

**CITY OF CLOVERDALE ORDINANCE NO. 719-2017**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE AMENDING CLOVERDALE MUNICIPAL CODE SECTIONS 15.28.010, 15.28.210 AND 18.05.030 TO PROVIDE ADDITIONAL HOUSING OPTIONS WITHIN THE CITY OF CLOVERDALE 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**, on October 10th, the City Council adopted Resolution No. 072-2017, Ratifying a Proclamation of Local Emergency by the City Manager; and

**WHEREAS**, the Cloverdale City Council recognizes the urgent need to provide additional housing options within the City of Cloverdale to assist in the Sonoma County recovery efforts; and

**WHEREAS**, Sonoma County and the State of California were in the midst of a housing crisis, even before the fires, which decimated housing in the area, further exacerbating the housing crisis; and

**WHEREAS**, the City of Cloverdale has experienced an increase in the number of people accessing city services that relocated to Cloverdale due to being impacted by the series of wildfires in Sonoma County; 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**, adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(3) regarding projects to maintain and replace property or facilities damaged or destroyed after a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, CEQA Guidelines Section 15269 (a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act commencing with Section 8550 of the Government Code Section and Section 15269 (c) regarding specific actions necessary to prevent or mitigate an emergency; and

**WHEREAS**, the City Council has been provided with information upon which the findings and actions set forth in this Ordinance are based, allowing the Council to adopt this urgency ordinance to be effective upon adoption; and

**WHEREAS**; for the reasons set forth above, this Ordinance is declared by the City Council to be necessary for preserving the public peace, welfare, health and safety and to avoid a current, immediate and direct threat to the peace, health, safety or welfare of the community and the recitals above taken together constitute the City Council's statement of the reasons for adopting this Ordinance on an urgency basis; and

**NOW, THEREFORE**, the City Council of the City of Cloverdale 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 Cloverdale; 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, increase temporary housing stock and streamline mechanisms for creating additional housing by modifying the Zoning Ordinance through allowing ground floor residential uses in the Service Commercial Zoning District; and
5. The actions authorized by this Ordinance would not be detrimental to the health, safety and welfare of the public in that they provide options to City residents, neighbors and business owners and require the approval of property owners.

Section 2. Municipal Code Section 15.28.010 Definitions is amended as follows (proposed new text is underlined):

15.28.010 Definitions.

For purposes of this chapter, the following words have the meanings set out in this section:

"Health officer" means the city health officer, the Sonoma County health officer or any duly authorized health officer of the state.

"Mobile home trailer park" means any plot of ground where accommodation is provided for one or more mobile home trailers, travel trailers, ~~or~~ house cars or tiny house (constructed as a trailer with a Department of Motor Vehicles registration) used by transients as living or sleeping quarters.

"Mobile home trailer," or "travel trailer," ~~or~~ "house car" or "tiny house (constructed as a trailer with a Department of Motor Vehicles registration)" shall mean any vehicle used as sleeping quarters or living

quarters, maintained on wheels, designed and constructed for operation upon the public highways, and propelled either by its own power or other power-driven vehicle to which it may be attached.

“Unit” means any plot of ground for the accommodation of each mobile home trailer, travel trailer, ~~or~~ house car or tiny house (constructed as a trailer with a Department of Motor Vehicles registration).

Section 3. Municipal Code Section 15.28.210 Use as dwelling prohibited—Exception is amended as follows (proposed new text is underlined):

15.28.210 (MobileHome Parks) Use as dwelling prohibited—Exception.

It is unlawful to use, or permit the use of, any mobile home trailer, travel trailer, ~~or~~ house car or “tiny house (constructed as a trailer with a Department of Motor Vehicles registration)” for living or sleeping quarters in any place in the city outside of a lawfully operated mobile home trailer park. However, nothing in this section shall prohibit bona fide guest(s) of a resident of the city from occupying any mobile home trailer, travel trailer or house car upon the property of such resident, with his or her written consent, for a period not to exceed forty-eight hours, conditioned upon such guest(s) applying for, and obtaining, a temporary permit from the city’s planning department. A violation of this section shall be charged as an infraction.

During the two-year period commencing on October 9, 2017, the date of Proclamation of a State of Emergency by Governor Edmund J. Brown and ending on October 9, 2019, vehicles generally used for human habitation and tiny houses as defined in Section 15.28.010 may be parked and occupied provided that the following criteria are met:

1. The Vehicle must be parked:
  - a. on a private paved driveway of an owner-occupied single-family residence outside the Downtown Commercial (DTC) Zoning Districts; the Vehicle does not extend into the public sidewalk or public street; the residents of the Vehicle have 24- hour access to the primary residence restroom and shower facilities unless the Vehicle is connected to the City sewer and water systems; no more than one occupied Vehicle per lot shall be allowed; or
  - b. in a private parking lot of an industrial, commercial or institutional use outside the DTC Zoning Districts; the vehicle shall be connected to City sewer and water; the required parking for the facility is not to be reduced by more than 10%; and the total number of occupied parking spaces per site does not exceed 5. Sites that are currently non-conforming for parking are not eligible.
2. The owner or user of the Vehicle has obtained consent from the property owner prior to parking the Vehicle and for the duration of the time in which the Vehicle is parked on the owner’s property.
3. The Vehicle is parked a minimum of 20 feet from a habitable building on an adjacent property.
4. The property owner or Vehicle user has obtained a City Urgency Ordinance Temporary Land Use Certificate from the City to park the Vehicle.
5. The Temporary Land Use Certificate issued by the City must be posted in a visible location on the exterior of the Vehicle.
6. The Vehicle has a model year of 1997 or newer.
7. The use of a generator to provide power to the Vehicle is prohibited.

8. The Vehicle shall include working fire extinguisher, working smoke detector and working carbon monoxide detector.
9. The Vehicle is connected to the appropriate electrical supply for the specific Vehicle, which is typically 30 amps.
10. The residents shall have access to on-site solid waste disposal.

Section 4. Section 18.05.030 A - Uses Permitted Within Commercial Zoning Districts, is amended as follows (proposed new text is underlined):

Table 18.05.030-A Uses Permitted Within Commercial Zoning Districts is amended to allow multi-family residential uses in the Service Commercial (SC) Zoning District subject to obtaining Plot Plan Review from the Community Development Department as follows:

**TABLE 18.05.030-A  
Uses Permitted Within Commercial Zoning Districts**

**Legend**

- P Permitted
- PP Permitted Subject to Plot Plan Review
- C Permitted Subject to issuance of a Conditional Use Permit
- PUD Permitted Subject to issuance of a PUD Permit
- NP Not Permitted
- NL No Limitation (does not apply in the Zoning District)

<b>Residential Uses<sup>3</sup></b>	<b>DTC</b>	<b>TOD</b>	<b>O-R</b>	<b>G-C</b>	<b>SC</b>	<b>Reference</b>
Residential Care Facilities and Convalescent Homes	NP	C	C	C	C	
Multi-Family Residential <sup>4,5,6,7</sup> <ul style="list-style-type: none"> <li>• Above a permitted commercial or office use</li> <li>• First Floor</li> </ul>	PP PUD	PP PP	PP PP	C C	<u>PP</u> <u>PP</u>	18.05.050
Single-Family House <sup>4,5</sup>	NP	NP	PP	NP	NP	
Single Room Occupancy (SRO) Living Unit	NP	C	NP	NP	NP	18.09.220
Emergency Shelters	NP	PP	NP	PP	NP	
<b>Accessory Uses</b>	<b>DTC</b>	<b>TOD</b>	<b>O-R</b>	<b>G-C</b>	<b>SC</b>	<b>Reference</b>
Accessory Uses (located on the same site as a permitted use)	PP	PP	PP	PP	PP	
Temporary Uses	PP	PP	PP	PP	PP	
Other uses similar to, and no more objectionable than the uses identified above, as determined by the Planning Commission	C	C	C	C	C	
Outdoor Storage (on a vacant parcel)	NP	NP	NP	NP	NP	

7 During the two-year period commencing on October 9, 2017, the date of Proclamation of a State of Emergency by Governor Edmund J. Brown and ending on October 9, 2019, multi-family residential uses permitted in existing commercial structures with Plot Plan Approval in the Service Commercial Zoning Districts are not required to provide additional parking beyond the original parking requirements for the existing commercial space. Existing commercial spaces converted to residential uses with an approved Plots Plan during this two-year period shall be considered legal non-conforming uses, and shall continue to not require additional parking or replacement parking after the expiration of the two-year period.

Section 5. Environmental Compliance.

Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding projects to maintain and replace property or facilities damaged or destroyed after a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.

Section 6. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is for any reason held to be unconstitutional or invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The City Council hereby declares that it would have adopted this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.


Section 7. Effective Date.

This Ordinance of the City of Cloverdale shall be in effect immediately upon its adoption by a four-fifths (4/5) vote. A fair and accurate summary of this ordinance shall be published once before the expiration of fifteen (15) days after said adoption, with the names of the City Council voting for or against the same, in The Cloverdale Reveille, a newspaper of general circulation published in the City of Cloverdale, State of California.

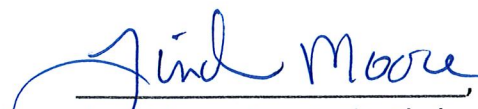
**I hereby certify that the foregoing Urgency Ordinance was introduced and duly adopted by the City Council of the City of Cloverdale at a regular meeting on the 12<sup>th</sup> day of December 2017, by the following roll call vote: (Ayes- 5; Noes-0; Abstain- 0)**

**AYES:** Councilmember Bagby, Vice Mayor Palla, Councilmember Russell, Councilmember Brigham, and Mayor Wolter  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

**APPROVED:**

  
Gus Wolter, Mayor

**ATTEST:**

  
Linda Moore, Deputy City Clerk