

CITY OF SEBASTOPOL CITY COUNCIL

AGENDA ITEM REPORT FOR MEETING OF: January 20, 2026

To: Honorable Mayor and City Councilmembers
 From: Jane Riley, AICP – Planning Director
 Subject: Zoning Code Changes to Implement Housing Element & AB 1033 Provisions

RECOMMENDATION:

Staff recommends that the City Council waive the second reading of, and adopt the Ordinance to implement the housing element and add AB 1033 provision.

EXECUTIVE SUMMARY:

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; 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 of Zoning Code changes 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 a letter of inquiry dated October 2025 regarding the status of required updates to the City's ADU Ordinance, have further encouraged the City to prioritize the implementation of its highest-priority programs.

BACKGROUND:

At the January 6, 2026, regular meeting, the City Council received the staff report and presentation, held the public hearing, and discussed an ordinance to update the City's Zoning Code to implement priority programs of the General Plan Housing Element, and to add provisions allowing separate sale of Accessory Dwelling Units (ADUs) as condos, as allowed by AB 1033.

DISCUSSION:

The changes achieve consistency with the City's General Plan Housing Element. Following the deliberations, the Council introduced and waived the first reading of Ordinance No. 1162 amending the Sebastopol Zoning Code.

The ordinance is now presented for adoption. The ordinance will go into effect 30 days after adoption.

COMMUNITY OUTREACH:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

PUBLIC COMMENT:

Significant public comment was received at or prior to the Council's January 6th public hearing. One additional public comment has been received following the close of the January 6, 2026, public hearing and is attached. If staff receives additional public comments from interested parties following the publication and distribution of this staff report, the comments will be provided to the City Council as supplemental materials before or at the meeting.

FISCAL IMPACT:

No fiscal impact.

RECOMMENDATION:

Staff recommends that the Sebastopol City Council waive the second reading of and adopt the Ordinance.

ATTACHMENTS:

Ordinance No. 1162 with Exhibits A-H

Public comments received

APPROVALS:

Department Head Approval: Approval Date: 1/8/2026

CEQA Determination (Planning): Approval Date: 1/8/2026

The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15061(b)(3), 21080.17, and 21080.66 and AB 310. No additional environmental review is required.

Administrative Services/Financial Approval: Approval Date: 1/8/2026

Costs authorized in City Approved Budget: Yes No N/A (Costs to bring this item forward were covered in budgeted Planning Department staff time).

Account Code (if applicable) _____ N/A _____

City Attorney Approval: Approval Date: 1/12/2026

City Manager Approval: Approval Date: 1/13/2026

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

Signed by:

Jill McLewis

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APPROVED: _____

Jill McLewis, Mayor

Signed by:

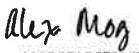
Mary Gourley

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ATTEST: _____

Mary Gourley, Interim City Manager/City Clerk, MMC

APPROVED AS TO FORM:

Signed by:

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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>	-	-	-	-	P	P	P	-
Junior accessory dwelling <u>unit (JADU)</u>	P	P	P	P	P	P	-	-
<u>Large Residential</u> community care <u>facility</u> , <u>residential</u>	C	C	C	C	C	C	C	-
<u>Residential</u> community care home	P	P	P	P	P	P	-	-
<u>Supportive</u> 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
<u>Low Barrier Navigation Center</u>	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								
<i>Main buildings</i>	30 ft., 2 stories	350 ft., <u>2 stories</u>	350 ft., <u>2 stories</u>	30ft., 2 stories				
<i>Deed-restricted affordable housing, three stories</i>	-	-	-	-	-	-	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 <u>10 bed</u> <u>each staff person at maximum shift</u>	-	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 dwellings.~~ 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).

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 187 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.

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

~~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 a~~n~~ 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.

- 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.

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.

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.~~

H. 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).

JK. 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 ~~separately~~ 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 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.

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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 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.

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. —

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.

EE. *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:

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.*

Kl. *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.

Lj. 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.

Mk. 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.

Nl. 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.~~



From: Mel Goldberg [REDACTED]
Sent: Monday, January 12, 2026 12:01 PM
To: City Council <citycouncil@cityofsebastopol.gov>
Subject: ... allow homeowners to sell "granny flats"

Hope will have far more public discussion before approval considering the impact of home values.
Appreciate the importance of creating affordable housing also concern for single family homes the single most valuable family asset.

Mel Goldberg
Sebastopol