

ORDINANCE NO. 2018-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLITS, CALIFORNIA, AMENDING VARIOUS CHAPTERS OF TITLE 17 OF THE WILLITS MUNICIPAL CODE BY MODIFYING CHAPTERS 17.04, 17.06, 17.10, 17.12, 17.14, 17.16, 17.18, 17.20, 17.22, 17.24, 17.26 AND 17.28, AND ADDING CHAPTER 17.61 ENTITLED ACCESSORY DWELLING UNIT REGULATIONS, CHAPTER 17.63 ENTITLED EMERGENCY SHELTER REGULATIONS, AND CHAPTER 17.65 ENTITLED REASONABLE ACCOMMODATIONS POLICY AND PROCEDURES

The City Council of the City of Willits hereby ordains as follows.

Title 17-Zoning Of The Willits Municipal Code Is hereby amended by modifying Chapters 17.04, 17.06, 17.10, 17.12, 17.14, 17.16, 17.18, 17.20, 17.22, 17.24, 17.26 and 17.28, and adding Chapter 17.61 entitled Accessory Dwelling Unit Regulations, Chapter 17.63 entitled Emergency Shelter Regulations, and Chapter 17.65 entitled Reasonable Accommodations Policy and Procedures, to read as follows:

TO READ AS FOLLOWS:

[insertion of these definitions will require renumbering of the definitions]

Chapter 17.04 - DEFINITIONS

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

"Family" means one or more persons living together in a dwelling unit.

"Farm worker housing" means any attached or detached dwelling unit used to house farm/agricultural workers and their family members, including temporary mobile homes. Farm worker housing is divided into the following subtypes:

- Farm worker housing for six persons or fewer; or
- Farm worker housing consisting of no more than 36 beds in group quarters or 12 units or spaces, each designed for use by a single family or household.

"Single-room occupancy (SRO) units" means multiunit housing for very low-income persons that typically consists of a single room and must include at minimum a shared bath and kitchenette.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

"Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

"Accessory Dwelling unit" means an attached or detached dwelling unit which provides complete independent living facilities for one or more persons, with permanent provisions for living, sleeping, eating, cooking, and sanitation sited on the same parcel as the primary dwelling unit

An accessory dwelling unit also includes the following:

- A. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code
- B. A manufactured home, as defined in Section 18007 of the Health and Safety Code

"Living area" means the interior inhabitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

"Existing Structure" for the purposes of defining an allowable space that can be converted into an ADU means within the four walls and roofline of any structure existing on or after January 1, 2017 that can be made safely habitable under local building codes at the determination of the building official regardless of any non-compliance with zoning standards.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

"Residential care home" means a state-licensed care facility. This includes facilities for persons with disabilities (Welfare & Inst. Code 5116); residential health care facilities (Health & Safety Code 1267.8, 1267.9, 1267.16); residential care facilities for the elderly (Health & Safety Code 1568.083–1568.0831, 1569.82–1569.87); community care facilities (Health & Safety Code 1518, 1520.5, 1566–1566.8, 1567.1); pediatric day health facilities (Health & Safety Code 1267.9; 1760–1761.8); and facilities for alcohol and drug treatment (Health & Safety Code 11834.23).

Chapter 17.06 - USE GROUP CLASSIFICATIONS

Sections:

17.06.010 - Purpose.

The purpose of this chapter is to classify land uses into specific categories known as "use groups" on the basis of common functional, product and compatibility characteristics.

17.06.020 - Listing of use groups.

The following use groups are hereby established:

Group 2 Residential.

- 2a. Single-family Residences. Nontransient residential occupancy of a single-family living unit.

Examples: Single-family house; Single-family manufactured house on permanent foundation.

- 2b. Two-family Residences. Nontransient residential occupancy of a building or structure containing two single-family dwelling units.

Examples: Duplex.

- 2c. Group Residential. Nontransient residential occupancy of three or more dwelling units.

Examples:

Triplex;
Fourplex;
Apartment house;
Rooming or boardinghouse;
Fraternity or sorority house;
Dormitory;
Residence club;
Housing cooperative.

- 2d. Mobile Home Parks. Nontransient residential occupancy of two or more mobile homes within a mobile home park.

- 2e. Residential above ground floor commercial.

- 2f. Supportive Housing.

- 2g. Transitional Housing.

- 2h. Emergency Shelter.

- 2i. Single-Room Occupancy Units.

- 2j. Farm Worker Housing(six or fewer persons).

- 2k. Farm worker housing, consisting of no more than 36 beds in group quarters or 12 units or spaces, each designed for use by a single family or household;

- 2l. Residential care home (six or fewer persons).

2m. Residential care home (seven or more persons).

Chapter 17.10 - AGRICULTURAL (A) ZONE

Sections:

17.10.010 - Purpose.

The agricultural (A) zone is intended to preserve lands best suited for agricultural use from the encroachment of incompatible uses, and to preserve in agricultural use land suited to eventual development in other uses, pending proper timing for the economical provisions of utilities, major streets and other facilities, so that compact, orderly development will occur.

17.10.020 - Principal permitted uses.

The following are principal permitted uses in the A zone:

Use Group	2	(a)	Single-family residences;
	42	(a)	General agriculture; Agriculture accessory buildings and uses;
	2	(f)	Supportive housing;
	2	(g)	Transitional housing;
	2	(j)	Farm worker housing (six or fewer persons);
	2	(k)	Farm worker housing, consisting of no more than 36 beds in group quarters or 12 units or spaces, each designed for use by a single family or household;
	2	(l)	Residential care home (six or fewer persons).

Chapter 17.12 - RESIDENTIAL ESTATES (RE) ZONE

Sections:

I. - General Provisions

17.12.010 - Purpose.

The residential estate (RE) zone is intended to promote and encourage environment for family life on large parcels of land. The RE zone is intended to be applied to areas of the city particularly suited for large-lot development of single-family residences and appropriate agricultural uses.

17.12.020 - Principal permitted uses.

The following are principal permitted uses in the RE zone:

Use Group	2	(a)	Single-family Residences;
	2	(f)	Supportive housing;
	2	(g)	Transitional housing;
	2	(j)	Farm worker housing (six or fewer persons);
	2	(l)	Residential care home (six or fewer persons);

Chapter 17.14 - SINGLE-FAMILY RESIDENCE (R1) ZONE

Sections:

I. - General Provisions

17.14.010 - Purpose.

The single-family residence (R1) zone is intended to stabilize and protect residential characteristics and to promote and encourage a suitable environment for family life. The R1 zone is intended for single-family dwellings and appurtenant uses.

17.14.020 - Principal permitted uses.

The following are principal permitted uses in the R1 zone:

Use Group	2	(a)	Single-family Residences;
	2	(f)	Supportive housing;
	2	(g)	Transitional housing;
	2	(j)	Farm worker housing (six or fewer persons);
	2	(l)	Residential care home (six or fewer persons);

Chapter 17.16 - RESIDENTIAL MEDIUM-DENSITY (R2) ZONE

Sections:

17.16.010 - Purpose.

The residential medium-density (R2) zone is intended to stabilize and protect residential characteristics, and to promote intermediate density residential development.

17.16.020 - Principal permitted uses.

The following are principal permitted uses in the R2 zone:

Use Group	2	(a)	Single-family residences;
	2	(b)	Two-family residences.
	2	(c)	Group Residential;
	2	(f)	Supportive housing;
	2	(g)	Transitional housing;
	2	(j)	Farm worker housing (six or fewer persons);
	2	(l)	Residential care home (six or fewer persons);

17.16.030 - Conditional uses.

The following are conditional uses in the R2 zone:

Use Group	18	(c)	Child day care services;
	20	(a)	Private educational or religious institutions;
	22	(b)	Outdoor sports or recreational facilities;
	36	(b)	Public service facilities;
	42	(a)	General agriculture;
	46		Interment services;
	2	(i)	Single-room occupancy units;
	2	(m)	Residential care home (seven or more persons).

Chapter 17.18 - MULTIPLE-RESIDENCE (R3) ZONE

Sections:

17.18.010 - Purpose.

The multiple-residence (R3) zone is intended to stabilize and protect residential characteristics and to promote higher-density residential development.

17.18.020 - Principal permitted uses.

The following are principal permitted uses in the R3 zone:

Use Group	2	(c)	Group Residential;
	2	(d)	Mobile Home Parks
	2	(f)	Supportive housing;
	2	(g)	Transitional housing;
	2	(j)	Farm worker housing (six or fewer persons);
	2	(l)	Residential care home (six or fewer persons);

17.18.030 - Conditional uses.

The following are conditional uses in the R3 zone:

Use Group	4	(c)	Bed and breakfast facilities;
	6		Business and professional offices;
	18	(c)	Child day care services;
	20	(a)	Private educational or religious institutions;
	20	(c)	Health care institutions;
	22	(b)	Outdoor sports or recreational facilities;
	36	(b)	Public service facilities;
	46		Interment services;
	2	(a)	Single-family residences;
	2	(b)	Two-family residences;
	2	(i)	Single-room occupancy units;
	2	(m)	Residential care home (seven or more persons).

17.18.040 - Lot regulations.

The following regulations apply to lots in the R3 zone:

A.	Minimum lot area	6,000 square feet
B.	Maximum Dwelling Density	1 unit per 1,500 square feet
C.	Minimum Dwelling Density	1 unit per 3,000 square feet
B.	Maximum ground coverage	60 percent;
C.	Minimum lot width	60 feet;
D.	Maximum lot depth	3 times lot width;
E.	Minimum yards:	
	1. Front	20 feet;
	2. Rear	15 feet;
	3. Side	6 feet;
F.	Special yards for dwelling groups	The distance between separate buildings of a dwelling group shall be not less than 12 feet. (The front of any dwelling unit in a dwelling group shall be set back a minimum of 12 feet from any side lot line which it faces);
G.	Maximum building height	40 feet.

Chapter 17.20 - ADMINISTRATIVE OFFICE (CO) ZONE

Sections:

17.20.010 - Purpose.

The administrative office (CO) zone is intended to provide professional, business and related services in areas adjacent to city administrative and medical centers.

17.20.020 - Principal permitted uses.

The following are principal permitted uses in the CO zone:

Use Group	6		Business and professional offices
	18	(a)	Individual and family services;
	18	(b)	Vocational services;
	46	(c)	Undertaking;
	2	(e)	Residential above ground floor commercial.

17.20.030 - Conditional uses.

The following are conditional uses in the CO zone:

Use Group	2	(a)	Single-family residence as an accessory to permitted use;
	4	(b)	Tourist accommodations;
	8		Business support services;
	12	(a)	General retail trade;
	14	(a)	Eating places;
	14	(b)	Drinking places;
	20	(c)	Health care institutions;
	26	(d)	General parking;
	2	(f)	Supportive housing as an accessory to permitted use;
	2	(g)	Transitional housing as an accessory to permitted use.

Chapter 17.22 - COMMUNITY COMMERCIAL (C1) ZONE

Sections:

17.22.010 - Purpose.

The community commercial (C1) zone is intended to provide services and meet the general commercial needs of the community.

17.22.020 - Principal permitted uses.

The following are principal permitted uses in the C1 zone:

Use Group	6		Business and professional offices;
	8		Business support services;
	10		General consumer services;
	12	(a)	General retail trade;
	14	(a)	Eating places;
	18		Social services;
	20	(a)	Private educational or religious institutions;
	20	(b)	Cultural or social institutions;
	22	(a)	Indoor sports and recreation facilities;
	30		Light equipment repair and sale;
	46	(a)	Cremation;
	46	(c)	Undertaking;
	2	(e)	Residential above ground floor commercial.

17.22.030 - Conditional uses.

The following are conditional uses in the C1 zone:

Use Group	2	(a)	Single-family residence as accessory to permitted use;
	2	(b)	Two-family residences;
	2	(c)	Group residential;
	4	(b)	Tourist accommodations;
	12		Retail trade, except general retail trade
	14	(b)	Drinking places;
	14	(c)	Drive-in restaurants;
	16		Adult entertainment;
	20	(c)	Health care institutions;
	24	(a)	Light automotive repair;
	26	(d)	General parking;
	28	(a)	Retail gasoline sales;
	40		Festival activities;
	46	(b)	Interment;
	48		Custom manufacturing;
	2	(f)	Supportive housing;
	2	(g)	Transitional housing;
	2	(i)	Single-room occupancy units.

Chapter 17.24 - HEAVY COMMERCIAL (C2) ZONE

Sections:

17.24.010 - Purpose.

The heavy commercial (C2) zone is intended to provide services and commercial facilities of a heavier nature than in the community commercial (C1) zone.

17.24.020 - Principal permitted uses.

The following are principal permitted uses in the C2 zone:

Use Group	4	(b)	Tourist accommodations;
	6		Business and professional offices;
	8		Business support services;
	10		General consumer services;
	12	(a)	General retail trade;
	14	(a)	Eating places;
	16		Adult entertainment;
	18		Social services;
	20	(a)	Private educational or religious institutions;
	20	(b)	Cultural or social institutions.
	22	(a)	Indoor sports and recreation facilities;
	24	(a)	Light automotive repair
	24	(c)	Auto sale and rental;
	24	(d)	Car washes;
	30		Light equipment repair and sale;
	32	(b)	Heavy equipment sale;
	46	(a)	Cremation;
	46	(c)	Undertaking;
	47		Custom printing;
	2	(h)	Emergency shelter;
	2	(e)	Residential above ground floor commercial.

17.24.030 - Conditional uses.

The following are conditional uses in the C2 zone:

Use Group	2	(a)	Single-family dwelling as an accessory to a permitted use;
	4	(a)	Campgrounds;
	12		Retail trade, except general retail trade;
	14	(b)	Drinking places;
	14	(c)	Drive-in restaurants;
	20	(c)	Health care institutions;
	22	(b)	Outdoor sports or recreational facilities;
	24	(b)	Major auto repair;
	28		Vehicle fuel sales;
	32	(a)	Heavy equipment repair;
	34	(a)	Indoor wholesaling and storage;
	34	(d)	Construction yards;
	40		Festival activities;
	46	(b)	Interment;
	48		Custom manufacturing;
	2	(f)	Supportive housing as an accessory to a permitted use;
	2	(g)	Transitional housing as an accessory to a permitted use;
	2	(i)	Single-room occupancy units.

Chapter 17.26 - LIMITED INDUSTRIAL (ML) ZONE

Sections:

17.26.010 - Purpose.

The limited industrial (ML) zone is intended to apply to areas in which light manufacturing and heavy commercial uses of a non-nuisance type and large administrative facilities are the desirable predominant uses.

17.26.020 - Principal permitted uses.

The following are principal permitted uses in the ML zone:

Use Group	24		Automotive, except auto sale and rental;
	32		Heavy equipment repair and sale;
	34	(a)	Indoor wholesaling and storage;
	42	(a)	General agriculture;
	48		Custom manufacturing;
	50	(a)	General industrial.

17.26.030 - Conditional uses.

The following are conditional uses in the ML zone:

Use Group	2	(a)	Single-family residence as an accessory to a permitted use;
	22	(b)	Outdoor sports or recreational facilities;
	26		Vehicular storage;
	28	(b)	Truck stops;
	34		Wholesaling, storage and distribution; except indoor wholesaling and storage;
	36	(b)	Public service facilities;
	40		Festival activities;
	42	(b)	Concentrated stock operations;
	50	(b)	Intermediate industrial;
	54		Extractive;
	56		Scrap operations;
	2	(f)	Supportive housing as an accessory to a permitted use;
	2	(g)	Transitional housing as an accessory to a permitted use.

Chapter 17.28 - HEAVY INDUSTRIAL (MH) ZONE

Sections:

17.28.010 - Purpose.

The heavy industrial (MH) zone is intended to apply to areas devoted to normal operations of industries, subject only to such regulations as are needed to control nuisances and protect surrounding areas.

17.28.020 - Principal permitted uses.

The following are principal permitted uses in the MH zone:

Use Group	18	(c)	Child day care services as an accessory to permitted use;
	24		Automotive;
	26		Vehicular storage;
	28	(b)	Truck stops;
	32		Heavy equipment repair and sale;
	34		Wholesaling, storage and distribution, except fuel jobbing;
	36		Public services;
	42	(a)	General agriculture;
	48		Custom manufacturing;
	50	(a)	General industrial;
	50	(b)	Intermediate industrial.

17.28.030 - Conditional uses.

The following are conditional uses in the MH zone:

Use Group	2	(a)	Single-family residence as an accessory to a permitted use;
	18	(c)	Child day care services as an accessory to permitted use;
	22	(b)	Outdoor sports or recreational facilities;
	34	(c)	Fuel jobbing;
	40		Festival activities;
	42	(b)	Concentrated stock operations;
	42	(c)	Heavy agriculture;
	50	(c)	Heavy industrial;
	50	(d)	Very heavy industrial;
	54		Extractive;
	56		Scrap operations;
	2	(f)	Supportive housing as an accessory to a permitted use;
	2	(g)	Transitional housing as an accessory to a permitted use.

CHAPTER 17.61

ACCESSORY DWELLING UNIT REGULATIONS

Sections:

- 17.61.010 Application.
- 17.61.020 Purpose.
- 17.61.030 General Regulations.
- 17.61.040 Permitting Requirements.
- 17.61.050 Accessory Dwelling Unit Not Complying with Development Standards.

17.61.010 – Application. The provisions of this Chapter shall be known as the "accessory dwelling unit regulations" and shall apply to all lots zoned to allow residential uses that include an existing or proposed single-family dwelling. Accessory Dwelling Units (ADU) may exceed the allowable density for the lot upon which the ADU is located and are a residential use that is consistent with the existing general plan and zoning designation for the lot.

17.61.020 – Purpose. This purpose and objective of this Chapter is to contribute needed housing to the community housing stock and establish reasonable standards for the development of ADU's on all lots that already contain one legally created residential unit.

17.61.030 – Development Standards. The following standards shall apply to the establishment of Accessory Dwelling Units.:

- A. Accessory Structures within Existing Space. An ADU within an existing space including the primary structure, attached or detached garage or other accessory structure shall be permitted ministerially with a building permit regardless of all other standards within the section if complying with:
 - 1. Building and safety codes.
 - 2. Independent exterior access.
 - 3. Sufficient side and rear setback for fire safety.
- B. Accessory Dwelling Unit Attached and Detached
 - 1. The ADU may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence unless the lot is subdivided pursuant to all applicable laws and local ordinances.
 - 2. The lot is zoned to allow residential uses that include an existing or proposed single-family dwelling.
 - 3. The ADU shall be located on the same lot as the existing dwelling.
 - 4. The floor space of an attached ADU shall not exceed 50 percent of the proposed or existing primary dwelling living area or 1,200 square feet.
 - 5. The total area of floor space for a detached ADU shall not exceed 1,200 square feet.
 - 6. The minimal parcel size that an ADU may be located on is 7,000 square feet.
 - 7. A passageway shall not be required in conjunction with the construction of an ADU.
 - 8. No setback shall be required for an existing garage that is converted to an accessory dwelling, and a setback of no more than five feet from the side and rear lot lines shall be required for an ADU that is constructed above a garage.

9. An ADU shall not be required to provide fire sprinklers if they are not required for the primary residence and may employ alternative methods for fire protection.
10. If an ADU is detached, a ten-foot separation between the primary residence and the secondary residence is required.
11. Parking requirements for ADUs shall not exceed one off-street parking space per unit. These spaces may be provided as tandem parking on a driveway, or in setback areas, excluding the non-driveway front yard setback.
12. Additional parking is not required to support an ADU that meets any of the following:
 - a. The ADU is located within one-half mile of public transit, including transit stations and bus stations.
 - b. Is within an architecturally and historically significant historic district.
 - c. Is part of an existing primary residence or an existing accessory structure.
 - d. Is in an area where on-street parking permits are required, but not offered to the occupant of the ADU.
 - e. When there is a car share vehicle located within one block of the ADU.
13. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an ADU, replacement parking shall not be required and may be located in any configuration on the same lot as the ADU.
14. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.
15. The City shall not require the applicant to install a new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure.
16. The City shall require a new or separate utility connection for exterior ADUs, subject to a connection fee or charge that is based on the ADUs size or the number of its plumbing fixtures.
17. No ADU shall exceed two stories or twenty-five feet in height.
18. The ADU shall be constructed in accordance with provisions of the latest editions of the building codes.

17.61.040 – Permitting Requirements. ADUs shall be permitted ministerially, in compliance with this Chapter within 120 days of application. The Building Official shall issue a building permit to establish an ADU in compliance with this Chapter if all applicable requirements above are met. The Community Development Director may approve an ADU that is not in compliance with the above requirements as set forth in the Review Process below.

17.61.050 – Accessory Dwelling Unit Not Complying with Development Standards. An ADU that does not comply with the applicable standards listed in this article may be permitted with a Site Plan Review Permit at the discretion of the Community Development Director subject to the findings listed in the section below.

A. Findings.

1. The project would not be detrimental to the public health and safety.

2. That the project will have no adverse effect upon other properties including unreasonable privacy impacts.
3. That adequate off-street parking or other alternative parking is available to support the ADU.
4. That the project is consistent with the objectives and policies of the General Plan and that granting the waiver will meet the purposes of this Chapter.

CHAPTER 17.63

EMERGENCY SHELTER REGULATIONS

Sections:

17.63.010 Purpose.

17.61.020 Development Standards.

17.61.010 – Purpose. The purpose of these standards is to ensure that the development of shelters for the homeless do not adversely impact adjacent parcels or the surrounding neighborhood and shall be developed in a manner which protects the health, safety, and general welfare of the nearby residents and businesses, while providing for the housing needs of a vulnerable segment of the community and complying with state law.

17.63.020 – Development Standards. The following standards shall apply to shelters for the homeless:

A. General Standards.

1. Emergency shelter facilities shall comply with all Federal and California State licensing requirements.
2. Emergency shelter facilities shall comply with all applicable Uniform Building and Fire Codes, including maximum occupancy restrictions.
3. No parcel with an emergency shelter shall be established closer than 300 feet from another parcel with an emergency shelter use.
4. Exterior lighting shall be provided to adequately illuminate all sides of the building housing the emergency shelter to allow for security to monitor the building.
5. Emergency shelters shall have a designated outdoor smoking area that is not visible from a public street.
6. Emergency shelters shall provide secure storage areas for its intended residents' personal property.
7. The shelter shall have set hours of operation and the hours shall be posted in a publicly visible and accessible location on a sign that is no larger than 3 square feet.
8. The shelter may provide the following services and facilities to occupants in a designated area separate from the sleeping areas:
 - a. A recreation area either inside or outside the shelter. If located outside, the area shall be screened from public view.
 - b. A counseling center for job placement, educational, health care, legal, or mental health services.
 - c. One or more kitchens for the preparation of meals.
 - d. Dining hall.
 - e. Other similar services supporting the needs of homeless occupants

B. On-site Management

1. The emergency shelter provider shall have a written management plan to address management experience, good neighbor issues, transportation, client supervision, client services, and food services. Minimum standards and practices in the plan shall be as follows:
 - a. The emergency shelter shall be operated by a responsible agency or organization, with experience in managing or providing social services.
 - b. The emergency shelter shall have an identified administrator and representative to address community concerns.
 - c. The emergency shelter shall provide at least one responsible on-site supervisor at all times for every 10 occupants.
 - d. Residents shall be evaluated by persons experienced in emergency shelter placement.
 - e. Medical assistance, training, counseling, and personal services essential to enable homeless persons to make the transition to permanent housing may be provided, with or without meals, as an incident to the operation of an emergency shelter.
 - f. Referral services shall be provided to assist residents in obtaining permanent housing and income. Such services shall be available at no cost to residents of a shelter.
 - g. All emergency shelters shall be maintained in a safe and clean manner and free from refuse or discarded goods. (Ord. 1292 § 1 (part), 2005).

C. Security

1. A minimum of one supervisory level staff member must be present on the site during hours of operation. Operator(s) must ensure that loitering does not occur on the property during off-hours and must ensure that clients are not loitering, littering, or otherwise creating a nuisance to the neighborhood. If a client is socially disruptive or is responsible for creating any type of nuisance to neighborhood or facility, the operator must discharge the client and notify the Willits Police Department.

D. Maximum number of beds per person

1. The maximum number of beds does not apply in situations of Citywide or Statewide designated disasters or catastrophic conditions.
2. The maximum number of beds or clients permitted to be served (eating, showering and/or spending the night) nightly shall not exceed ten persons.

E. Off-street parking

1. Off-street parking shall be required based upon demonstrated need, but not to exceed parking requirements for other residential or commercial uses within the same zone.

F. Noise

1. For the purposes of noise abatement in residential districts, outdoor activities may only be conducted between the hours of 8:00 a.m. to 10:00 p.m. The shelter shall comply with the City's applicable noise regulations at all times.

CHAPTER 17.65

REASONABLE ACCOMODATIONS POLICY AND PROCEDURES

Sections:

- 17.65.010 Purpose.
- 17.65.020 Applicability.
- 17.65.030 Procedures.
- 17.65.040 Review Authority
- 17.65.050 Request for Reasonable Accommodations Review
- 17.65.060 Approval Findings
- 17.65.070 Conditions of Approval

17.65.010 – Purpose. The purpose of this Chapter is to provide a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (together, the acts) in the application of zoning laws and other land use regulations, policies, and procedures.

17.65.020 – Applicability.

- A. A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity when the application of a requirement of this Zoning Code or other City requirement, policy, or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the acts.
- B. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and/or use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
- C. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the site.
- D. A reasonable accommodation may be granted in compliance with this section without the need for the approval of a variance.

17.65.030 – Procedures.

- A. Application. A request for reasonable accommodation shall be submitted on an application form provided by the Community Development Department or in the form of a letter to the Community Development Director, and shall contain the following information:
 - 1. The applicant's name, address, and telephone number;
 - 2. Address of the property for which the request is being made;
 - 3. The current actual use of the property;
 - 4. The basis for the claim that the individual is considered disabled under the acts;

5. The Zoning Code provision, regulation, or policy from which reasonable accommodation is being requested; and
 6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- B. Review with other land use applications. If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (conditional use permit, etc.), then the applicant shall file the information required by subsection "Application" above together for concurrent review with the application for discretionary approval.

17.65.040 – Review authority.

- A. A request for reasonable accommodation shall be reviewed by the Community Development Director if no approval is sought other than the request for reasonable accommodation.
- B. A request for reasonable accommodation submitted for concurrent review with a discretionary land use application (i.e. Use Permit) shall be reviewed by the authority reviewing the discretionary land use application.

17.65.050 – Request for Reasonable Accommodations Review.

- A. The Community Development Director shall make a written determination within 45 days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.
- B. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review.

17.65.060 – Approval 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 findings:

- A. The housing in the request is used by an individual considered disabled under the acts;
- B. The request for reasonable accommodation is necessary to make specific housing available to an individual considered disabled under the acts;
- C. The requested reasonable accommodation would not impose an undue financial or administrative burden on the City;
- D. 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;
- E. The request does not have the potential to impact surrounding uses;
- F. The request is due to the physical attributes of the property and structures; and
- G. There are no other reasonable accommodations that may provide an equivalent level of benefit.

17.65.070 – Conditions of Approval. In granting a request for reasonable accommodation, the City may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

CHAPTER 17.67

DENSITY BONUSES

Sections:

- 17.67.010 Purpose.
- 17.67.020 Applicability.
- 17.67.030 Eligibility for Bonus, Incentives or Concessions.
- 17.67.040 – Density Bonus Agreements and Reservation of Units.
- 17.67.050 – Application for Density Bonus.
- 17.67.060 – Process for Approval or Denial

17.67.010 – Purpose. The purpose of this section is to implement State law regarding the granting of density bonuses and other incentives for certain residential projects and to promote the construction of affordable housing within the City to meet the targets for moderate, low and very low income households in the City of Willits Housing Element.

17.67.020 – Applicability. Pursuant to Government Code Section 65915, when a developer proposes to construct a housing development of at least five (5) dwelling units, of which a certain percentage (excluding any bonus units) will be limited to occupants meeting specified criteria set forth in Government Code subsection 65915(b); and/or when the proposed project meets other specified criteria in Government Code subsections 65915(h) or (i), the project shall be eligible for a density bonus (see Table 17.67-A) and at least one concession or incentive.

17.67.030 – Eligibility for Bonus, Incentives or Concessions.

A. Density Bonus Allowance for Housing Development Projects with Affordable Housing Component. As demonstrated in Table 17.67-A the amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable units offered by the applicant exceeds the percentage of the minimum affordable housing component; the applicant may also elect to accept a lesser percentage of density bonus. (Gov. Code § 65915(f).)

All density calculations resulting in fractional units shall be rounded up to the next whole number. (Gov. Code § 65915(f)(5).)

Table 17.67-A:

<u>Household Income Category</u>	<u>Minimum Percent of Affordable Units</u>	<u>Minimum Density Bonus</u>	<u>Additional Density Bonus for Each 1% Increase in Affordable Units</u>	<u>Maximum Percent of Affordable Units</u>	<u>Maximum Possible Density Bonus</u>
<u>Affordable Housing Development</u>					
<u>Very Low Income</u>	<u>5%</u>	<u>20%</u>	<u>2.50%</u>	<u>11%</u>	<u>35%</u>
<u>Low Income</u>	<u>10%</u>	<u>20%</u>	<u>1.50%</u>	<u>20%</u>	<u>35%</u>
<u>Moderate Income</u>	<u>10%</u>	<u>5%</u>	<u>1%</u>	<u>40%</u>	<u>35%</u>

B. Regulatory Concessions and Incentives.

1. When a project meets any of the criteria described in Table 17.67-A, the City shall grant a density bonus and one or more concessions or incentives, as defined in Government Code Section 65915 and subject to the requirements of Government Code Section 65915, provided that such concessions or incentives are required to make the proposed housing units economically feasible.
2. Neither this subsection nor State law limits or requires the provision of direct financial incentives from the City for a qualifying project, including the provision of publicly-owned land by the City or the waiver of City fees or dedication requirements.

17.67.040 – Density Bonus Agreements and Reservation of Units. The developer of a housing development for which a density bonus is granted under section (a) shall enter into either a development agreement pursuant to California Government Code Section 65865 et seq. or other recorded density bonus agreement satisfactory to the City which guarantees that the targeted units will be provided by the developer and will remain available to the targeted persons or households for the applicable period deemed appropriate by the City Council in conformance with State law. 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, not inconsistent with Government Code Section 65915, that the City may require.

17.67.050 – Application for Density Bonus.

A. Application

1. The developer of a proposed residential development seeking a density bonus shall file an application with the Community Development Department for approval of such on a form specified by the Community Development Director, and shall be accompanied by all maps, plans and other information deemed necessary by the Community Development Director.
2. An application shall be accompanied by a fee established by the City Council.
3. An application for a density bonus and any additional concession or incentive shall include the following information:

- a. The provisions of Government Code Section 65915 under which the density bonus is sought and the size of the density bonus requested, expressed as a percentage of the maximum number of units allowed by the zoning district and General Plan designation within which the project is located.
- b. Identification of the requested regulatory concession or incentive.
- c. Specific information and data concerning the proposed development which establishes that the regulatory concession or incentive sought by the applicant is necessary to make the housing units economically feasible.
- d. Evidence of consultation with the appropriate decision-making body regarding any proposed concession or incentive or provision of publicly-owned land.
- e. Such other pertinent information as the Community Development Director may require to enable the City to adequately analyze the economic feasibility of the project with respect to the requested concession or incentives.
- f. An offer to enter into the density bonus agreement required by Section 17.67.030(C) to guarantee the reservation of the targeted units.

17.67.060 – Process for Approval or Denial

A. Process for approval.

The density bonus and incentives and concessions request shall be considered in conjunction with any necessary development entitlements for the project. The designated approving authority for the project shall be the City Council. In approving the density bonus and any related incentives or concessions, the City and applicant shall enter into a density bonus agreement. The form and content of the density bonus agreement shall be determined by the City.

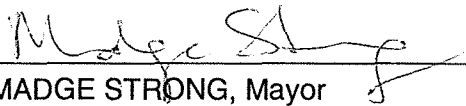
B. Approval required unless denial findings made.

The City shall grant the incentives and concessions associated with the density bonus and requested by the applicant, unless the City makes a written finding, based upon substantial evidence, of either of the following:

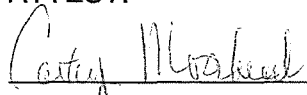
1. The incentive or concession is not required in order to provide for affordable housing costs or affordable rents;
2. The incentive or concession would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5 of the California Government Code, upon public health and safety or physical environment or any real property that is listed in the California Register of Historical Resources and for which the City determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Willits, held on the 22nd day of August, 2018, and passed and adopted at a regular meeting, held on the 26th day of September, 2018 by the following vote:

AYES: Gonzalez, Stranske, Orenstein, Rodriquez, and Strong
NOES: None
ABSENT: None


MADGE STRONG, Mayor
City Council of the City of Willits

ATTEST:


CATHY MOORHEAD, City Clerk

The foregoing instruction is a
correct copy of the original on file
at City Hall, Willits, California

ATTEST:


CATHY MOORHEAD, City Clerk

