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*City of Sebastopol*

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Larry McLaughlin

City Clerk

Mary Gourley

Meeting Date:

Meeting of April 10, 2017

To:

Housing Subcommittee

From:

Kenyon Webster, Planning Director 

Subject:

Information Regarding Accessory Dwelling Units, Overnight Visitor Accommodations

**Introduction:**

This report provides information about two topics to be discussed at the April 10 Subcommittee meeting: Accessory Dwelling Units; and Overnight Visitor Accommodations.

**Accessory Dwelling Units:**

See attached handout with comprehensive information about current standards and City fees for ADUs.

Policy questions:

- State law would allow the City to increase permitted ADU square footage to 1,200 sq. ft. The City has thus far chosen to limit square footage to 840 sq. ft., to promote affordability and appropriate scale. But there is a need for larger rental units. Should larger ADUs be permitted, perhaps on larger lots?
- Sebastopol's 'impact fees' are relatively modest for ADUs, and provide important income for both City services and capital improvements. Over a reasonable length of time they will be recovered via rental income/increased property value. However, they do add to housing costs. Should they be reduced on a temporary or permanent basis? Or, instead of some fees being calculated on a bedroom- or unit-basis, should they be based on square footage, so smaller units are not penalized?
- Related to this topic, should the City allow 'guest houses' or detached bedrooms, without full kitchens, and thereby expand housing resources? What standards should apply? However, if allowed, some of these would likely become bootleg ADUs, not complying with applicable standards or fee requirements.
- The current ordinance prohibits new ADUs built after July 1 from being used as 'Airbnb's' unless special approval is obtained. Should this prohibition remain?

**Overnight Visitor Accommodations:**

The 'Airbnb' phenomenon has grown exponentially world-wide. Sebastopol appears to have approximately 40 such establishments in the City limits, most being bedroom rentals. More than

half the operators have not obtained business licenses or paid City Transient Occupancy Taxes (TOT). The City has conducted periodic outreach and enforcement to gain compliance, and the City is currently working on an agreement with Airbnb to automatically collect TOT and remit it to the City.

Presently, up to two bedrooms in a dwelling, or up to a two-bedroom dwelling unit can be rented for overnight visitor accommodations with a simple procedure: obtaining a Business License and payment of TOT. However, after July 1, new ADUs cannot be used for this purpose unless they obtain a Use Permit.

In addition, the Zoning Ordinance allows what it defines as a 'bed and breakfast' establishment with up to 5 rooms in residential zones, with approval of a Use Permit. The regulations require a resident manager or owner to live on the property, and also require additional parking. Only one such application has been applied for/approved in the last 20 years.

Allowing these types of uses assists owners and investors by providing additional or alternative income, as well as providing a unique type of visitor accommodations for persons visiting Sebastopol, and generating additional local economic activity. However, they also reduce the housing stock for permanent housing.

Policy questions:

- Should current regulations be maintained?
- Should these types of uses be prohibited, or should a Use Permit requirement be imposed for some types of situations? Or should a numerical limit on such uses be set?
- The City's current ADU ordinance disallows use of new ADUs (built after July 1) for this use unless a Use Permit is obtained. Should this restriction be maintained?

Please note that the Planning Commission will also be discussing these issues at their April 25 meeting.

**Attachment:**

ADU handout



# City of Sebastopol

## ACCESSORY DWELLING UNIT CHECKLIST AND STANDARDS

Sebastopol encourages Accessory Dwelling units, which can provide needed infill rental housing in existing neighborhoods, or provide the opportunity for family members to live on the same property with their relatives.

There are development standards, review procedures, permits, and fee requirements associated with creating a new dwelling unit that you should be aware of as part of your consideration of whether to undertake development of an Accessory dwelling unit.

This handout is intended to generally inform you about some of the regulations pertaining to Accessory Dwelling units. This handout does *not* constitute actual regulations, or encompass all requirements.

### TYPES OF ACCESSORY UNITS:

Accessory Units can be developed in a number of ways: by building an entirely new residence that is separate from the existing house; by converting an accessory structure such as a garage; by adding on to an existing house; or by remodeling the interior of an existing house, including conversion of qualifying attics and basements.

One accessory unit can be allowed on any single family home property, provided standards are met.

### PROCEDURE:

Accessory Dwelling Unit permit processing changed in early 2017 in response to new State law. Please read this information thoroughly. Speak with the Planning Department before you prepare construction documents to make sure an Accessory Unit is possible on your site. There are development standards, review procedures, permits and fee requirements associated with creating a new dwelling unit that you should be aware of as part of your consideration of whether to undertake development of an accessory dwelling unit. Permit application are available at the Building Department. Be sure to review submittal requirements--incomplete applications will not be accepted or processed.

### REQUIRED APPLICATION MATERIALS CHECKLIST:

To file an application for an Accessory Unit, submit the application materials (may be provided as attachments to your plans, or printed on the plans) listed below:

1. Brief written Statement. Description of the site and the proposed project, including:-----
  - a. General design approach.....
  - b. Materials.....
  - c. Color.....
  - d. Other aspects of note.....
2. One completed Building Permit Application and ALL submittal requirements.-----
3. Labeled photographs of existing primary dwelling-----
4. Building Plan Requirements <http://ci.sebastopol.ca.us/City-Government/Departments-Services/Building-Safety/Bld-Plan-Ck-Submittal-Requirements-12-12-2016.aspx?ext=.pdf>



5. Filing Fees-----□

**KEY STANDARDS**

- Units cannot exceed 840 square feet.
- The increased floor area of an *attached* accessory dwelling unit shall not exceed 50% of the existing living area.
- Height of one-story units cannot exceed 17 feet.
- Height of two-story units cannot exceed 25 feet.
- Front yard setbacks are same as main unit requirement for one-story units, side and rear setbacks can be one-half of main unit requirement, but not less than 5 feet. For two-story units, all setbacks are the same as the main unit requirement. (See setback requirements for your zoning district at <http://ci.sebastopol.ca.us/City-Government/Departments-Services/Planning/Zoning-Ordinance>).
  - However, no setback shall be required for an existing garage that is converted to an accessory dwelling unit.
  - A setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.
- Some existing accessory structures may not qualify for conversion into an accessory dwelling unit.
- Accessory dwelling units cannot be sold separately from main unit.
- Second units may be rented to anyone.
- Accessory dwelling units authorized after July 1, 2017 may not be rented on a transient occupancy basis (less than thirty-one (31) days).
- Accessory dwelling units must be on a permanent foundation and connected to approved connections to utilities (water, sewer, electricity, gas).
- Trailers, RV's and similar wheeled structures cannot be use as accessory dwelling units.
- If you want to convert a garage to an Accessory unit, the City has flexible standards for replacing the 'main house' parking. We suggest you discuss this aspect with Planning Department.
- If you wish to legalize a 'bootleg' unit, the City has procedures and standards for that; we suggest you discuss this with the Planning Department.
- Garden sheds generally will not qualify as habitable structures.
- Fire sprinklers are required for some types of Accessory units. Check with the Building Department.
- There are no parking requirements for accessory dwelling units.

**IMPACT FEES AND OTHER COSTS:**

Cities in California have 'impact fees' to mitigate the impact of new development, and ensure that it pays its fair share of community infrastructure costs. School districts also have such fees, and you need to check with the West Sonoma County High School District for current amounts, and provide proof of payment at time of Building Permit. See attached sample fee calculation for a hypothetical 840-square foot one-bedroom ADU. For more information, review a list of City impact fees on the City web site, or obtain the list from the Planning Department. Impact fees vary based on square footage and number of bedrooms. Please note that fees are lower than in the past: In early 2017, the City eliminated sewer and water impact fees for Accessory units, reducing costs by thousands of dollars.

Once you have definitive construction plans, the Building Department may be able to provide you with a preliminary estimate of permit and impact fees.



Calculate your costs for a designer, impact and permit fees, and construction. Costs may be recovered over time through rental income, and/or higher value for your property.

**REVIEW PROCESS:**

We recommend you review the Zoning Ordinance standards for Accessory Units, located in Chapter 17.110, and that you also discuss your concept with the Planning Department. *Projects must conform to the standards set forth in the Zoning Ordinance.*

Once you have firmed up your project concept, we suggest you *share your plans with site neighbors* and work with them to address any concerns *before* you begin any permit review process with the City.

A Building Permit application must be filed with the Building Department. Specific project information must be provided in the application. Fully dimensioned plans of the site and the proposed Accessory Unit are required.

Processing timelines in Sebastopol are typically less than larger jurisdictions. Processing time depends on a number of factors, including completeness of your application, complexity of the proposed project, comments from City departments, responsiveness of your designer to needed plan revisions, staff workload, major holiday periods, and other factors.



**ESTIMATE OF FEES  
FOR 1-BEDROOM,  
840 SQUARE-FOOT  
ADU\***

**BUILDING FEES:**

Building Permit Fees	\$1,781.33
Electrical Permit Fees:	\$431.27
Mechanical Permit Fees:	\$342.20
Plumbing Permit Fees:	\$431.27
Building Plan Check 65% of permit fee	\$1,232.86
SMIF-Residential	\$16.38
Incremental Fee	\$126.00
Tech System Fee	\$126.00
Green Building Fee	\$6.00

***SUB-TOTAL*** **\$4,493.31**

**FIRE FEES**

Fire Sprinkler Fees**	\$300.00
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***SUB-TOTAL*** **\$300.00**

**OTHER FEES**

Traffic Impact:	\$2,314.00
Park In Lieu:	\$3,250.00
General Plan Update:	\$378.00
Planning Plan Check:	\$55.00

***SUB-TOTAL*** **\$5,997.00**

**TOTAL Estimate Only** **\$10,790.31**

*\*Does not include School Impact Fees. Proof of payment required at Building Permit. Contact School District for current fees.*

*\*\*Not applicable to some types of ADUs.*