



AGENDA ITEM NUMBER: _____

Agenda Report Reviewed by:
City Manager/City Attorney:


CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA STAFF REPORT

Meeting Date: November 13, 2018
To: Honorable Mayor and City Councilmembers
From: Kari Svanstrom, Planning Director 
Subject: Approval of Waiving of Second Reading and Adoption of Ordinance 1116-Zoning Ordinance Text Amendments for Errata
Recommendation: Adopt the Ordinance
Funding: Currently Budgeted: Yes _____ No _____ N/A
Net General Fund Cost: Amount: \$

Introduction:

At its October 30, 2018 meeting, the City Council received the staff report and presentation, held the public hearing and discussed an ordinance to adopt minor text amendments (Errata) to clarify certain sections of the recently adopted Zoning Ordinance (Sebastopol Municipal Code Title 17).

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

Recommendation:

Adopt the Ordinance.

Attachment:

- 1. Ordinance No. 1116

City of Sebastopol
Ordinance No. 1116

AN ORDINANCE OF THE CITY OF SEBASTOPOL CITY COUNCIL
ADOPTING MINOR TEXT AMENDMENTS TO SEBASTOPOL MUNICIPAL CODE
TITLE 17 "ZONING" TO ADDRESS CERTAIN ERRATA

SECTION 1. Purpose and Findings

WHEREAS, the City of Sebastopol completed a comprehensive General Plan update with adoption of a new General Plan on November 15, 2016; and

WHEREAS, the new General Plan includes policies and actions calling for numerous updates to the Zoning Ordinance; and

WHEREAS, State law requires Zoning regulations and mapping to be consistent with the General Plan, and therefore updating the Zoning Ordinance is required; and

WHEREAS, the Zoning Ordinance update includes other clarifying and policy changes identified by the update consultant, Planning Department staff, the Planning Commission, and City Council; and

WHEREAS, the Planning Commission conducted several public meetings to review the draft Zoning Ordinance, accepted public comment, and provided direction for revisions, and also conducted a duly-noticed public hearing on the draft Zoning Ordinance on March 27, 2018, and adopted a resolution forwarding the proposed Zoning Ordinance amendments to the City Council and recommending its adoption; and

WHEREAS, the City Council conducted several public meetings to review the draft Zoning Ordinance, accepted public comment, and provided direction for revisions, and also conducted duly-noticed public hearings on the draft Zoning Ordinance on May 1, May 30, and August 7, 2018; and

WHEREAS, on October 2, 2018, the City Council conducted a duly-noticed Public Hearing, deliberated, and found that as revised, the Zoning Ordinance is compatible with the general objectives of the General Plan, in that it directly implements the General Plan policies, thereby achieving consistency between the General Plan and the Zoning Ordinance; and

WHEREAS, on October 16, 2018, the City Council held a second reading and adopted the Zoning Ordinance; and

WHEREAS, certain Errata were reviewed at the October 2, 2018 public hearing, but were not included in the adoption of the Ordinance; and

WHEREAS, it was the intent of the City Council to incorporate these Errata into the Zoning Ordinance; and

WHEREAS, on October 30, 2018, the City Council conducted a duly-noticed Public Hearing, deliberated, and found that the Errata were compatible with the intent of the adopted Zoning Ordinance as well as the general objectives of the General Plan, in that it further clarifies the Zoning Ordinance which implements the General Plan policies; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA, codified at Public Resources Code § 21000 *et seq.*) and the State CEQA Guidelines (14 CCR, § 15000 *et seq.*), on November 15, 2016, the City Council certified and adopted an Environmental Impact Report (EIR) for the Sebastopol General Plan (the “Project”; State Clearinghouse No. 2016032001); and

WHEREAS, pursuant to CEQA Guidelines Section 15162, no subsequent or supplemental EIR or Negative Declaration is required in connection with subsequent discretionary approvals of the same Project unless substantial changes are proposed; and

WHEREAS, it has been determined by the Environmental Coordinator that the se local amendments are exempt from the requirements of CEQA based on Section 15061(b)3 of the CEQA guidelines, which exempts actions there is no possibility that the activity will have a significant effect on the environment. The proposed zoning ordinance text amendments to adopt certain errata are minor and will not cause environmental harm; and

WHEREAS, the City Council finds that no substantial changes have occurred, and concurs with the staff determination that no additional environmental review is required pursuant to CEQA in connection with the City’s consideration of the Zoning Ordinance updates; and

WHEREAS, the City Council finds that the proposed Zoning Ordinance amendments are minor in nature and compatible with the general objectives of the General Plan, in that the amendments further clarify the intent of the Zoning Ordinance and General Plan policies and standards, thereby enhancing consistency between the General Plan and Zoning Ordinance; and

WHEREAS, the City Council finds that the amendments will be in conformity with public convenience, general welfare, and good land use practice, in that the revisions are also

intended to clarify the regulations and facilitate ease of use and understanding, as well as to establish appropriate standards and procedures; and

WHEREAS, the City Council finds that the amendments will not be detrimental to the public health, safety and general welfare, and will not adversely affect the orderly development of property, in that they will harmonize the General Plan and Zoning Ordinance, better express the City's policies, and generally promote good land use planning and regulation.

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Sebastopol hereby ordains that Title 17 "Zoning" of the Sebastopol Municipal Code is amended to read as follows:

SECTION 2.

SECTION 17.08.030 (**Definitions "A"**) SHALL BE AMENDED TO ADD THE FOLLOWING:

"Alcoholic beverage tasting establishment" means a retail establishment that primarily sells one or more alcoholic beverage (wine, cidery, or distilled spirits) on behalf of one or more wineries, cideries, or distilleries and enables consumers to taste wine, cider, or distilled spirits, either with or without charge, as a regular part of the sales business, and may include incidental sales of other retail items.

SECTION 3.

SECTION 17.08.124 (**Definitions "W"**) SHALL BE AMENDED TO DELETE THE FOLLOWING:

"Wine tasting establishment" means a retail establishment that primarily sells wine on behalf of one or more and enables consumers to taste wine, either with or without charge, as a regular part of the sales business, and may include incidental sales of other retail items.

SECTION 4.

SECTION 17.20.020 (**Allowed Uses.**) SHALL BE AMENDED AS FOLLOWS:

17.020.020 Allowed Uses.

Table 17.20.1 identifies permitted and conditionally permitted uses in the residential districts.

SECTION 5.

SECTION 17.200.040 SHALL BE ADDED AS FOLLOWS:

17.200.040 Minimum residential density (R-6 and R-7 Zones).

The minimum residential density may be calculated based on the net acreage (or area) of a parcel. Net area shall be calculated as the gross area of a lot minus: 1) any portion of the lot encumbered with a recorded access easement where that easement is for the use other than by the property owner (pedestrian, bicycle, or driveway easements); 2) public or private roadways dedicated as part of a subdivision approval; 3) recorded open space easements as part of the approval, and/or 4) biological, cultural, or open space resources and associated

setbacks. Such a modification to the minimum residential density shall be reviewed and approved by the decision-making body.”

SECTION 6.

SECTION 17.220.020.D.11(a) SHALL BE AMENDED AS FOLLOWS:

“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.”

SECTION 6.

SECTION 17.250.040 SHALL BE REPEALED.

SECTION 7.

SECTION 17.350.080.B SHALL BE REPEALED.

SECTION 8.

TITLE 17 OF THE SEBASTOPOL MUNIIPCAL CODE IS HEREBY AMENDED AS FOLLOWS:

All references to “zoning approval” in Title 17 that reference a permit or application that has not been approved shall be replaced with “zoning permit” or “action on a zoning permit”.

SECTION 9.

TABLE 17.400-1 SHALL BE AMENDED AS FOLLOWS

Table 17.400-1: Zoning Permit - Decision-Making Authority

Type of Zoning Permit	Applicable Zoning Code Chapter	Role of Reviewer or Decision-Maker ¹			
		Planning Director ²	Design Review Board	Planning Commission	City Council
Administrative Permit	17.405	Decision	-	Appeal	Appeal
Adjustment	17.410	Decision	-	Appeal	Appeal
Conditional Use Permit	17.415	Recommend/ Decision ³	-	Decision	Appeal
Variance	17.420	Recommend	-	Decision	Appeal
Reasonable Accommodation	17.425	Decision	-	Appeal	Appeal
Temporary Use Permit, six months or less	17.430	Decision	-	Appeal	Appeal
Temporary Use Permit, more than six months	17.430	Recommend	-	Decision	Appeal
Downtown Noise	17.435	Decision	-	Appeal	Appeal

Permit, small event					
Downtown Noise Permit, large event	17.435	Recommend	-	Decision	Appeal
Development Agreement	17.440	Recommend	-	Recommend	Decision/Appeal
General Plan Amendment, Text or Map	17.445	Recommend	-	Recommend	Decision/Appeal
Zoning Code Amendment, Text or Map	17.445	Recommend	-	Recommend	Decision/Appeal
Design Review, Planning Director	17.450	Decision	Appeal	-	Appeal
Design Review, Design Review Board Approval	17.450	Recommend	Decision	-	Appeal

Notes:

- ¹ "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals the decision of an earlier decision-making body, in compliance with SMC 17.455.
- ² The Planning Director may defer action and refer the request to the Commission, so that the Commission may instead make the decision.

SECTION 10.

SECTION 17.400.050(A) SHALL BE REVISED AS FOLLOWS:

17.400.050 Public notice, public comment, and public hearing requirements.

A. Notice. All notices for consideration of a zoning permit shall state the nature of the request, the location of the property, the manner in which additional information may be obtained, any deadline for written comments, and, if applicable, the date for a public meeting or hearing that will be held to consider the project. Notice shall be provided as indicated in Table 17.400-2 and as follows:

1. Notice of a public hearing shall be provided as established by SMC 17.460.
2. Notice for consideration of permits that do not require a public hearing shall be mailed and posted as required by Table 17.400-2. If applicable, said notice shall state any deadline to request a public hearing before the decision-making body.

B. Public comment. The public shall be provided an opportunity to make written comments during the minimum public comment period identified in Table 17.400-2. The public shall be provided an opportunity to make oral or written comments during the public hearing for consideration of any permits that require a public hearing as identified in Table 17.400-2."

SECTION 11.

TABLE 17.400-2 SHALL BE AMENDED AS FOLLOWS:

Table 17.400-2: Public Notice, Public Comment, and Public Hearing Requirements.

Type of Zoning Permit	Public Hearing Requirement	Public Notice Requirements	Minimum Public Comment Period¹
Administrative Permit	None	None	None
Adjustment	None	Notice mailed to all owners of property adjoining the exterior boundaries of the subject property	12 days from mailing of notice ²
Conditional Use Permit – Planning Director	Yes	SMC 17.460.020	12 days from publication of the notice
Conditional Use Permit – Planning Commission	Yes	SMC 17.460.020	12 days from publication of notice
Variance	Yes	SMC 17.460.020	12 days from publication of notice
Reasonable Accommodation	No	None	None
Temporary Use Permit, six months or less	None	Notice mailed to all owners of property adjoining the exterior boundaries of the subject property	12 days from mailing of notice
Temporary Use Permit, more than six months	None	Notice mailed to all owners of property adjoining the exterior boundaries of the subject property, published in a newspaper of general circulation, and posted in at least three public places including the area directly affected by the requested permit	12 days from mailing of notice
Downtown Noise Permit, small event	None	Notice mailed to all owners of property adjoining the exterior boundaries of the subject property and posted in at least three public places including the area directly affected by the	12 days from mailing of notice

Type of Zoning Permit	Public Hearing Requirement	Public Notice Requirements	Minimum Public Comment Period ¹
		requested permit	
Downtown Noise Permit, large event	None	Notice mailed to all owners of property within 600 feet of the exterior boundaries of the subject property, published in a newspaper of general circulation, and posted in at least three public places including the area directly affected by the requested permit	12 days from mailing of notice
Development Agreement	Yes	SMC 17.460.020	12 days from publication of the notice
General Plan Amendment, Text or Map	Yes	SMC 17.460.020	12 days from publication of the notice
Zoning Code Amendment, Text or Map	Yes	SMC 17.460.020	12 days from publication of the notice
Design Review, Planning Director	None ²	None	None
Design Review, Design Review Board	None ²	None	None
Reasonable Accommodation	None	None	None

¹No decision on the zoning permit shall be made prior to the close of the public comment period.

²A public hearing shall be scheduled, at the discretion of the City Council or the Design Review Board or the Planning Director if the application does not require a public hearing before another board or commission, or the City Council and if the project involves, for residential developments, construction of 10 or more units, or for nonresidential or mixed-use development, construction of 10,000 square feet of floor area or more, except when the application qualifies for exemption from a public hearing requirement under State law.

SECTION 12.

SECTION 17.400.060 SHALL BE AMENDED AS FOLLOWS:

17.400.060 Zoning consistency

Zoning consistency shall be required for all buildings and structures hereinafter erected, constructed, altered, repaired or moved within or into any district established by this code, and for the use of vacant land or for a change in the character of the use of land, within any district established by this code. Such review for consistency may be a part of the building permit.”

SECTION 13.

SECTION 17.460.020.A SHALL BE AMENDED AS FOLLOWS:

A. Notice of hearing shall be published once in a newspaper of general circulation within the jurisdiction of the City as identified in Table 17.400-2, except as identified by SMC 17.430.020.B. below. Notice shall contain the necessary information as required by Government Code Section 65091.

SECTION 14 Effective Date. This ordinance shall become effective (30) days after the date of adoption.

IN COUNCIL DULY PASSED THIS 13th day of November, 2018.

VOTE:

Ayes:

Noes:

Abstain:

Absent:

APPROVED: _____

Mayor Patrick Slayter

ATTEST: _____

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____

Larry McLaughlin, City Attorney