

CITY OF HEALDSBURG

ORDINANCE NO. 1187

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG AMENDING THE HEALDSBURG MUNICIPAL CODE SECTIONS 20.20.010: ACCESSORY DWELLING UNITS; 20.28.310: DEFINITIONS; 20.08.050: RM PERMITTED AND CONDITIONALLY PERMITTED USES; 20.16.020: MINIMUM SETBACKS FOR ACCESSORY STRUCTURES; 20.20.040, 20.28.075 AND 20.28.080: VARIOUS UPDATES TO TABLE NUMBERING, RELATED TO ACCESSORY DWELLING UNITS ON SINGLE-FAMILY RESIDENTIALLY DEVELOPED LOTS

WHEREAS, The City Council, consistent with the City of Healdsburg General Plan Housing Element and the community's affordable and workforce housing needs, established a Community Housing Committee (CHC) to advise the City Council on housing policies, which included reviewing potential amendments to City's Second Dwelling Unit provisions in order to encourage the construction of more units within the community; and

WHEREAS, On December 19, 2016, the City Council approved amendments to the Land Use Code updating the provisions in Section 20.20.010, Accessory Dwelling Units and 20.28.310, Definitions, to be consistent with changes to State regulations regarding Accessory Dwelling Units. Specifically, the City implemented changes removing the minimum lot size, eliminating required parking for Accessory Dwelling Units (ADUs), and reducing the side and rear setbacks to five feet; and

WHEREAS, On February 6, 2017, the City Council approved adjustments to the City's Development Impact Fees for Accessory Dwelling Units, reducing the fees from fifty percent of single-family development impact fees to a fee proportional to the unit size or number of plumbing fixtures; and

WHEREAS, On October 8, 2017, the Governor of the State of California approved Senate Bill 229 and Assembly Bill 494. SB 229 stated that special districts, such as a water district, shall not consider an ADU a new residential use and defines "tandem parking". AB 494 permits ADUs on multi-family lots with an existing or proposed single-family dwelling; and

WHEREAS, On November 6, 2017, the City Council adopted an Urgency Ordinance to provide relief for housing construction and temporary housing to address the impacts of the Sonoma County Wildfires in the fall of 2017. The Urgency Ordinance is effective for a two year period, ending on October 9, 2019, and included additional allowances for human habitation in vehicles, eliminated the maximum ADU floor area of 45 percent of the primary residence, eliminated replacement parking for garage conversions on lots over 6,000 square feet, and reduced the processing time for ADU building permit applications from 120 days to 60 days; and

WHEREAS, In February 2018, the City Council adopted a revised Housing Action Plan (HAP), which reflected the existing 2000 Growth Management Ordinance (GMO). The CHC continued its work plan in 2018; and

WHEREAS, On April 30, 2018, the CHC considered the following options to further encourage ADUs;

- Suspend City impact and permitting fees for at least 5 years, charging a maximum of \$100 per unit.
- Develop a marketing plan for ADUs, which would include a variety of methods to inform and educate local residents about the steps to develop these units. This would include social media and workshops including builders, architects, City staff, and others to outline the process and answer questions about steps to develop ADUs. It could also include tours of ADUs and interaction with homeowners who have developed ADUs.
- Promote use of existing prototype ADU plans available on-line and consider “pre-approval” by the City.
- Develop an informational brochure similar to the cities of Santa Cruz and Berkeley with Healdsburg-specific information that can answer frequently asked questions.
- Consider increasing the maximum size for ADUs to 1,000 or 1,200 square feet.
- Investigate feasibility of a loan program to finance development of ADUs whereby loans are repaid through an annual assessment on property tax bill; and

WHEREAS, On September 17, 2018, the City Council held a joint meeting with the Community Housing Committee to receive public input and moved to accept the CHC work plan as proposed; and

WHEREAS, the Planning Commission held a duly noticed public hearing on April 9, 2019, at which time it reviewed the proposed amendments and considered all public comments on the revisions and related CEQA exemption; and

WHEREAS, the proposed amendments to Section 20.20.010: Accessory Dwelling Units Healdsburg Municipal Code Section 20.28.310: Definitions, 20.08.05: RM Permitted and conditionally permitted uses, 20.16.020: Minimum setbacks for accessory structures, 20.20.040, 20.28.075 and 20.28.080: Various updates to table numbering, are intended to increase the allowable square footage for an accessory dwelling unit, remove existing constraints resulting from required parking and site coverage, encourage smaller affordable by design units, and reorganize the accessory dwelling unit section to be more user friendly and to add clarification; and

WHEREAS, the proposed ADU amendments address and ameliorate the public peace, welfare, health and safety issues related to the City’s urgent need to provide additional housing; and

WHEREAS, the proposed amendments will not allow for, nor encourage any more development than is already anticipated under the City's existing General Plan, or otherwise allow for or promote physical changes in the environment and, therefore, it can be seen with certainty that there is no possibility that the proposed amendments may have a significant impact on the environment; and

WHEREAS, the proposed amendments are statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units), since the proposed changes are consistent with adopted State Law; and

WHEREAS, the Planning Commission made the following affirmative findings in support of the amendments proposed herein:

- A. The revisions are consistent with the Healdsburg 2030 General Plan including the Goals, Policies and Implementation Measures of the Housing, Land Use and Economic Development Elements of the adopted General Plan in that, as discussed in the April 9, 2019 staff report, the proposed revisions are consistent with the following policies and programs of the General Plan 2030 and the Housing Action Plan strategies:
 - Policies H-A-4, H-A-6, H-C-3, H-C-8, H-C-11 H-D-1, ED-C-1, ED-2, HAP Strategies PR-7, PR-8, SR-2.1, and SR2.3 are implemented through the following proposed changes to the Land Use Code including increasing the allowable ADU size, adjustments to the Maximum Size and Site Coverage to encourage smaller ADUs which are 500 square feet or less, and changes to replacement parking required for garage conversions have removed constraints for smaller properties to allow small accessory dwelling units. Additional language has been added to provide consistency in the terminology used in other cities in the county. Additionally, proposed changes to Development Impact Fees allowing for a tiered system, thereby reducing these costs for small and mid-range sized ADUs. Based on the discussions with various residents and contractors at the Community Development Center, they have noted difficulty accommodating the Site Coverage limitations and replacement parking for garage conversions, due to the variety of lot widths, depth and overall size. The proposed changes to the Site Coverage and replacement parking will help to alleviate these existing barriers in the Land Use Code. Lastly, the reorganization of the ADU Ordinance will make it more user friendly and clarify development standards. Upon consideration and action by the City Council, staff will make changes to the City's ADU brochure to reflect these changes.
- B. The amendments remain consistent with the Objectives of the Land Use Code, contained in Section 20.04.010 given that: a) Adoption of the proposed amendments will continue to protect and promote the public health, safety and general welfare of

the community by providing updated standards promoting construction of accessory dwelling units within the City consistent with Government Code Section 65852; and b) the amendments will implement the goals, policies and programs contained in the Healdsburg General Plan and any specific plans adopted pursuant to the General Plan as noted in Finding A above.

- C. The Planning Commission has conducted a public hearing on the draft Land Use Amendments with hearing notices given as prescribed in Section 20.28.080, including newspaper publication at least 10 days prior to the scheduled hearing date.
- D. The amendments are Statutorily Exempt from CEQA pursuant to Public Resources Code Section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units), since the proposed changes are consistent with adopted State Law.

WHEREAS, based upon the Planning Commission’s findings, the City Council determines that the revisions are consistent with the General Plan including the Goals, Policies and Implementation Measures of the Land Use Element and the Economic Development Element of the adopted General Plan, and the Housing Action Plan and as amended the revisions would be internally consistent with all other provisions of the Municipal Code.

NOW, THEREFORE, the City Council of the City of Healdsburg does ordain as follows:

Section 1. Findings.

The above recitals are hereby declared to be true and correct findings of the City Council of the City of Healdsburg.

Section 2. Section 20.08.050 Permitted and conditionally permitted uses in the Residential Multi-Family (RM) Zoning District shall be amended to allow Accessory Dwelling Units with an existing legally permitted single-family dwelling as follows:

20.08.050 Permitted and conditionally permitted uses

The following uses may be permitted and conditionally permitted in the RM District. Chapter [20.28](#) HMC, Article V describes the procedures for obtaining a conditional use permit.

Table 4 Permitted (P) and conditionally permitted (C) uses: RM District

Permitted (P) and Conditionally Permitted (C) Uses	RM	Specific Use Regulations
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Accessory dwelling unit, attached, detached, or conversion, up to one per existing legally permitted single-family dwelling	P	HMC 20.20.010
Accessory structures and uses located on the same site as a conditional use	P	
Boarding houses	C	
Churches, convents, monasteries, parish homes, rectories, parsonages and other religious institutions	C	
Commercial nursery growing grounds	C	
Day care, general and large family	C	
Day care, limited and small family	P	
Golf courses and driving ranges	C	
Hostels affiliated with American Youth Hostels or an equivalent organization approved by the planning director	C	
Mobile home parks-	C	HMC 20.20.020
Multi-family dwellings	P	
Neighborhood convenience retail stores	C	HMC 20.20.070
Private recreation parks and swim clubs	C	
Private schools and colleges, including elementary, junior high and high schools, but not including art, craft, music, dancing, business, professional, or trade schools and colleges	C	
Private stables and raising of poultry (except roosters), rabbits, chinchillas and other small animals.	C	HMC 20.08.025
Public utility and public service pumping stations, power stations, equipment buildings, installations, service yards, drainage ways and structures, storage tanks, reservoirs, and transmission lines found by the planning commission to be necessary for the public health, safety and welfare	C	
Residential care, general	C	
Residential care, limited	P	
Residential visitor lodging operations-	C	HMC 20.20.060
Supportive housing	P	
Transitional housing	P	

Vacation rental homes	--	
Vacation timeshares	--	

-- = not permitted

(Ord. 1104 § 2 (Exh. A § 405), 2010; Ord. 1018 § 2 (Exh. A § 405), 2004; Ord. 1003 § 2 (Exh. A § 8), 2003; Ord. 950 § 2 (Exh. A § 405), 1998.)

Section 3. Section 20.16.020 Minimum Setbacks for Accessory structures shall be amended to remove requirements for Accessory Dwelling Units as follows:

Accessory structures are governed by the following requirements.

20.16.020 Minimum setbacks

A. Minimum front yard and street side yard setbacks.

Accessory structures shall not be located within the front yard or street side yard of a corner lot required for the primary structure, except that arbors, arches and similar structures are permitted within these areas, provided they are located at a walkway, and provided that they do not exceed eight feet in height, five feet in width along the frontage and three feet in depth. The maximum number of such structures shall not exceed two per street frontage and in no case shall exceed three such structures per lot.

B. Minimum interior side yard setbacks:

O District: 15 feet

R-1-40,000, R-1-20,000, R-1-12,500 and GMU Districts: Six feet

R-1-6,000, DR, RM, MP and ORM Districts: Three feet

R-1-3,500 District: None

MU District: None, unless the lot is adjacent to an R District, in which case a minimum side yard of 10 feet shall be provided and maintained.

I District: None, unless the lot is adjacent to an R District, in which case a minimum side yard of 10 feet shall be provided and maintained.

C. Minimum rear yard setbacks.

O District: 15 feet

R-1-40,000, R-1-20,000, R-1-12,500 and GMU Districts: Six feet

R-1-6,000, DR, RM, MP and ORM Districts: Three feet

R-1-3,500 District: None

CS District: 10 feet

MU District: None, unless the lot is adjacent to an R District, in which case a minimum side yard of 10 feet shall be provided and maintained.

I District: None, unless the lot is adjacent to an R District, in which case a minimum side yard of 10 feet shall be provided and maintained.

D. Notwithstanding the above, no accessory structure used for human habitation, and no swimming pool, or structure containing machinery or other fixed equipment capable of creating noise audible outside of the structure shall be located closer than five feet to a side or rear property line and shall not exceed the sound level standards as set forth in Chapter 9.32 HMC.

E. Notwithstanding the above, on reversed corner lots, an accessory structure shall not be located closer to the rear property line than the required side yard on the adjoining key lot.

F. Notwithstanding the above, detached covered parking setbacks shall be governed by HMC 20.16.170(D). (Ord. 1012 § 2 (Exh. B § 1, Exh. C § 1), 2004; Ord. 1010 § 3 (Exh. A § 9), 2003; Ord. 1003 § 2 (Exh. A § 17), 2003; Ord. 971 § 2 (Att. A § 5), 2001; Ord. 964 § 2 (Att. A § 1820), 2000; Ord. 956 § 2 (Att. A § 1820(d)(2)), 1999; Ord. 950 § 2 (Exh. A § 1820), 1998.)

Section 4. Section 20.20.010 Accessory Dwelling Units shall be amended as follows:

20.20.010 Accessory dwelling units

The purpose of this section is to comply with state law, which provides for cities to set standards for the development of accessory dwelling units so as to increase the supply of small and affordable housing while ensuring that they remain compatible with existing primary structures and neighborhoods. It is the intent that accessory dwelling units will be permitted to be established as a permanent housing option on any property that either contains or is constructed concurrently with a primary single-family or multi-family residential use, and when established in compliance with state and local ordinances.

A. General Requirements

1. Accessory dwelling units shall not be counted when calculating the permitted density requirements of the General Plan, but shall otherwise be considered a component of a primary single-family residential land use on a property consistent with the General Plan text and diagrams.
2. Accessory dwelling units are exempt from the Growth Control Measures set forth in Healdsburg Municipal Code Section 17.24 per California State Law (Government Code Section 65852.2(a)(1)(C)).
3. One accessory dwelling unit shall be allowed to be established either simultaneously with or subsequent to the construction of a primary dwelling unit that is located on the same lot of record and under one common ownership. An accessory dwelling unit shall not be sold, transferred or owned separately from the primary residential unit on the property.
4. The owner of the property does not have to live on a lot where an accessory dwelling unit is located. However, rental terms established for occupancy of an accessory dwelling unit shall

be longer than 30 days. An accessory dwelling unit shall not be converted to accommodate residential visitor lodging, consistent with the limitations established under Chapter 20.20 HMC, Article I.

5. An accessory dwelling unit shall be allowed in all zoning districts that permit single-family and multi-family uses when proposed on a lot that is developed or proposed to be developed with one legally permitted single-family dwelling unit; and when all other requirements of the Land Use Code and Building Code, and any other applicable guidelines have been or will be met. In the PD and RMP districts, accessory dwelling units that meet the standards of this section shall be allowed in accordance with the development plan and policy statement approved for the subject property.

6. A factory-built housing or manufactured home may be used as an accessory dwelling unit so long as it conforms to all provisions relating to accessory dwelling units and to all provisions of HMC 20.20.020. Furthermore, all new construction shall comply with any applicable design criteria that may be established by the City of Healdsburg, and/or in an adopted area plan or specific plan that may apply to the site.

7. Accessory dwelling units may be attached to the primary dwelling unit, detached from the primary dwelling unit or an internal conversions of existing habitable space, and shall be placed on a permanent foundation. Refer to Section 20.28.310 for definitions of various types of Accessory Dwelling Units and Efficiency Unit.

8. Unpermitted, nonconforming accessory dwelling units shall not qualify as legally recognized accessory dwelling units unless all the development standards and regulations of this section are satisfied.

9. A legally established accessory dwelling unit shall not be modified or used for any other residential use except in full conformance with the provisions of this section and/or the underlying zoning district, and provided that all other requirements of the Land Use Code and Building Code have been or will be met.

10. Review of an accessory dwelling unit for compliance with the applicable Land Use Code standards shall be completed within 60 days of submittal of a complete application to the building division.

B. Development Standards.

Table 20 Development Standards for Accessory Dwelling Units

Development Standard	Conversion of Existing Floor Area		New Construction or Additions	
	Junior Accessory Dwelling Unit	Conversion of existing floor area ¹	Attached Accessory Dwelling Unit	Detached Accessory Dwelling Unit
Maximum Size	500 square feet	1,200 square feet	1,200 square feet	1,200 square feet
Site Coverage	N/A	N/A	Maximum site coverage requirements of the underlying zoning district. Exception: ADUs 850 square feet or less are not subject to the maximum site coverage requirements of the underlying zoning.	
Height ²	Same as Zoning District	Two-Stories or 25 feet		
Setbacks				
Front	N/A ³	N/A ³	Same as Zoning District	Same as Zoning District
Interior Side ²	N/A ³	N/A ³		5 feet
Street Side	N/A ³	N/A ³		10 feet
Rear ²	N/A ³	N/A ³		5 feet
Parking Spaces: On-Site				
Accessory Dwelling Unit	0	0	0	0
Replacement Parking for Primary Dwelling Garage or Covered Parking Conversion	N/A	2	2	2
Parking Location and Configuration: Primary Dwelling Replacement Parking				
Interior Side and Rear Setbacks	N/A	N/A	5 feet	5 feet
Front and Street Side Setbacks	N/A	Allowed per Section 20.20.010	Allowed per Section 20.20.010	Allowed per Section 20.20.010

Development Standard	Conversion of Existing Floor Area		New Construction or Additions	
	Junior Accessory Dwelling Unit	Conversion of existing floor area ¹	Attached Accessory Dwelling Unit	Detached Accessory Dwelling Unit
Tandem Parking Allowed	N/A	Yes	Yes	Yes
Notes: 1. Converted floor area designated for the accessory dwelling unit must comply with the applicable structural, electrical and plumbing codes, subject to the review and approval of the building official. 2. An ADU located over a detached garage may exceed the Maximum Height stated in HMC Section 20.16.030 (Accessory Structures), up to two-stories or 25 feet and the maximum required interior side and rear setbacks are 5 feet as noted in Table 20. 3. Requirements of the Building Code shall be met and setbacks shall be sufficient for fire safety.				

C. Accessory Dwelling Unit Floor Area Calculation

1. The size of the unit shall be measured from the side of the exterior wall of the dwelling unit to the opposing exterior wall face enclosing the unit, or to the centerline of the furthest opposing interior wall that separates the accessory unit and primary unit living space. Carports, covered porches and patios, chimneys, stairwells and mechanical rooms are not counted toward the determination of floor area of the accessory dwelling unit.
2. In dwellings where proposed or existing habitable space is under a sloping roof, any area where the sloping ceiling measures less than five feet from the finished floor to the finished ceiling is not counted as floor area.

D. Design Criteria

All new Accessory Dwelling Units shall be reviewed by the Planning and Building Director or his/her designee for consistency with this ordinance and the following guidelines from the Citywide Design Guidelines. Applications shall demonstrate compliance with the following guidelines by clearly identifying existing and proposed materials, photographs and samples if different than the primary residence.

1. Placement. Detached and attached ADUs (and all associated outdoor living areas and accessory structures) shall comply with the setback requirements of the zoning district in which the ADU is to be located. An attached or detached ADU shall not be placed between a required front yard setback from a public right of way and the primary dwelling unit.
2. Compatibility. The accessory dwelling unit shall incorporate the same architectural features, building materials and colors as the primary dwelling unit located on the property. Compatibility with the existing primary dwelling unit shall include the same roof slope and material, the same exterior wall colors, and the same architectural and landscape design.

3. **Parking.** Replacement parking for garage or carport conversions may be covered or uncovered and shall be located on an existing paved driveway. In cases where a driveway does not exist replacement parking may be located on new paved driveway. New paving shall be the minimum needed and alternative surfaces to minimize runoff are encouraged.
4. **Entrance.** A separate entrance to an accessory dwelling unit shall be provided for detached and conversion accessory dwelling units. Access to the public right of way may be provided through the rear yard of the primary residence or a dedicated pathway.
5. **Review.** ADU applications inconsistent with Land Use Code Section 20.28.105 for sites located in Character Area 1 as defined in the Citywide Design Guidelines or Land Use Code Section 20.12.064 if located within a Historic District (HD) Overlay will be denied.
6. **Appeal.** Applicants may appeal the denial of a building permit for accessory dwelling unit permit pursuant to the provisions set forth in HMC 2.36.

E. Accessory Dwelling Unit Restrictions

Before issuing a building permit for an accessory dwelling unit, the property owner shall file with the county recorder a declaration or agreement of restrictions, which has been approved by the City attorney as to its form and content, containing a reference to the deed under which the property was acquired by the owner and stating that:

1. The accessory dwelling unit shall not be sold separately from the main residential unit on the property;
2. The accessory dwelling unit is restricted to the maximum size allowed per the development standards of this section;
3. The accessory dwelling unit may be occupied by or rented to a separate household living independently from the occupant(s) of the primary residence; provided, that the terms for separate occupancy of the accessory unit and/or primary unit shall be longer than 30 days;
4. The accessory dwelling unit shall not be used or converted for use as visitor lodging, consistent with the provisions of HMC 20.20.060(B)(5); and
5. The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall result in legal action against the property owner.

(Ord. 1172 § 2, 2018; Ord. 1169 § 3, 2017; Ord. 1159 § 11, 2016; Ord. 1006 § 2 (Exh. A § 1855), 2003; Ord. 1003 § 2 (Exh. A § 19), 2003.)

Section 5. Section 20.20.040 shall be amended to update the subsequent table numbers and references due to the new table inserted into the Section 20.20.10 as follows:

20.20.040 Small lot subdivisions

Residential subdivisions, with lot sizes and yards smaller than otherwise required under this article, are allowed in the R-1-3,500 and R-1-6,000 districts if based upon an agreement with the City Council to ensure that 100 percent of the new dwellings meet sales or rental criteria for affordable housing and meet the following development standards:

A. Lot Configurations and Sizes. Lot configurations may include, but are not limited to, zero lot lines, angled Z lots, zipper lots, alternate-width lots, quad lots, and motor court lots. Lot sizes may range from 2,000 to 6,000 square feet or more. A variety of lot configurations and lot sizes is required for projects larger than three acres in size.

B. Allowable Unit Sizes. Allowable dwelling size shall be based on lot square footage. Actual dwelling sizes, as well as lot sizes, in a proposed development plan may vary so long as the averages shown in the table below are maintained. Dwelling size refers to the gross living area of the primary dwelling only, excluding storage sheds, garages, carports, and covered patios.

Table 21 Average Dwelling Size in Small Lot Subdivisions

	Square Feet (can be interpolated)								
Average Lot Size	2,000	2,500	3,000	3,500	4,000	4,500	5,000	5,500	6,000
Average Dwelling Size	1,000	1,100	1,200	1,300	1,400	1,500	1,600	1,700	1,800

C. Subsequent Expansions or Additions. Subsequent expansions or additions to dwelling units may be permitted by minor use permit, approved by the zoning administrator; provided, that any proposed expansion is in compliance with the provisions of subsections (D) through (H) of this section. Construction of accessory dwelling units not shown on the approved development plan for the subdivision shall be in compliance with HMC [20.20.010](#), including a minimum lot size of 4,500 square feet.

D. Setbacks and Yard Areas. The following setback and yard requirements shall apply to small lot subdivisions:

1. There are no minimum yard requirements. Setbacks for all proposed and possible future buildings or possible additions to proposed buildings shall be shown on the development plan for the subdivision.
2. The garage or carport front, when the entrance faces the street, shall be located not less than 20 feet to the rear of the public sidewalk, or 20 feet from the property or adopted street plan line, whichever is a greater distance from the edge of pavement of the street.

E. Maximum Site Coverage. The maximum site coverage shall be 60 percent.

F. Maximum Height. The maximum building height for all main structures shall be 25 feet. HMC [20.16.065](#) allows exceptions for ancillary structures, including chimneys, antennas and similar architectural features. Accessory dwelling unit building heights are regulated in HMC [20.20.010](#).

G. **Minimum Open Space per Unit.** Minimum open space per unit shall be 300 square feet, which may be a combination of private open space or a common yard area which is accessible to all units constructed as part of the same project.

H. **Reservation of Units and Affordability Guarantees.** The developer of a small lot subdivision shall enter into either a development agreement pursuant to California Government Code Section [65865](#) or an affordable housing agreement approved by the City Council which guarantees that the affordable income units will be provided by the developer and will remain available to the targeted persons or households for a period of not less than 30 years. The agreement shall identify the means by which such continued availability will be secured and the procedures under which the targeted units will be rented and/or sold during such period, and may contain other terms and provisions that the City may require. (Ord. 1159 § 15, 2016; Ord. 1018 § 2 (Exh. A § 347), 2004.)

Section 6. Section 20.28.075 shall be amended to update the subsequent table numbers and references due to the new table inserted into the Section 20.20.10 as follows:

20.28.075 Reviewing entities

Three reviewing entities are hereby established and described as follows:

A. **City Council.** The City Council is established through the incorporation of the City of Healdsburg and has final review of all matters relating to planning and zoning, subject to delegation of such authority as provided in this Title.

B. **Planning Commission.** The planning commission is established for the purpose of taking final action on certain applications and recommending actions on other applications to the City Council.

The powers and duties of the planning commission shall include:

1. Authority to hear and decide:
 - a. Applications for major conditional use permit;
 - b. Applications for variances, with the exception of those made by the zoning administrator, pursuant to HMC [20.28.215](#);
 - c. Applications for major design review;
 - d. Adoption of Negative Declarations or EIR certification and findings when associated with another application acted upon by the planning commission.
2. Authority to review and make recommendations to the City Council on:
 - a. Applications for ordinance amendments and Zoning Map changes;
 - b. Applications for tentative subdivision maps;
 - c. Applications for General Plan amendments;
 - d. Environmental documentation where final permit approval is made by the City Council.
3. Authority to act upon appeal of any order, requirement, permit, decision, determination made by an administrative or appointed official, such as the planning department staff, planning director or zoning administrator in the administration or enforcement of this Title.

4. The planning commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this Title. All meetings shall be open to the public. The planning commission shall keep minutes of all proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its own examinations and other official action, all of which shall be a public record and be immediately filed with the planning department.

C. Zoning Administrator. A zoning administrator may be appointed to perform certain duties as described in this Title and as authorized by the State Planning and Zoning law. The City manager shall appoint the zoning administrator and determine qualifications for the office.

1. The zoning administrator provides a method by which minor adjustments from ordinance requirements can be made without the delays resultant to the setting of such matters for public hearing before the planning commission and to relieve the planning commission from certain minor and routine matters.

2. The zoning administrator shall have the authority to grant or conditionally grant minor use permits, minor variances, and determinations of unspecified uses as set forth elsewhere in this Title.

3. The zoning administrator shall adopt rules and regulations to govern the procedures at public meetings and to set times for required meetings. All meetings shall be open to the public.

D. Table 22 summarizes the various reviewing and approval bodies for applications made pursuant to this Title.

Table 22 Permit approval matrix

Application Type	Recommending Authority	Approval Authority	Appeal	Final Approval for Appeals
Building relocation	None	Building official and planning director	Planning commission	City Council
Conditional use permit - major	Staff	Planning commission	City Council	City Council
Conditional use permit - minor	Staff	Zoning administrator	Planning commission	City Council
Design review - major	Staff	Planning commission	City Council	City Council
Design review - minor	Staff	Planning and building director	Planning commission	City Council

Table 22 Permit approval matrix

Application Type	Recommending Authority	Approval Authority	Appeal	Final Approval for Appeals
Determination of use	Staff	Zoning administrator	Planning commission	City Council
General Plan amendment (map and/or text)	Planning commission	City Council	None	None
Variance - major	Staff	Planning commission	City Council	City Council
Variance - minor	Staff	Zoning administrator	Planning commission	City Council
Zone change	Planning commission	City Council	City Council*	None
Zoning ordinance amendment (rezone and prezone)	Planning commission	City Council	None	None

Staff: The professional staff of the planning and building department

*The City Council is the appeal body if the planning commission denies the rezone.

(Ord. 1012 § 2 (Exh. A § 10), 2004; Ord. 950 § 2 (Exh. A § 2505), 1998.)

Section 7. Section 20.28.080 shall be amended to update the subsequent table numbers and references due to the new table inserted into the Section 20.20.10 as follows:

20.28.080 Public notice requirements

A. Notice shall be given in accordance with state law and as set forth in Table 23. In addition, the City may give notice of hearings in any other manner deemed necessary or desirable so long as compliance with state law is assured.

Table 23 Notification requirements

Type of Procedure, Permit or Hearing	Surrounding Properties	Publication	On-Site Posting	On-Site Sign
Appeal	(1)	(1)	(1)	(1)
Conditional use permit - major	yes	yes	no	yes

Table 23 Notification requirements

Type of Procedure, Permit or Hearing	Surrounding Properties	Publication	On-Site Posting	On-Site Sign
Conditional use permit - minor	yes	no	yes	no
Determination of use	no	no	no	no
General Plan amendment (map designation)	(2)	yes	no	yes
General Plan amendment (text)	no	yes	no	no
Design review - major	yes	yes	no	yes
Design review - minor	no	no	no	no
Variance - major	yes	yes	no	yes
Variance - minor	yes	no	yes	no
Subdivision - major	yes	yes	no	yes
Subdivision - minor	yes	no	yes	no
Land Use Code amendment	no	yes	no	no
Zoning map amendment	(2)	yes	no	yes

- (1) Notification shall occur in the same manner as required for the original application.
(2) Surrounding properties are notified if the amendment affects permitted uses and property.

- B. Where notification of surrounding property owners is required, the following shall apply:
1. Notice of the hearing shall be mailed or delivered to all owners of real property, as shown on the latest equalized assessment roll, within 300 feet of the real property that is the subject of the hearing. This shall be as measured from the exterior property boundaries of the subject property, regardless of intervening streets.
 2. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, the City, in lieu of mailed or delivered notices, may provide notice by placing an advertisement of at least one-eighth page in at least one newspaper of general circulation within the community.

C. For all hearings requiring publication of notice, notice shall be made by publication in a local newspaper of general circulation within the community at least one time. (Ord. 1049 §§ 1,2, 2006; Ord. 1012 § 2 (Exh. A § 11), 2004; Ord. 950 § 2 (Exh. A § 2510), 1998.)

Section 8. The following words and terms are proposed to be added to Section 20.28.310 Definitions as follows:

Accessory Dwelling Unit, Junior. A dwelling unit that is no more than 500 square feet in size and contained entirely within a legally permitted single-family dwelling, and utilizing an existing bedroom, and containing an efficiency kitchen. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Tandem Parking. Off-street parking spaces where two or more automobiles are parked behind one another on an existing driveway or new paved dustless surface.

Section 9. The following words and terms from Section 20.28.310 Definitions are proposed to be amended as follows:

Site coverage. The amount of a building site covered by main and accessory buildings and structures, as computed from the outside dimension of the structure, including garages, carports, accessory dwelling units and covered patios. Open recreational facilities, such as swimming pools and spas, courts, decks and similar facilities (under 30 inches in height above finished grade) shall not be included in the calculation of building coverage. Projecting eaves and porches and patios open on three sides shall also be excluded from building coverage calculations.

Section 10. Environmental Compliance.

The proposed amendments to the Municipal Code are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) , general rule, which applies to any action where can be seen with certainty that there is no possibility that the project may have a significant effect on the environment. The proposed amendments will not allow for, or encourage any more development than is already anticipated under the City's existing General Plan, or otherwise allow for or promote physical changes in the environment and therefore it can be seen with certainty that there is no possibility that the proposed amendments to existing zoning standards may have a significant effect on the environment.

Section 11. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 12. Effective Date and Publication.

This Ordinance of the City of Healdsburg shall be effective thirty (30) days after the date of its passage. Before expiration of fifteen (15) days after its passage, this Ordinance or a summary thereof as provided in Government Code section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Healdsburg, along with the names of the City Council members voting for and against its passage.

INTRODUCED by the City Council of the City of the Healdsburg on the 6th day of May, 2019,
and PASSED and APPROVED at a regular meeting of the City Council on the 20th day of May,
2019 by the following vote:

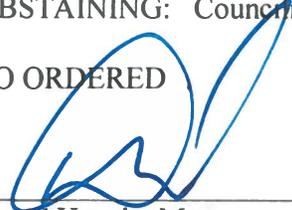
AYES: Councilmembers: (5) Gold, McCaffery, Mitchell, Naujokas and Mayor Hagele

NOES: Councilmembers: (0) None

ABSENT: Councilmembers: (0) None

ABSTAINING: Councilmembers: (0) None

SO ORDERED



David Hagele, Mayor

ATTEST



Raina Allan, Deputy City Clerk

Dated: May 21, 2019

I, RAINA ALLAN, Deputy City Clerk of the City of Healdsburg, do hereby certify that the foregoing is a full, true, and correct copy of Ordinance No.1187 passed and adopted by the Healdsburg City Council on the 20th day of May, 2019.



Raina Allan, Deputy City Clerk