

CITY OF HEALDSBURG

ORDINANCE NO. 1189

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG RESCINDING URGENCY ORDINANCE NO. 1169 AMENDING HEALDSBURG MUNICIPAL CODE SECTIONS 10.52.030 AND 20.20.010 REMOVING PROVISIONS TO ENCOURAGE ADDITIONAL HOUSING OPTIONS WITHIN THE CITY OF HEALDSBURG DUE TO THE SIGNIFICANT LOSS OF HOUSING WITHIN SONOMA COUNTY DUE TO SEVERAL WILDFIRES THAT IMPACTED SONOMA COUNTY IN OCTOBER 2017, AND APPROVING A RELATED CEQA EXEMPTION FOR THE MUNICIPAL CODE AMENDMENTS

WHEREAS, beginning on the evening of October 8, 2017, and continuing for days thereafter, a series of wildfire events burned over 90,000 acres in Sonoma County and damaged or destroyed over 6,800 homes and structures within Sonoma County; and

WHEREAS, on October 9, 2017, the Governor of the State of California proclaimed a State of Emergency in Sonoma and other counties; and

WHEREAS, on October 10, 2017, the President of the United States of America declared the existence of a major disaster in the State of California and ordered federal aid to supplement State and local recovery efforts in the areas affected by the fires and identified several measures by which the process could be expedited and facilitated; and

WHEREAS, California Government Code Section 36937(b) allows an ordinance to take effect immediately if it is an ordinance for immediate preservation of public peace, health or safety; contains a declaration of the facts constituting the urgency; and is passed by four-fifth vote of the City Council; and

WHEREAS, in response to the urgent need to allow for additional housing options within in the City of Healdsburg created by the fires, beginning on October 8, 2017, the City enacted Urgency Ordinance No. 1169, which amended the Healdsburg Municipal Code Section 10.52.030 and 20.20.010 to allow human habitation in vehicles and provided allowances for ADU size in relation to the primary dwelling unit, replacement parking for garage conversions creating an ADU and an expedited review period for ADUs; and

WHEREAS, an urgency ordinance may be rescinded by a four-fifths vote of the City Council, and such rescission will also take effect immediately; and

WHEREAS; Urgency Ordinance No. 1169 is set to expire on October 9, 2019; and

WHEREAS; the City has not received any Urgency Ordinance Temporary Land Use Certificates to allow human habitation in vehicles currently allowed through the Urgency Ordinance; and

WHEREAS; on May 20, 2019, the City Council adopted amendments to the Land Use Code that will allow more flexibility for applicants than Urgency Ordinance No. 1169 by removing the limitations on the size of an accessory dwelling unit (ADU) in proportion to the primary dwelling, including additional allowances to encourage smaller ADUs through exceptions to site coverage, flexible provisions for replacement parking for the primary dwelling, and maintaining processing timelines, which will conflict with Urgency Ordinance No. 1169; and

WHEREAS, adoption of this Ordinance rescinding Ordinance No. 1169 is not a project under CEQA, as it does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change to the environment, as defined by CEQA Guideline Section 15378;

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

Section 1. Findings

1. The above recitals are hereby declared to be true and correct findings of the City Council of the City of Healdsburg; and
2. The City Council finds, based on the evidence and records presented, that this Ordinance is necessary for the protection of the public peace, health and safety; and
3. The actions authorized by this Ordinance are consistent with the City's General Plan and any applicable specific plan in that they are an exercise of the City's land use powers to protect the health, safety and welfare of the public, which will be further put at risk due to the destruction of much needed housing in Sonoma County; and
4. The actions authorized by this Ordinance would be beneficial to the health, safety and welfare of the public in that they enable temporary housing options and streamline mechanisms for creating additional housing; and
5. The actions authorized by this Ordinance would not be detrimental to the health, safety and welfare of the public in that they allow the City to provide options to City residents and neighbors and require the approval of property owners.

Section 2. Section 10.52.030 (Vehicles and Traffic) is amended as follow (proposed deleted text is indicated with strikethrough):

A. Definitions. For purposes of this section, "vehicle" includes any boat, house boat, mobile home, car, truck, van, sport utility vehicle, commercial truck, camp car, house car, camper, bus, recreational vehicle, or any other vehicle generally used for human habitation and designed for transport on wheels or in tow by motor vehicles.

B. Exceptions. Vehicles parked and occupied in mobile home parks, travel trailer parks, or similar areas specifically set aside and lawfully used under zoning and other regulations for the

C. Enforcement. It is unlawful for any person to utilize a vehicle for human habitation on any public or private property, except for areas defined in subsection (B) of this section. (Ord. 1169 §§ 2, 3, 2017; Ord. 1005 § 2, 2003. Code 1964 § 12.64.030.).

Section 3. Section 20.20.010 G (Land Use Code), is amended as follows (proposed deleted text is indicated with strikethrough):

20.20.010 G Accessory dwelling units: Maximum Size

1. The allowable area of an accessory dwelling unit shall not exceed 45 percent of the habitable floor area of the primary dwelling unit, excluding the garage area, except as follows:
 - a. An accessory dwelling unit shall not exceed a maximum size of 850 square feet and two bedrooms.
 - b. A minimum allowance for an “efficiency” sized unit shall be accommodated regardless of the floor area ration limitation; provided, that all other requirements of the Land Use Code and Building Code have been or will be met.

Section 20.20.010 J (Land Use Code), is amended as follows (proposed deleted text is indicated with strikethrough):

20.20.010 J Accessory dwelling units

No additional parking shall be required for an accessory dwelling unit. However, if construction of an accessory dwelling unit includes removal of required parking established for the primary unit, then equivalent or better replacement parking shall be provided for the primary residence in substantial conformance with location, design and setback requirements of the underlying zoning district. The amount and type of replacement parking shall not be required to exceed either the amount of parking provided prior to removal, or the minimum standards required under the zoning district, whichever is less restrictive.

Section 20.20.010 R (Land Use Code), is amended as follows (proposed deleted text is indicated with strikethrough):

20.20.010 R Accessory dwelling units

Review of an accessory dwelling unit for compliance with the applicable Land Use Code standards shall be completed within 120 days of submittal of a complete application to the building division.

An application for building permit shall include all the information necessary to complete review of the proposal for compliance with the provisions of this section, within the prescribed time frame.

Section 4. Environmental Compliance.

Adoption of this Ordinance rescinding Ordinance No. 1169 is not a project under CEQA, as it does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change to the environment, as defined by CEQA Guideline Section 15378 in that the proposed changes to the Healdsburg Municipal Code (HMC) remove text that was intended to encourage housing options during a time of emergency. The proposed changes will return the HMC language to its original language prior to adoption of Urgency Ordinance No. 1169.

Section 5. 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 6. Effective Date and Publication.

This Ordinance of the City of Healdsburg shall be in effect immediately upon its adoption.

INTRODUCED by the City Council of the City of the Healdsburg on the 20th day of May, 2019, and PASSED and APPROVED at a regular meeting of the City Council on the 3rd day of June 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 L. Hagele, Mayor

ATTEST



Raina Allan, Deputy City Clerk

Dated: June 4, 2019

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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.1189 passed and adopted by the Healdsburg City Council on the 3rd day of June, 2019.



Raina Allan, Deputy City Clerk