445 and State law.

Section 4. Staff is directed to prepare the necessary ordinance, provide all required public notice, and return the matter to the City Council following the Planning Commission's recommendation.

Section 5. This resolution does not amend the Sebastopol Municipal Code, and Section 17.220.025 remains in effect unless and until repealed by ordinance.

The above and foregoing Resolution was duly passed, approved, and adopted at a meeting of the City Council of the City of Sebastopol held on November 17,2026, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Approved: _____
Mayor Jill McLewis

Attest: _____
Mary Gourley, City Manager

Approved as to Form: _____
City Attorney

Docusign Envelope ID: B9DBEEFF-5F1F-41C6-95AD-A5327819F0AE

City of Sebastopol
Ordinance No. 1162

FIRST READING AND INTRODUCTION = JAN 6, 2026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL ADOPTING CHANGES TO THE ZONING CODE, TITLE 17 OF THE SEBASTOPOL MUNICIPAL CODE, TO IMPLEMENT HOUSING ELEMENT PROGRAMS AND PROVIDE CONSISTENCY WITH NEW STATE LAWS

WHEREAS, the City of Sebastopol adopted a new General Plan Housing Element on January 3, 2023; and

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

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

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

WHEREAS, the Planning Commission conducted public workshop on revisions to the Zoning Ordinance to Implement the Housing Element on October 14th, 2025; and

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

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; and

WHEREAS, the City Council has 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

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; and

3. The proposed amendments are in conformity with public convenience, general welfare and good land use practice; and

4. The proposed amendments will not be detrimental to the public health, safety and general welfare; and

5. The proposed amendments will not adversely affect the orderly development of property.

SECTION II. Chapter 17 of the Sebastopol Municipal Code (Zoning) is hereby 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**.

All exhibits identified above are attached hereto and incorporated herein.

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 6th day of January, 2026.

Scheduled for Second Reading and Adoption on the 20th day of January, 2026.

VOTE:

Ayes:	Councilmembers Carter, Hinton, Zollman, and Vice Mayor Maurer
Noes:	Mayor McLewis
Absent:	None
Abstain:	None

APPROVED: Signed by: Jill McLewis 7C6BCED0A8914A1... _____

Jill McLewis, Mayor

ATTEST: Signed by: Mary Gourley 44C0774260FE430... _____

Mary Gourley, Interim City Manager/City Clerk, MMC

APPROVED AS TO FORM: Signed by: Alex Mog 66BDB79D572A4EB...

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 unit (ADU)	P	P	P	P	P	P	P	-
Low Barrier Navigation Center	-	-	-	-	P	P	P	-
Junior accessory dwelling unit (JADU)	P	P	P	P	P	P	-	-
~~Large~~ Residential community care facility~~, residential~~	C	C	C	C	C	C	C	-
Residential community care home	P	P	P	P	P	P	-	-
Supportive Housing	-	-	-	-	P	P	P	

Chapter 17.25
COMMERCIAL, OFFICE, AND INDUSTRIAL DISTRICTS

17.25.030 Development standards.

Table 17.25-1. Permitted and Conditionally Permitted Uses in the Commercial, Office, and Industrial Zones

Use	CO	CG	CD	M	OLM	CM
Low Barrier Navigation Center	P	P	P	-	-	-

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	-

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 twenty-five hundred feet (2,500') 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 2,500’ 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) 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 beds~~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.

~~a.~~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).

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.

~~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~~7 ~~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

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.~~

~~b~~a. ~~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).~~

4~~5~~. *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~~

~~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~~ive~~ 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.

5~~6~~. *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.

6~~7~~. *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.~~

7~~9~~. *Renting Accessory Dwelling Units.* The rental of an accessory dwelling unit is allowed, but not required.

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).

8~~10~~. *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.~~

9~~11~~. *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.~~.~~

10~~2~~. *Lot Coverage.* Accessory dwelling units shall not be considered when calculating the maximum lot coverage allowed.

11~~3~~. *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.*~~

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.

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.*~~

~~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.~~

G~~H~~. 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.~~

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

water. 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).~~

I~~K~~. 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 ~~separate~~separately from the primary residence only under the conditions outlined in this Part and~~or~~ pursuant to Government Code Section 66341. No condominium conversion of~~to~~ a project shall be

permitted in any district without first obtaining approval of a Parcel Map pursuant to the provisions of this Title and Title 167 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 notshall be sold or otherwise conveyed separate from the primary residence exceptonly under the conditions outlined in this Part and of Title 167 of the Sebastopol Municipal Code, or built by a qualified nonprofit corporation and

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.

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. -

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.

D~~C~~. *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.~~

E~~D~~. *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.

F~~E~~. *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.

G~~F~~. *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.

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

I~~H~~. *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:

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~~I~~. *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~~J~~. 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~~K~~. 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~~L~~. 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)~~

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. The Design Review Board, or the Planning Director, as the case may be, may designate such condition(s) in connection with any 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.

D. 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~~ Objective 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 the 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.~~