

**AGENDA
CITY OF FERNDALE – HUMBOLDT COUNTY CALIFORNIA – U.S.A.
REGULAR PLANNING COMMISSION MEETING**

Location:	City Hall	Date:	April 16, 2014
	834 Main Street	Time:	7:00pm
	Ferndale CA 95536	Posted: 4/10/14	

The City endeavors to be ADA compliant. Should you require assistance with written information or access to the facility please call 786-4224 24 hours prior to the meeting.

- 1.0 Call meeting to order / Flag salute / Roll call
- 2.0 Ceremonial
- 3.0 Update Agenda
 - 3.1 Proposed changes, modifications to agenda items
 - 3.2 Commissioners’ comments
- 4.0 Approval of previous minutes
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- 6.0 Public Hearing
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- 8.0 Correspondence and Oral Communications Page 63
- 9.0 City Planner’s and City Clerk’s Staff Reports Page 65
- 10.0 Adjournment

**The next regular meeting of the Ferndale Planning Commission will be on
May 21, 2014 at 7:00 pm**

Section 1: CALL MEETING TO ORDER

Section 2: CEREMONIAL

Section 3: UPDATE AGENDA

Proposed changes, modifications to agenda items
Commissioners' comments

Section 4: APPROVAL OF PREVIOUS MINUTES

City of Ferndale, Humboldt County, California USA
Minutes for Planning Commission Meeting of March 19, 2014

Call to Order — Chairman Jorgen Von Frausing-Borch called the Planning Commission to order at 7:02 pm. Commissioners Uffe Christiansen, Lino Mogni, Dean Nielsen and Doug Brower were present along with staff City Clerk Elizabeth Conner and Contract City Planner Rheaume. Those in attendance pledged allegiance to the flag.

2.0 Ceremonial - None.

3.0 Update Agenda - None.

3.1 Proposed changes, modifications to agenda items – None.

3.2 Commissioners Comments – Commissioners Mogni and Christiansen expressed concerns about the amount and difficulty of the materials before them and questioned whether they had been given enough time to review the packet. Commissioner Nielsen commented that he hadn't been able to access the City Attorney to discuss some items of concern and explained that the previous City Attorney memo had not addressed his question. Chair Von Frausing-Borch mentioned that a Brown Act concern had been raised and asked City Clerk Conner to elaborate. City Clerk Conner reported that a possible violation of the Brown Act had come to her attention. She reminded Commissioners of the prohibition from serial meetings in a manner that the decision had been pre-determined outside of the public venue. She explained that the remedy was for Commissioners self-report any conversations outside the meeting that had been held with other Commissioners and advised them to be more attentive to this in the future. Several commissioners asked for further clarification at a future meeting.

4.0 Approval of previous minutes - **MOTION:** to approve the minutes of the February 15, 2014 Meeting. **(Christiansen/Mogni) 5-0.**

5.0 Public Comment – None

6.0 Public Hearing

6.1. Read Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance and Ordinance No. 2014-03 Density Bonus Ordinance by Title Only and Consider Recommending to the City Council for Adoption. Chair Von Frausing-Borch opened the item and asked for a staff report. Commissioner Nielsen suggested tabling the item and expressed reservations about voting on the item because he had not been able to complete his research on the number of halfway houses allowed and that information was necessary to be able to vote on the amendments. Commissioners Mogni and Christiansen expressed concerns about the amount of preparation required for this item and the complexity of the issues. Planner Rheaume explained that halfway houses are treated as multi-family and as such can not be further restricted than other properties in that zone. Planner Rheaume requested that she be able to go through her staff report point-by-point to explain each item and answer any

questions. Commissioners Mogni, Christiansen and Dean reiterated their concerns about needing more information and time before they could vote on the items. Chair Von Frausing-Borch reiterated the suggestion that staff go through the amendment one-by-one and get agreement, disagreement or questions on each point to help Commissioners understand and move the items. Commissioners Nielsen, Mogni and Christiansen expressed their preference to table the item to the next meeting. Planner Rheaume reminded the Commission that the timeline is tight for bringing this item to the City Council in order to meet the June 30 deadline to get expedited review of Ferndale's Housing Element by California's Department of Housing and Community Development (HCD). Commissioners and staff discussed the possibility of holding a special meeting the following week to help meet the timeline. Commissioner Nielsen submitted a motion to table the item until a Special Planning Commission Meeting on March 26, 2014 and the Commission consensually agreed.

7.0 Business

7.1 Election of Chair and Vice-Chair of Planning Commission. - Chair Von Frausing-Borch opened the item and explained it was time for the election of Chair and Vice-Chair of the Commission. Nominations and votes were made for each position in turn. Commissioner Von Frausing-Borch was elected to continue as Chair Von Frausing-Borch and Commissioner Nielsen was elected as Vice-Chair. After the vote, commissioners said that they'd like to agendaize discussion of changing the procedure for selecting the Chair and Vice-Chair in the future by having the positions rotate among the members on a regular schedule.

7.2 Appoint Planning Commission Member to Serve on Design Review Committee – Chair Von Frausing-Borch opened the item by reminding the Commission that with the recent resignation of Planner Commissioner Marc Daniels, who served as one of two Planning Commissioners sitting on Design Review, that one of the two Planning Commissioner Design Review positions was now vacant. The Chair asked Commissioner Brower if he would be willing to continue to serve on the Design Review Committee now that he was also on the Planning Commission and Commissioner Brower said that he was. **MOTION:** to appoint Commissioner Brower to serve as one of the two Planning Commissioners serving on Design Review Committee. **(Von Frausing-Borch/Nielsen) 5-0.**

7.3 Design Review Vacancy Interview - Chair Von Frausing-Borch opened the item and asked Design Review Committee applicant, Mr. Warner, why he was interested in serving on Design Review. Mr. Warner explained that he has a background in design review and planning and is interested in the city of Ferndale. Mr. Warner said that he and his wife had lived in Ferndale for a little more than two years and when they first came they went through Design Review for their house. **MOTION:** to recommend appointment of Michael Warner to the Design Review Committee to the City Council. **(Nielsen/Brower) 5-0.**

7.4 Review General Plan Annual Progress Report - Planner Rheaume presented the item and said that the California Department of Housing and Community Development (HCD) requires an annual report regarding compliance with the Housing Element. She said that Ferndale has made

a lot of progress in its implementation of the Housing Element program, including refining the Design Review process, and will be sending in its Progress Report on April 1.

7.5 Review & Provide Input: Housing Element Update 2014 Initial Draft, Chapters 1 and 2 - Planner Rheume presented the item and said she included this item for reference and information and that the item will be coming before the PC again in the near future.

7.6 Building and Land Use Permits Status Report - Chair Von Frausing-Borch explained that he had requested this as a re-occurring agenda item. There were no comments or questions by Commissioners or public.

7.7 Design Review Committee Report - Chair Von Frausing-Borch explained that he had requested this as a re-occurring agenda item. There were no comments or questions by Commissioners or public.

8.0 Correspondence and Oral Communications - No comments from commission.

9.0 City Planner's and Deputy City Clerk's Staff Reports - City Clerk Conner thanked those Commissioners who had turned in their Form 700 Statements of Economic Interest statements for the FPPC. She said only two more were needed for the Planning Commission's reporting to be complete and that she looked forward to receiving them in a timely manner.

10.0 Adjournment – Chair Von Frausing-Borch adjourned the meeting at 8:38 pm.

Respectfully submitted,

Elizabeth Conner, City Clerk

Section 5: PUBLIC COMMENT

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction.

Items requiring Commission action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rd of the Commission (three of the five members) that the item came up after the agenda was posted and is of an urgent nature requiring immediate action.

This portion of the meeting will be approximately 30 minutes total for all speakers, with each speaker given no more than five minutes.

Please state your name and address for the record. (This is optional.)

Section 6: PUBLIC HEARING

1. OPEN PUBLIC HEARING

- a. **Announce** agenda item number and state the subject
- b. **Invite staff to report** on the item, including any recommendation
- c. **Ask members of the Council or Commission if they need clarification**. If so, the questions should be asked of the person reporting on the item.
- d. **Invite Public Comment**. Mayor or Chair may limit the time for speakers to 3 minutes

2. CLOSE PUBLIC HEARING

- a. **Invite a motion** from the governing body and announce the name of the person making the motion
- b. **Invite a second** from the governing body and announce the name of the person seconding the motion
- c. **Make sure everyone understands the motion by having it repeated by**
 - i. The maker of motion
 - ii. The Chair
 - iii. The Secretary
- d. **Invite discussion by members of the governing body**
- e. **Take a vote**; ayes and then nays are normally sufficient
- f. **Announce the result of the vote** and announce what action (if any) the body has taken.
- g. **Indicate names of members who voted in the minority** of the motion

Meeting Date:	April 16, 2014		Agenda Item Number	6.1		
Agenda Item Title	Amending Zoning Ordinance 02-02 for Housing Element Compliance					
Presented By:	Contract City Planner					
Type of Item:	<input checked="" type="checkbox"/>	Action	<input type="checkbox"/>	Discussion	<input type="checkbox"/>	Information
Action Required:	<input type="checkbox"/>	No Action	<input type="checkbox"/>	Voice Vote	<input checked="" type="checkbox"/>	Roll Call Vote

RECOMMENDATION: Recommend that the City Council adopt Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance and direct staff to prepare in writing the Commission's recommendation to the City Council for consideration and possible adoption (Government Code §65855).

BACKGROUND: Ferndale's General Plan 2012 Housing Element Update contains implementation programs for a balanced supply of housing, serving all socioeconomic groups and household types. State housing regulations require such programs. In 2013, the City Council directed staff to organize Housing Element programs into manageable phases. The Planning Commission reviewed the complete Housing Element Implementation Plan 2013 and recommended it to the Council, which approved the plan.

The Implementation Plan organizes Housing Element programs into three phases, the first of which encompasses Zoning Ordinance amendments required by State housing regulation. In November 2013, the City Council directed staff to complete Phase 1. Staff prepared Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance, Ordinance No. 2014-03 Density Bonus Ordinance, and Ordinance 2014-05 Reasonable Accommodation Ordinance. Adoption of these Ordinances will satisfy the zoning-related programs the City designed and approved when it adopted the 2012 Housing Element, while also bringing the City into compliance with State housing regulations. The Department of Housing and Community Development will require compliance with State housing regulations prior to certifying the Housing Element Update 2014. Timely adoption may make the City eligible for HCD's streamlined review option.

DISCUSSION: Staff completed the attached City of Ferndale General Plan Housing Element Implementation 2013 Part 1: Amend the Zoning Ordinance of the City of Ferndale. A brief discussion of each proposed action is listed under the corresponding subtask. Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance is attached; the Density Bonus Ordinance and Reasonable Accommodation Ordinance each follow as separate agenda items.

The attached Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance has undergone legal review. The City Attorney has provided a memo (attached) addressing the questions and suggested revisions posed by the Planning Commission from the 2/19 meeting.

ENVIRONMENTAL REVIEW: On December 1, 2011, the City Council adopted an Initial Study (IS) and Negative Declaration (ND) that programmatically evaluated the 2012 Housing Element Update, including the effects that implementation measures in the Element would potentially have on the environment.

RECOMMENDED MOTION: Move that the Commission make the following findings, recommend that the City Council adopt Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance, and direct staff to prepare in writing the Commission's recommendation to the City Council for consideration and possible adoption.

Findings:

1. The Negative Declaration for the General Plan Housing Element Update adopted by the City Council in December 2011 found that implementation of the Element's programs would not have a significant effect on the environment; therefore, the adoption of Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance has been evaluated in compliance with the California Environmental Quality Act and would not have a significant effect on the environment.
2. Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance conforms to the Ferndale General Plan.

Attachments:

1. City of Ferndale General Plan Housing Element Implementation 2013
2. Memo from City Attorney
3. Ordinance 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance
4. Exhibit A to Ordinance 2014-02

**CITY OF FERNDALE GENERAL PLAN HOUSING ELEMENT
IMPLEMENTATION 2013**

PART 1: AMEND THE ZONING ORDINANCE OF THE CITY OF FERNDALE

Part 1 of the Implementation Plan includes steps required for compliance with state housing legislation and for HCD Housing Element certification.

a) Permit more than four units of multi-family housing by right in R3 and R4 zones.

Because this step was not required for Housing Element or state housing regulation compliance, Planning staff recommends carrying this program over to the next Housing Element Update and instead completing subtask "h."

b) Include definitions of an emergency shelter, transitional housing, and supportive housing and allow for emergency shelters by right in specific land use designations/zones.

For compliance with SB 2, definitions of emergency shelter, transitional housing, and supportive housing have been added to Article 3 Definitions (see Exhibit A, attached).

c) Consider the Public Facility (PF) land use designation/zone where emergency shelters could be allowed without discretionary approval for SB2 compliance.

To comply with SB 2, the City identified the Public Facility zone for location of new emergency shelters by right. SB 2 allows flexibility for local governments to apply written, objective development and management standards for emergency shelters as described in statute. Section 5.17 has been amended accordingly (see Exhibit A).

d) Establish reasonable accommodation procedures for persons with disabilities to ensure equal access to housing.

The attached Ordinance 2014-05 was prepared for compliance with the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (see Exhibit A). The Ordinance is modeled after Eureka's recently adopted ordinance and, except for a few minor changes, implements the exact language of the Department of Housing and Community Development's model ordinance for providing reasonable accommodation under federal and state fair housing laws.

e) Redefine 'family' to ensure that equal access to housing is provided.

The definition of "family" has been amended in Article 3 Definitions (see Exhibit A).

f) Address use of "manufactured housing" vs. "mobile home" terms.

Definitions for "Manufactured Home" and "Mobile Home" were added to Article 3 Definitions (see Exhibit A).

g) Revise the Zoning Ordinance to permit manufactured homes in certain residential zones.

Sections 7.14-7.15 concerning Mobile Homes were amended (see Exhibit A).

h) Adopt density bonus ordinance (ADDED to Implementation Plan)

This step was added to the Implementation Plan for compliance with state density bonus law, including Government Code Section 65915. HCD will not certify a Housing Element Update for a city that has not adopted a density bonus. State law provides that if a developer proposes to include at least 20% of the dwelling units in a project at rents/prices affordable to low-income households or 10% of the dwelling units in a project at rents/prices affordable to very low-income households, the City must permit a 25% minimum density bonus. The attached Ordinance 2014-03 Density Bonus Ordinance is required for compliance with state density bonus laws.

March 18, 2014

Attorney-Client Privileged Communication

TO: Jay Parrish City Manager/City of Ferndale Planning Commission
FROM: Russ Gans
CLIENT: City of Ferndale
RE: Zoning Ordinance-Public Facility

This Memorandum addresses the following issues:

I. ISSUES

1. Are the Planning Commission's suggested changes to section 5.17 of Ferndale's Zoning Ordinance, restricting use of Public Facility ("PF") zoned parcels to "City of Ferndale" public facilities, compliant with applicable law?

2. Are City of Ferndale staff's proposed changes to section 5.17.1(d) of Ferndale's Zoning Ordinance, placing requirements on the creation and use of emergency shelters within the City of Ferndale, compliant with Government Code section 65583 ("SB 2").

3. Is the proposed "Reasonable Accommodation Ordinance" valid?

II. DISCUSSION

1. Public Facility Zoned Parcels Can Not be Limited to "City of Ferndale" Facilities.

The Planning Commission has asked staff to inquire with the City Attorney about the legality of inserting the phrase “City of Ferndale” before each of the permitted uses within the PF zone, including emergency shelters. Limiting the uses on PF zoned parcels to only those public facilities owned/operated by the City of Ferndale is not appropriate. In addition to violating basic tenets of zoning law, a limitation of this nature would effectively constitute a taking of property in violation of the California and United States Constitution. A city can not dictate the use or ownership of property by method of a zoning regulation. For example, the City can not limit use of the Humboldt County Fairgrounds to “City of Ferndale” public facilities—doing so would effectively preclude the County of Humboldt (the public entity vested in title) from use of the property. The same result would occur for any privately owned parcels zoned PF.

Additionally, limiting the development of emergency shelters to only public facilities owned and operated by the City would violate Government Code section 65583 because it does not facilitate and encourage the development of emergency shelters, but instead forecloses the opportunity for private development of shelters within the identified zone.

2. Staff’s Proposed Revisions to Zoning Ordinance Section 5.17’s Comply with SB 2

SB 2 requires that cities identify at least one zone in which emergency shelters, as defined in Government Code 65582(d), are permitted without a conditional use permit or other discretionary permit. It further requires that within the identified zone, “emergency shelters ... only be subject to those development and management standards that apply to residential or commercial development within the same zone,” except for particular standards enumerated in section 65583(a)(4)(A)(i-viii). (Gov. Code, § 65583(a)(4).) Finally, local governments must “demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters.” (*Id.*)

Each of the proposed changes to Section 5.17.1(d) included in Staff’s draft ordinance (attached) constitute valid development and management standards for emergency shelters. As noted above, all development and management standards placed on shelters must not exceed those development and management standards imposed on residential and commercial development within the same zone. However, the statute does provide a list of conditions that nevertheless may be imposed on emergency shelters.

Each of the proposed development and management conditions included in revised Section 5.17 comply with the statute, and constitute permissible conditions the City can impose on shelter development/use. Staff's proposed conditions on shelter development/use seek to promote public safety and humane operation of emergency shelters.

2. Proposed "Reasonable Accommodation Ordinance"

The proposed ordinance is valid. As is noted by Melanie Rheaume, the ordinance is modeled after Eureka's recently adopted ordinance. Further, the ordinance (with a few minor changes) implements the exact language of the Department of Housing and Community Development's model ordinance for providing reasonable accommodation under federal and state fair housing laws which was developed by Mental Health Advocacy Services, Inc.. The model ordinance can be found at:
http://www.hcd.ca.gov/hpd/housing_element2/documents/MODEL_REASONABLE_AC_COMODATION_ORDINANCE.pdf

III. CONCLUSION

The proposed revisions contained in the attached Zoning Ordinance § 5.17 prepared by City Staff to be submitted to the Planning Commission are consistent with the recommended revisions and appear to be compliant with State law.

The proposed "Reasonable Accommodation Ordinance" is valid.

ORDINANCE NO 2014-02

AN ORDINANCE OF THE CITY OF FERNDALE, STATE OF CALIFORNIA, AMENDING ZONING ORDINANCE 02-02 TO COMPLY WITH ADOPTED CITY OF FERNDALE HOUSING ELEMENT UPDATE 2012 SELECT POLICIES AND PROGRAMS AND FOR GENERAL MAINTENANCE

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

Article 1 SHORT TITLE AND PURPOSE

§1.1 **Short Title:** This Ordinance shall be known and cited as “Amending Zoning Ordinance 02-02 for Housing Element Compliance.”

§1.2 **Purpose:** The purpose of this Ordinance is to amend Zoning Ordinance 02-02 to comply with State housing regulations and the City of Ferndale General Plan Housing Element Update 2012 as certified by the California Department of Housing and Community Development.

Article 2 STATUTORY AUTHORITY

§2.1 The statutory authority for this Ordinance is California Government Code §65000 et seq., §65850 et seq., and other applicable State laws.

Article 3 GENERAL PROVISIONS

§3.1 City of Ferndale Zoning Ordinance 02-02 shall be revised as provided in Exhibit A to this Ordinance.

Article 4 ENACTMENT

§4.1 **Severability.** If any section, sub-section, paragraph, sentence, or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences and words of this Ordinance, and the applications thereof; and to that end the sections, sub-sections, paragraphs, sentences and words of this Ordinance shall be deemed to be severable.

§4.2 **Effective Date.** This Ordinance shall become effective 30 days after the date of its enactment.

PASSED AND ADOPTED on this Xth day of XXX 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

City Clerk / Deputy City Clerk

Stuart Titus, Mayor

First Reading:	Amended:	
Second Reading:		
Enacted:		
Amended:		

Exhibit A

ORDINANCE NO. 02-02

AN ORDINANCE OF THE CITY OF FERNDALE STATE OF CALIFORNIA ESTABLISHING LAND USE ZONES; REGULATING THE USE OF LAND AND BUILDINGS AND THE OPEN SPACE ABOUT BUILDINGS; SPECIFYING MINIMUM DIMENSIONS AND AREAS FOR VARIOUS TYPES OF LAND USES IN VARIOUS ZONES; DEFINING WORDS AND TERMS; PROVIDING FOR THE ISSUANCE OF USE PERMITS AND VARIANCES AND FOR RELATED STANDARDS AND CONDITIONS; SPECIFYING PROCEDURES FOR THE ADMINISTRATION AND AMENDMENT OF, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ANY OF THESE PROVISIONS; AND REPEALING ORDINANCES 211, 223, 236, 237, 239, 282, 284, 287, 288, 289, 292, 296, 301, 307A, 309, 91-02 and 00-05

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- mortuaries and chapels, when operated in conjunction with and within the boundary of such cemetery.
- §3.22 City: The City of Ferndale.
- §3.23 City Council: The City Council of Ferndale.
- §3.24 Court: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, which is bounded on two or more sides by such building or buildings.
- §3.25 Commission, Planning Commission: The Planning Commission of the City of Ferndale, State of California.
- §3.26 Communication Equipment Building: A building which houses electrical and mechanical equipment necessary for the conduct of a public utility communications business with or without personnel.
- ~~§3.27~~ Density Bonus: As defined by Government Code Section 65915 et seq., an increase over the maximum density otherwise allowed by the applicable zoning district, that is granted to the owner/developer of a housing project who agrees to construct a senior housing project or a prescribed percentage of dwelling units that are affordable to households of very low; low; and/or moderate income. When determining the number of dwelling units that shall be affordable, the units authorized by the density bonus shall not be included in the calculation.
- ~~§3.27~~ ~~§3.28~~ Distance Between Structures: The shortest horizontal distance measured between the vertical walls of two structures.
- ~~§3.28~~ ~~§3.29~~ Dwelling: Any building or portion thereof containing one or more dwelling units designed or used exclusively as a residence or sleeping place for one or more families, but not including a tent, cabin, boat, trailer, mobile home, labor camp, hotel or motel.
- ~~3.28.1~~ ~~3.29.1~~ Dwelling, Single Family: A building containing exclusively one dwelling unit.
- ~~3.28.2~~ ~~3.29.2~~ Dwelling, Two-Family or Duplex: A detached building under one roof, designed for or occupied exclusively by two families living independently of each other.
- ~~3.28.3~~ ~~3.29.3~~ Dwelling, Multiple: A building or portion thereof containing three (3) or more dwelling units, including apartments and flats but excluding boarding houses, motels, mobile home parks, hotels, fraternity or sorority houses and private residence clubs.
- ~~3.28.4~~ ~~3.29.4~~ Dwelling Unit: One room, or a suite of two (2) or more rooms, designed for, intended for, or used by one family, where the family lives, sleeps and cooks and which unit has one kitchen or kitchenette.
- ~~§3.29~~ ~~§3.30~~ Emergency Repairs: Repairs made to any structure, whether used for residential, commercial or other uses, in the immediate period following damage by earthquake, fire, wind, hail, or collision, provided that such repairs will bring the structure to its original design. Such repairs include: re-roofing, repairing fire damage, painting, re-painting, paint scraping, and replacing windows, drainpipes, railings, and small structural ornamentation.
- ~~§3.31~~ Emergency Shelter: 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.
- ~~§3.30~~ ~~§3.32~~ Emergency Vehicle: Self-propelled vehicle or trailer used in the discharge of the duties of public districts, agencies, or departments or privately owned public utilities responsible for fire prevention and control, police enforcement, sanitation, sewage, drainage, flood control and public utility maintenance and service.
- ~~§3.31~~ ~~§3.33~~ Family: One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit. FAMILY does not include larger institutional group living situations such as dormitories, fraternities, sororities, monasteries or convents nor does it include such commercial group living

~~arrangements as boardinghouses, lodging houses and the like. A person living alone, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than five (5) unrelated persons living together as a single non-profit housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, motel, hotel or fraternity or sorority house. A family shall be deemed to include necessary servants.~~

~~§3.32~~§3.34 **Farm Dwelling:** A dwelling on farm premises for permanent residents of the farm, such as the owner, lessee, foreman, or others whose principal employment is the operation of the farm, as distinguished from quarters for seasonal labor.

~~§3.33~~§3.35 **Frontage:** All the property on one (1) side of a street between intersecting or intercepting streets or between a street and right-of-way, waterway, end of a dead-end street or city boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

~~§3.34~~§3.36 **Fur Farm:** A place at which fur-bearing animals are bred and raised for commercial purposes, such as breeding stock or for the reclamation of pelts.

~~§3.35~~§3.37 **Garage:**

~~3.35.13~~3.37.1 **Garage, Private:** An accessory building or a portion of a building designed for the storage of self-propelled passenger vehicles, camping trailers or boats belonging to the owners or occupants of the site and their guests, including covered parking space or carport.

~~3.35.23~~3.37.2 **Garage, Public:** Any building or portion thereof or premises, except those herein defined as a private garage, used for the storage or care of self-propelled vehicles, trailers and boats or where any such are equipped for operation or repair or kept for remuneration and hire.

~~3.35.33~~3.37.3 **Garage, Storage:** Any structure or portion thereof or premises, except those herein defined as private garages, used exclusively for the storage for remuneration or hire of self-propelled vehicles, trailers and boats.

~~§3.36~~§3.38 **Ground Coverage:** The percentage of the total area that is covered by structures as herein defined.

~~§3.37~~§3.39 **Hog Farm:** Any premises used for the raising or keeping of three (3) or more hogs when raised, fed or fattened for purposes of sale and consumption by other than the owner of the site. In an agricultural zone, the term "hog farm" is not intended to otherwise preclude the raising of hogs as part of a general farming operation.

~~§3.38~~§3.40 (This section amended by Ordinance 08-03) **Home Occupation:** Any use which, as determined by this ordinance, is customarily carried on within a dwelling or unattached structure by the inhabitants thereof and which is clearly incidental and secondary to the residential use of the dwelling. (End of section amended by Ordinance 08-03)

~~§3.39~~§3.41 **Hotel:** Any building or portion thereof containing living quarters or dwelling units and designed for or intended to be used by six (6) or more transient guests, whether the compensation or hire be paid directly or indirectly, and shall include resort hotel, lodging house, rooming house, dormitory, residence club, fraternity, sorority and other similar uses.

~~§3.40~~§3.42 **Incidental and/or Appurtenant Uses:** Small and/or related activities other than the uses specified under "Agricultural Service-Related Business," which are available or are conducted on the site during the same hours of the principal activity and all of which occupy less than 25 percent of the total retail floor area. Such activities shall be related to or not conflict with the principle activity. Such activities can include: home supplies, small-scale plant nurseries and landscape supplies, home improvement supplies and books, canning and kitchen supplies, work clothes, pruning or composting workshops, deli (not exceeding 200 sq. ft.), gift items or handcrafted items.

- a. The front yard of a corner lot is the yard adjacent to the shortest street frontage.
- b. The rear yard of a corner lot extends to the side yard adjacent to the street
- c. A side yard on the street side of a corner lot shall extend from the front yard to the rear lot line.

~~3.47.3~~3.49.3 Lot, Interior: A lot other than a corner or key lot.

~~3.47.4~~3.49.4 Lot, Key: The first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot (exclusive of any alley) and fronting on the street which intersects or intercepts the street upon which the corner lot fronts.

~~3.47.5~~3.49.5 Lot Area: The total horizontal area included within lot lines, but excluding any portion of such area that has been dedicated for public right-of-way purposes.

~~3.47.6~~3.49.6 Lot Depth: The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines

~~3.47.7~~3.49.7 Lot Lines. The property lines bounding the lot. The definitions herein are applicable to lots that are basically square or rectangular in shape. When these definitions are not applicable due to irregularity in the shape of the lot, lot lines shall be determined by the Administrative Official, subject to review by the Planning Commission.

- a. Lot Line, Front: The line separating the lot from the street right-of-way. In the case of a corner lot, the shorter street frontage shall be the front lot line.
- b. Lot Line, Rear: In the case of an interior Lot, the line opposite and most distant from the front lot line. In the case of a triangular or wedge-shape lot, for measurement purposes, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- c. Lot Line, Side: Any lot lines not a front or rear lot line.

~~3.47.8~~3.49.8 Lot Width: The horizontal distance between the side lot lines measured at right angles to the depth of the lot at the front yard set back line. Whenever this definition cannot be applied due to irregularity in the shape of the lots, the lot width shall be as determined by the Administrative Official subject to review by the Planning Commission.

§3.50 Manufactured Home: A residential structure constructed entirely in the factory, and which since June 15, 1976, has been regulated by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD).

~~§3.48~~§3.51 Minor Repair & Routine Maintenance: Such repair and maintenance which may include re-roofing; painting; re-painting, re-surfacing; paint scraping; replacement of windows; drainpipes, railings, and small structural ornamentation; and replacement of individual boards in a wooden porch with fresh identical lumber, if the status quo or original design is maintained.

§3.52 Mobile Home: A trailer, transportable in one or more sections, that is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, which is over eight feet in width and 40 feet in length, is tied down (a) to a permanent foundation on a lot either owned or leased by the homeowner or (b) is set on piers, with wheels removed and skirted, in a mobile home park and not including recreational vehicle, commercial coach or factory-built housing.

~~§3.49~~ Mobile homes:

- ~~3.49.1~~ — Use exemptions: A mobile home shall be occupied or used for living or sleeping purposes on an individual lot only if it is in accordance with 7.14.2 of this ordinance, with the following exceptions:
- ~~a.~~ — In conjunction with a trailer sales area: One mobile home may be used as an office appurtenant and accessory to, and in conjunction with the operation of a mobile home sales area.
 - ~~b.~~ — Temporary office or residence: One mobile home may be permitted, with a special permit issued by the Building Department, as a temporary office or residence, after obtaining a building permit of the same use on the same lot. Such use of the mobile home shall be limited to six (6) months from the date of issuance of the building permit and shall automatically terminate upon the expiration or voidance of the building permit. The Building Department may renew such special permit for one additional period of six (6) months, if substantial progress has been made in the construction of the permanent building and it is reasonable and probable that the permanent building will be completed within such additional period.
 - ~~c.~~ — By building contractors: Mobile homes may be used, with a use permit, as temporary offices by construction contractors, or as temporary living quarters for their employees in all zones.
- ~~3.49.2~~ — Mobile homes on individual lots: A mobile home shall be permitted on an individual lot as a single family dwelling unit, only if it meets the following requirements:
- ~~a.~~ — Eligibility:
 - ~~i.~~ — The mobile home must be certified under the National Mobile Home Construction and Safety Standards Act of 1974.
 - ~~ii.~~ — The mobile home must be installed on a permanent foundation system designed in accordance with the provisions of Chapter 29 of the Uniform Building Code, 1979 Edition, or applicable provisions of subsequent editions adopted for use by the City.
 - ~~iii.~~ — The mobile home must comply with all development standards specified in the zone in which the mobile home is to be placed.
 - ~~iv.~~ — The mobile home must be located within an area of the City determined to be compatible with mobile home use, as defined in the Compatibility Section, below.
 - ~~b.~~ — Compatibility: Mobile homes shall be considered compatible in those areas outside of the Design Control Combining or D Zones, as particularly described on the Zoning Map of the City of Ferndale. The Design Control districts designated on said map have been found to be both of significant historical value and of overall unique architectural character, warranting protection of preservation efforts and infill development of comparable nature. Therefore, mobile homes, as defined herein, are not found to be compatible with these areas, but shall be permitted in all other areas of the City wherein single family dwellings are a principal permitted use of land.
- ~~§3.50~~ — Mobile Home Park Standards: All mobile home parks shall be subject to the following requirements:
- ~~3.50.1~~ — Minimum lot area: one (1) acre.
 - ~~3.50.2~~ — Minimum recreation space: 10% of site
 - ~~3.50.3~~ — Minimum yards around parks: front, 20 feet; side and rear, 10 feet; suitably landscaped to provide effective screening.

~~3.50.4~~ — All areas not used for access, parking, circulation, recreation or services shall be completely and permanently landscaped, and the entire site shall be maintained in a neat, clean and orderly and sanitary condition.

~~3.50.5~~ — All circulation roads shall be at least 25 feet from curb to curb and shall be increased in width by 10 feet for curb parking space on each side of the street on which such curb parking is permitted. All roads and parking spaces shall be permanently paved. Two (2) parking spaces or the equivalent thereof shall be provided for each mobile home site.

~~3.50.6~~ — The Planning Commission may modify the above requirements for an existing substandard park proposed to be enlarged or extended, provided that the modifications are limited to the overall improvement in the design or standards of such existing park.

~~§3.51~~§3.53 **Motel:** A building or group of buildings comprising individual living quarters or dwelling units for the accommodation of transient guests which is so designed that parking is on the same building site and is conveniently accessible from the living units without having to pass through any lobby or interior court. This definition includes auto court, tourist court, motor hotel, but does not include accommodation for mobile homes or trailers.

~~§3.52~~§3.54 **Non-Conforming Buildings:** A building, structure or portion thereof which lawfully existed at the time of the adoption of these regulations but which does not conform to all the heights and area regulations of the zone in which it is located, or which is so designed, erected or altered that it could not reasonably be occupied by a use permitted in the zone in which it is located.

~~§3.53~~§3.55 **Nurseries and Greenhouses:** Buildings and premises for the propagation, display, and retail sale of plants, vines, shrubs and trees, and the sale of horticultural materials when incidental thereto.

~~§3.54~~§3.56 **Office:**

~~3.54.1~~3.56.1 **Office, Business:** An office which has as its main function the arrangement of business transactions, the holding of sales meetings and administrative conferences, the receiving of clients or payments or the keeping of records and accounts pertaining to the particular business.

~~3.54.2~~3.56.2 **Office, Professional:** An office from which and at which a doctor or other practitioner of healing arts, a dentist, lawyer, engineer, architect, accountant or similar professional person may offer services, and which includes medical or dental laboratories.

~~§3.55~~§3.57 **Owner:** The person or persons, firm, corporation, or partnership holding legal or equitable title or recorded contract of purchase of property, or any person authorized by written instrument to act for the owner.

~~§3.56~~§3.58 **Person:** Any individual, public or private corporation, political subdivision, partnership, firm, trust or estate or any other legal entity whatsoever which is recognized in law as the subject of rights or duties.

~~§3.57~~§3.59 **Planning Commission:** The Planning Commission of the City of Ferndale, as created by City Ordinance, hereafter referred to as the Commission.

~~§3.58~~§3.60 **Public Use:** A use operated exclusively by a governmental agency or public agency, which has the purpose of serving the public health, safety, convenience or general welfare, and which includes but is not limited to such uses as schools, parks, playgrounds, educational, recreational and social facilities, libraries, museums, firehouses, courthouses, hospitals and administrative service facilities.

~~§3.71~~ §3.73 **Structural Alteration:** Any change in the structural members of a building, such as bearing walls, columns, beams or girders.

§3.74 **Supportive Housing:** As defined at Section 50675.14 of the Health & Safety Code has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in Health & Safety Code Section 53260. Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

~~§3.72~~ §3.75 **Timber Production:** The systematic harvesting and reseedling of timber stands in accordance with practices designed to maintain the productive capacity of the land, preserve the watershed and conserve the soil.

~~§3.73~~ §3.76 **Timber Products Processing Plants:** Buildings and premises for the commercial processing of wood and wood products, including but not limited to, sawmills, lumber mills and plywood mills, but not including pulp mills. Pulp mills shall be classified as heavy industrial use and shall be permitted in the zones designed to accommodate such uses.

~~§3.74~~ §3.77 **Trailer:** Any vehicle without motive power or designed to be drawn by a motor vehicle and to be used in such a manner as to permit temporary occupancy thereof as sleeping quarters or occupation or use as a selling or advertising device, or use for storage or conveyance of tools, equipment, or machinery, and so designed that it is mounted on wheels and may be used as a conveyance on highways and streets. The term "trailer" includes the term "camp trailer," "trailer coach," "automobile trailer" and "house trailer," except when the latter falls within the definition of "mobile home." Trailers are considered structures for the purpose of these regulations when they are parked in mobile home parks or trailer camps and are used on such sites for human habitation, offices, wash houses, storage or similar auxiliary services necessary for the human habitation of the court or camps.

~~§3.75~~ §3.78 **Trailer Camp:** Any lot or parcel thereof or parcel of land which is used or offered as a location for one or more trailers of camping, weekend or temporary occupancy. As distinguished from a Mobile Home Park, a trailer camp is usually located in or adjacent to a recreation or resort facility and is primarily designed to serve as a seasonal facility or as a place of temporary residence for persons who have a permanent residence established elsewhere.

~~§3.76~~ §3.79 **Trailer Court or Trailer Park:** See Mobile Home.

~~§3.77~~ §3.80 **Transient:** When used in conjunction with boarding or lodging, services that are charged for in units of less than one (1) month and where the majority of people utilizing such services remain for periods of less than three (3) months, except for bed and breakfast inns. This period shall be limited to a maximum of fourteen (14) consecutive days.

§3.81 **Transitional Housing:** Defined in Section 50675.2 of the Health & Safety Code as buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

~~§3.78~~ §3.82 **Use:** The purpose for which either land or a structure thereon is designed, arranged, or intended, or for which it is or may be occupied or maintained.

~~3.78.1~~ 3.82.1 **Use, Accessory:** A use legally permitted in the zone which is incidental to and subordinate to the principal use of the site or a main building on the site, and serves a purpose which does not change the character of the principal use.

~~3.78.2~~ 3.82.2 (This section amended by Ord. 07-01 on 2/12/07) **Use, Conditional:** A principal or accessory use of land or of structures thereon which may be essential or

ARTICLE 4: ESTABLISHMENT AND DESIGNATION OF ZONES

§4.01 Principal Zones: The several zones, hereby established, and into which the City may be divided, are as follows:

ZONE	DESIGNATION
Residential Suburban	RS
Residential One Family	R1
Residential Two Family	R2
Residential Multiple Family	R3
Apartment-Professional	R4
Neighborhood Commercial	C1
Community Commercial	C2
Agricultural Services Commercial	CAG
Highway Service Commercial	CH
Limited Industrial	ML
Heavy Industrial	MH
Floodway	FW
Flood Plain	FP
Planned Development	PD
Agriculture-Exclusive	AE
Public Facility	PF

§4.02 Combining Zones: In addition to the principal zones established in Section 4.01, certain combining regulation zones are hereby established as follows:

ZONE	DESIGNATION
Agriculture	-A
Special Building Site	-B
Recreation	-X
Design Control	-D
Qualified Combining	-Q
<u>Housing Combining</u>	<u>-H</u>

§4.03 Location of Boundaries of Zones: The designation, location and boundaries of the above zones shall be delineated on the zoning map of the City. Said map and all notations, references, data and other information shown shall be a part of these regulations, and such map shall constitute Section 4.04.

§4.04 Zoning Map: This section consists of the zoning map of the City, which may be amended in whole or in part in accordance with the amendment procedure set forth in Article VIII. All incorporated territory of the City shall be classified as specified by the zoning map adopted as a part of these regulations.

§4.05 Uncertain Boundaries: Where uncertainty exists with respect to the boundaries or the various zones, the following rules shall apply:

4.05.1 Streets or alleys: Where the indicated zoning boundaries are approximate street or alley lines, the center lines of such shall be construed to be the boundaries of such zone.

§5.17 Public Facility or PF Zone

The Public Facility or PF Zone is intended to be applied to lands owned by public agencies or to lands upon which such agencies operate public facilities.

5.01.525.17.1 Principal permitted uses:

- a. Public schools, parks, playgrounds and recreational facilities.
- b. Public fairgrounds and related uses.
- c. Public buildings, including City Hall, fire stations, libraries, courts, museums, auditoriums, hospitals, and similar uses.
- d. Emergency shelters, provided such facility complies with all of the following:
 - i. Any emergency shelter newly proposed for construction or operation within the City shall not be located within three hundred feet (300') of any other emergency shelter. The distance shall be measured along the street frontage from one emergency shelter to another emergency shelter.
 - ii. Adequate external lighting shall be provided for security purposes to ensure fully lit parking, gathering, and waiting areas. Lighting shall be placed so as to not create glare or impact adjoining parcels.
 - iii. The facility shall contain a maximum of 10 beds and shall serve no more than 10 persons.
 - iv. The facility shall have an interior, enclosed client waiting and intake area large enough to accommodate the number of persons equal to 25% the number of beds. The area shall be based on space required for seated persons. The facility shall also have an adjoining, exterior overflow waiting area of equal size to the interior waiting area. The exterior waiting area shall be fenced, screened, gated, and shall not obstruct sidewalks or driveways.
 - v. The facility shall provide security during hours that the shelter is in operation, shall provide an on-site manager, and must have a minimum of 1 fully trained staff person with at least 1 year of homeless services experience on site at all times when a client is on the premises.
 - vi. The number of off-street parking spaces shall be calculated per §7.16 of this Ordinance.
 - vii. Temporary shelter shall be available to residents for no more than 60 days. Extensions up to a total stay of 180 days in any continuous 12-month period may be provided if no alternative housing is available.

5.01.535.17.2 Uses permitted with a Use Permit:

- a. Penal, correctional or detention institutions and facilities for the care of mental patients.
- b. Public corporation yards, shops, repair and storage yards and buildings.

5.01.545.17.3 Other regulations:

- a. None, except as provided in use permit conditions.

- 7.11.3 Is confined completely within the dwelling or unattached structure and occupies not more than twenty five percent (25%) of the total floor space of the main dwelling (or its equivalent in an unattached structure).
- 7.11.4 Be an owner- or renter-occupied home and business.
- 7.11.5 Meet the requirements of the building inspector and fire district of jurisdiction and
- 7.11.6 Possess a current business license. If license expires, H.O.P. expires.
- 7.11.7 at time of business license renewal, produce a copy of the applicant's Liability Insurance on which a rider has been placed for the Home Occupation. *(End section altered by Ordinance 08-03)*
- §7.12 Lot Areas and Widths: Lot areas and widths which do not conform to the minimum specifications of the zone in which they are located will be permitted where the lot in question was delineated on a recorded sub-division map or was under one ownership in the effective date of these regulations and the owner thereof has not subsequently acquired adjoining property.
- §7.13 Lot Not Fronting on a Public Way. A lot not having frontage on a public way, but otherwise conforming to these regulations, may be used provided a use permit is first secured.
- §7.14 Manufactured and Mobile Homes:
- 7.14.1 Use exemptions: A mobile home shall be occupied or used for living or sleeping purposes on an individual lot only if it is in accordance with Section 7.14.2 of this ordinance, with the following exceptions:
- a. In conjunction with a trailer sales area: One mobile home may be used as an office appurtenant and accessory to, and in conjunction with the operation of a mobile home sales area.
 - b. Temporary office or residence: One mobile home may be permitted, with a special permit issued by the Building Department, as a temporary office or residence, after obtaining a building permit of the same use on the same lot. Such use of the mobile home shall be limited to six (6) months from the date of issuance of the building permit and shall automatically terminate upon the expiration or voidance of the building permit. The Building Department may renew such special permit for one additional period of six (6) months, if substantial progress has been made in the construction of the permanent building and it is reasonable and probable that the permanent building will be completed within such additional period.
 - c. By building contractors: Mobile homes may be used, with a use permit, as temporary offices by construction contractors, or as temporary living quarters for their employees in all zones.
- 7.14.2 Manufactured and Mobile Homes on individual lots: A manufactured orA mobile home shall be permitted on an individual lot as a single-family dwelling unit, only if it meets the following requirements:
- a. Eligibility:
 - i. The manufactured or mobile home must be certified under the National Manufactured Housing ~~obile Home~~ Construction and Safety Standards Act of 1974.
 - ii. The manufactured or mobile home must be installed on a permanent foundation system designed in accordance with ~~the provisions of Chapter 29 of the Uniform Building Code, 1979 Edition, or applicable provisions of subsequent editions adopted for use by the City~~Health and Safety Code Section 18551.

iii. Installation of a manufactured or mobile home shall be prohibited if more than 10 years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home.

~~iii~~.iv. The manufactured or mobile home must comply with all development standards specified in the zone in which the ~~mobile~~-home is to be placed.

~~iv~~.v. The manufactured or mobile home must be located within an area of the City determined to be compatible with mobile home use, as defined in the Compatibility Section, below.

- b. Compatibility: Manufactured and mobile homes shall be considered compatible in those areas outside of the Design Control Combining or -D Zones, as particularly described on the Zoning Map of the City of Ferndale. The Design Control districts designated on said map have been found to be both of significant historical value and of overall unique architectural character, warranting protection of preservation efforts and infill development of comparable nature. Therefore, manufactured and mobile homes, as defined herein, are not found to be compatible with these areas, but shall be permitted in all other areas of the City wherein single family dwellings are a principal permitted use of land.

§7.15 Mobile Home Park Standards: All mobile home parks shall be subject to the following requirements:

- 7.15.1 Minimum lot area: one (1) acre.
- 7.15.2 Minimum recreation space: 10% of site.
- 7.15.3 Minimum yards around parks: front, 20 feet; side and rear, 10 feet; suitably landscaped to provide effective screening.
- 7.15.4 All areas not used for access, parking, circulation, recreation or services shall be completely and permanently landscaped, and the entire site shall be maintained in a neat, clean and orderly and sanitary condition.
- 7.15.5 All circulation roads shall be at least 25 feet from curb to curb and shall be increased in width by 10 feet for curb parking space on each side of the street on which such curb parking is permitted. All roads and parking spaces shall be permanently paved. Two (2) parking spaces or the equivalent thereof shall be provided for each mobile home site.
- 7.15.6 The Planning Commission may modify the above requirements for an existing substandard park proposed to be enlarged or extended, provided that the modifications are limited to the overall improvement in the design or standards of such existing park.

§7.16 Parking and Loading Facilities: Off street parking and loading spaces shall be provided in all zones in conformity with the following:

- 7.16.1 Each parking space shall not be less than eight (8) feet wide, eighteen (18) feet long and seven (7) feet high, and each loading space shall not be less than ten (10) feet wide, twenty-five (25) feet long and fourteen (14) feet high.
- 7.16.2 Parking spaces shall be provided as follows:
- a. Dwellings: one (1) for each dwelling unit.
- b. Hotels, motels, inns, bed and breakfast inns, boarding houses: one (1) for each individual living quarter or dwelling unit.

- 7.21.3 Plans / Other information:
- a. Site Plan – An accurate scaled drawing drawn to a standard engineer or architect scale showing the following
 - i. Title – “Site Plan”
 - ii. Name, address and phone number of applicant and/or agent
 - iii. Property address and assessor parcel number
 - iv. Date, north arrow, scale
 - v. Entire parcel boundary with dimensions
 - vi. Adjacent public and private driveways, streets, alleys and easements as well as right-of-way widths of each
 - vii. Dimensions and location of all off-street parking spaces
 - viii. Location, dimensions and square footage of existing residential dwelling and accessory structures.
 - ix. Location, dimensions and square footage of proposed Secondary Dwelling Unit
 - x. Include distance from all property lines to all structures.
 - b. ~~The City Planner staff~~ may require additional information, plans and/or drawings if they are necessary to enable ~~the Planner staff~~ to determine whether the proposed secondary dwelling unit complies with the applicable provisions of this ordinance.
- 7.21.4 Development Standards. The City shall grant a permit for the creation of a second unit if the second unit complies with all of the following:
- a. A secondary dwelling unit is permitted only on lots zoned for single-family or multifamily use. The lot must contain an existing single-family dwelling within in the R-1 and R-S zones
 - b. At the time of application for the Secondary Dwelling Unit permit, the applicant shall be an owner-occupant of the subject property;
 - c. The lot on which the secondary dwelling unit is sited shall comply with the minimum site area, width and depth standards prescribed for the R-1 and R-S zone_s
 - d. The secondary dwelling unit shall be accessory to a principal one-family dwelling in that it is subordinate and incidental to the principal dwelling
 - e. The secondary dwelling unit may either be attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling. principal dwelling, or detached from the principal dwelling
 - f. The increased floor area of an attached second unit shall not exceed 30 percent of the existing living area. The total area of floorspace for a detached second unit shall not exceed 1,200 square feet. maximum gross floor area of the secondary dwelling unit shall not exceed 640 square feet
 - g. When a single-family dwelling of less than 640 1,200 square feet exists on a lot, a larger single-family dwelling may be constructed as the principal dwelling, provided that the existing dwelling complies with the regulations for a secondary dwelling unit as prescribed herein
 - h. A secondary dwelling unit attached to the principal dwelling shall comply with the applicable development standards for additions to a single-family residence; a detached secondary dwelling unit shall conform to the applicable development standards for an accessory structure

- i. Not more than one secondary dwelling unit shall be permitted on any one lot. A secondary dwelling unit shall not be permitted on a lot already having two or more dwelling units located thereon and shall not be permitted in addition to a guesthouse. A guesthouse shall not be permitted on any lot developed with a secondary dwelling unit
- j. The lot on which the secondary dwelling unit is sited shall be developed with at least two parking spaces, one per dwelling, as noted in section 7.16 of the Zoning Ordinance 02-02
- k. The secondary dwelling unit shall provide complete independent living facilities for one or more persons. It shall include permanent separate provisions for living, sleeping, eating, cooking, and sanitation; and shall have a separate entrance which is subordinate to the entrance to the main building if located facing the street
- l. The secondary dwelling unit may have utility services metered separately from, or with the principal dwelling unit
- m. The secondary dwelling unit shall comply with all local, state and federal codes and standards, including the building codes as adopted by the City of Ferndale. Development of the secondary dwelling unit shall not cause the principal dwelling to violate any local, state or federal codes and standards, including the building codes as adopted by the City of Ferndale
- n. A secondary dwelling unit that conforms to the requirements of this ordinance shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot
- o. Secondary Dwelling Unit permits shall not be issued for secondary dwelling units that result in adverse impacts to the adequacy of water and sewer services and/or that result in adverse impacts on traffic flow, and or that result in adverse impacts on any real property that is listed in the California Register of Historic Places
- p. All construction proposed under the Secondary Dwelling Unit permit shall be subject to architectural review. The secondary dwelling unit shall be constructed in such a manner as to be compatible with the existing neighborhood in terms of form, height, material and landscaping
- q. The secondary dwelling unit shall not be sold or owned separately from the principal residential unit but may be rented
- r. The minimum separation between the main residence and a detached secondary dwelling unit shall be ten (10) feet
- s. A detached secondary dwelling unit which is located within any portion of a required rear yard shall not exceed one (1) story or sixteen (16) feet in height, whichever is less
- t. A detached secondary dwelling unit may not be constructed within five (5) feet of a rear or side property line
- u. The secondary dwelling unit shall conform to any other conditions or standards which in the judgment of the City Planner are necessary to mitigate possible adverse impacts on the neighborhood.

7.21.5 Appeal Process: Any person aggrieved by an action of ~~the City Planner~~ City staff may take an appeal to the Planning Commission by filing a notice of appeal with the City Clerk within 10 days of the action ~~of the City Planner~~. The notice of appeal filed with

the City Clerk shall be accompanied by a filing fee equal to the fee of application being appealed. Upon receipt of the notice of appeal, ~~City staff~~~~the City Planner~~ shall forthwith transmit to the Planning Commission all the papers constituting the record upon which the action appealed from was taken. If the applicant wishes to appeal the Planning Commission's decision, they would follow Article XI of the Zoning Ordinance 02-02.

§7.22 Existing Secondary Dwelling Units (Entire section 7.22 amended by Ordinance 03-03 on July 14, 2003.):

7.22.1 This Ordinance shall in no way validate an illegal secondary dwelling unit. An application for a Secondary Dwelling Unit permit may be made pursuant to the provisions of this chapter to convert an illegal secondary dwelling unit, or to allow for the replacement, alteration or expansion of an existing nonconforming secondary dwelling unit. The conversion of an illegal secondary dwelling unit to a lawful secondary dwelling unit, or the replacement, alteration or expansion of an existing nonconforming secondary dwelling unit shall be subject to the requirements of this ordinance.

Setbacks: See 7.26 "Yards"

§7.23 Signs and Nameplates: The entire §7.23 was repealed by Ordinance 2013-02 Sign Ordinance.

§7.24 Swimming Pools: Any pool, pond, lake or open tank, not completely enclosed within a building, which is normally capable of containing water to a depth greater than 18 inches at any point and in which swimming or bathing is permitted to the occupants of the premises on which it is located, or their guests, and which shall not be used for commercial purposes, shall be permitted, with a use permit in any zone and shall be subject to the following regulations:

7.24.1 Such pool shall be located on the rear one-half of the lot and in any case not less than 50 feet from the front lot line. Side and rear yards shall be as required for accessory buildings, but in no case within 5 feet of any lot line. Filter and heating systems shall not be located within 10 feet of any lot line.

7.24.2 Ground coverage by a swimming pool shall not exceed 40% of the rear yard required of the lot on which it stands. Ground coverage by a swimming pool shall not be included in computing maximum ground coverage allotted to buildings on the lot.

7.24.3 Such pool or the property on which it is located shall be completely enclosed by a wall or fence not less than 4 ½ feet in height, containing no openings greater than 4 inches except for self-closing and self-latching gates on which the latch is at least 4 feet above ground level, in order that full control of access by children may be maintained.

§7.25 Tract Offices: Temporary tract offices located on the premises of the subdivision shall be allowed with a use permit, in conjunction with the sale of lots in a subdivision.

§7.26 Yards. The minimum yard requirements set out in Articles V and VI shall be subject to the regulations of this Section:

7.26.1 Cornices, eaves, canopies, bay windows, chimneys and similar architectural features may extend a maximum of 2 ½ feet into such yards. Uncovered porches or stairways, fire escapes or landings may extend a maximum of six (6) feet into front or rear yards and three (3) feet into side yards

7.26.2 Detached accessory buildings shall not be located within five (5) feet of any main building nor within five (5) feet of a side line on the front ½ of the lot. Detached

ARTICLE 9: VARIANCE

- §9.01 A variance from the strict application of the terms of these regulations, other than regulations pertaining to allowed land uses and those implementing requirements imposed by the laws of the United States or the State of California, ~~directly pertaining to the use of land and buildings which are not existing nonconforming uses~~, may be granted upon the findings of:
- 9.01.1 That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege, inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated, and
 - 9.01.2 That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning regulations is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under ~~identical~~ identical zone classification, or
 - 9.01.3 That any variance granted will not be contrary to the intent of the zoning regulations or to the public interest, safety, health and welfare, and,
 - 9.01.4 Where due to special conditions or exceptional characteristics of such property, or its location or surroundings, a literal enforcement of the zoning regulations would result in practical difficulties or unnecessary hardships.
- §9.02 Application for a variance shall be filed in the office of the City Clerk upon a form provided, and shall be accompanied by a filing fee and by such other information as may be required to describe fully the proposed variance. Said filing fee shall be fixed by resolution of the City Council at such sum as it may determine necessary.
- §9.03 Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- §9.04 Notice of the time and place of the hearing shall be given pursuant to California Government Code Section 65905, as well as by publication once in a newspaper of general circulation printed and published in the county at least 10 days prior to the hearing, and by posting said notice in conspicuous places close to the property.
- §9.05 At the public hearing the Planning Commission shall hear any person affected by the proposed variance. The hearing may be continued from time to time, but shall be concluded within 60 days the commencement thereof.
- §9.06 Within 30 days of the conclusion of the hearings, the Planning Commission shall grant or deny the variance applied for. The grant of a variance may be made subject to terms and conditions attached thereto and made a part thereof. The action of the Planning Commission shall be expressed in writing and shall contain findings of fact as to the satisfaction of the conditions set out in Article IX. Failure of the Planning Commission to act within 30 days of the conclusion of the hearing shall be deemed to be a denial of the application on that date. The decision of the Planning Commission shall become final 10 days from the date thereof, unless an appeal has been taken within that time.
- §9.07 Revocation of Variances: In any case where the terms and conditions of a grant of a variance are not complied with, the Planning Commission shall give notice to the holder of such variance of this intention to revoke such variance. Proceedings for the revocation of a variance shall be conducted in the same manner as proceedings for the grant of a use permit.
- §9.08 (Added Ord. 07-01 on 2/12/07) Variances run with the land. (End section added 07-01)

ARTICLE 10: USE PERMITS

- §10.01 Use permits may be granted upon application to the Planning Commission for any use for which a use permit is permitted or required by these regulations, or for any use which, while not specifically enumerated in these regulations is, in the opinion of the Planning Commission, similar to and compatible with the uses permitted in the zone in which the subject property is situated.
- §10.02 Application for a use permit shall be filed at the office of the City Clerk upon a form provided, and shall be accompanied by such information as may be required to describe fully the proposed use for which the permit is sought and shall be accompanied by a filing fee. Said filing fee shall be fixed by resolution of the City Council at such sum as it may determine necessary.
- §10.03 Subject only to the rules regarding the placing of matters on the Planning Commission agenda, the matter shall be set for a public hearing.
- §10.04 Notice of the time and place of the hearing shall be given pursuant to California Government Code Section 65905, as well as by publication once in a newspaper of general circulation printed and published in the county at least 10 days prior to the hearing, and by posting said notice in conspicuous places close to the property.
- §10.05 At the public hearing the Planning Commission shall hear any person affected by the proposed use permit. The hearing may be continued from time to time, but shall be concluded within 60 days the commencement thereof.
- §10.06 Within 30 days of the conclusion of the hearing, the Planning Commission shall grant or deny the issuance of the use permit applied for. The granting of any use permit may be made subject to terms and conditions attached thereto and made a part thereof. Failure of the Planning Commission to act within the time set herein shall be deemed to be a denial of the application on that date. The action of the Planning Commission shall become final 10 days from the date thereof, unless an appeal has been taken within that time.
- §10.07 Revocation of Use Permits: In any case where the terms and conditions of a grant of a use permit are not complied with, the Planning Commission shall give notice to the holder of such use permit of this intention to revoke such use permit. Proceedings for the revocation of a use permit shall be conducted in the same manner as proceedings for the grant of a variance.
- §10.08 (This section added by Ord. 07-01 on 2/12/07) Use Permits run with the land. (End of section added by Ordinance 07-01 on 2/12/07)

ARTICLE 11: APPEALS

- §11.01 Appeals: Any person aggrieved by an action of the Planning Commission may take an appeal to the City Council by filing a notice of appeal with the City Clerk and with the Planning Commission within 10 days of the action of the Planning Commission. The notice of appeal filed with the City Clerk shall be accompanied by a filing fee equal to the fee of application being appealed. Upon receipt of the notice of appeal, the Planning Commission shall forthwith transmit to the City Council all the papers constituting the record upon which the action appealed from was taken. Additionally, the City Council can appeal a determination of the Planning Commission onto itself by a majority vote of the Council issued at any Regular or Special Meeting of the Council within ten (10) days of the Planning Commission's determination.
- §11.02 The City Council shall consider the appeal and the record upon which the action appealed from was taken and shall cause the matter to be set for a public hearing.
- §11.03 Notice of the hearing shall be given by publication in a newspaper of general circulation printed and published in the County at least 10 days prior to the hearing. The hearing may be continued from time to time.
- §11.04 Within 60 days of the filing of the notice of appeal, the City Council shall render its decision on the matter. Failure of the City Council to render its decision on the matter within 60 days of the filing of the notice of appeal shall be deemed to be a denial of the appeal and an affirmation of the action of the Planning Commission
- §11.05 The decision of the City Council upon an appeal is final and conclusive as to all things involved in the matter.

ARTICLE 13: ENACTMENT

§13.01 SEVERABILITY CLAUSE: The City Council hereby declares that it would have passed this Ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof, irrespective of the fact that one or more of such sections, subsections, paragraphs, sentences, clauses or phrases might be declared invalid, unconstitutional or void. Should any section, subsection, paragraph, sentence, clause or phrase of this Ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this Ordinance or any portion thereof should be held to be invalid on one ground, but valid on another, it shall be construed that the valid ground is the one upon which said Ordinance or such portion thereof was enacted.

§13.02 Effective Date. This Ordinance shall become effective thirty (30) days after the date of its enactment.

PASSED, APPROVED AND ADOPTED this 8th day of July, 2002 on the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Elizabeth Conner ~~Frances Scalvini~~, City Clerk
 (2002)

Stuart Titus, ~~Jeffrey Farley~~, Mayor

First Reading:	June 10, 2002		
Second Reading:	July 8, 2002		
Enacted:	July 8, 2002		
Amended:	Oct. 14, 2002	Ord 02-03	§7.23 on signs
	July 14, 2003	Ord 03-03	§3.64 and 7.21 and 7.22 on Second Dwelling Units.
	May 7, 2005	Ord 05-02	§3.70, 6.05 and 7.08 on Design Review and Sight Obstructions
	Nov. 16, 2006	Ord 06-05	§7.23.3 on Signs in CAGDQ
	Feb. 12, 2007	Ord 07-01	Amend §2.06, §3.18, §3.19, §3.78.2, §7.08.2, §7.23.4 and add §7.26.7 §9.08 and §10.08
	Sept 9, 2008	Ord 08-03	Amend §§3.38 and 7.11 on HOP's
	Aug 6, 2009	Ord 09-01	Amend <u>Article 2</u> . Add §2.07; §6.05 and §7.04
	Dec 1, 2011	Ord 2011-04	Amend §6.05.4(d)(i)(ii)
	Jan 5, 2012	Ord 2012-01	Add §6.07 –H Housing Combining Zone

Meeting Date:	April 16, 2014	Agenda Item Number	6.2
Agenda Item Title	Density Bonus Ordinance		
Presented By:	Contract City Planner		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input checked="" type="checkbox"/> Roll Call Vote

RECOMMENDATION: Recommend that the City Council adopt the Density Bonus Ordinance and direct staff to prepare in writing the Commission's recommendation to the City Council for consideration and possible adoption (Government Code §65855).

BACKGROUND: Ferndale's General Plan 2012 Housing Element Update contains implementation programs for a balanced supply of housing, serving all socioeconomic groups and household types. State housing regulations require such programs. In 2013, the City Council directed staff to organize Housing Element programs into manageable phases. The Planning Commission reviewed the complete Housing Element Implementation Plan 2013 and recommended it to the Council, which approved the plan.

The Implementation Plan organizes Housing Element programs into three phases, the first of which encompasses Zoning Ordinance amendments required by State housing regulation. In November 2013, the City Council directed staff to complete Phase 1. Staff prepared Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance, Ordinance No. 2014-03 Density Bonus Ordinance, and Ordinance 2014-05 Reasonable Accommodation Ordinance. Adoption of these Ordinances will satisfy the zoning-related programs the City designed and approved when it adopted the 2012 Housing Element, while also bringing the City into compliance with State housing regulations. The Department of Housing and Community Development will require compliance with State housing regulations prior to certifying the Housing Element Update 2014. Timely adoption may make the City eligible for HCD's streamlined review option.

DISCUSSION: Ferndale's Housing Element 2012 contains the following policies and program for compliance with state housing regulations:

Policy B-1: Adopt a Density Bonus Ordinance.

Policy B-2: Encourage a density bonus for developments containing at least 10% of the units set aside for lower income households, or at least 5% of the units for very low-income households, or 50% of the units for qualifying residents (i.e., seniors) as provided in Government Code Section 65915 and where consistent with local regulations. Allow additional concessions/incentives with increased affordable units (GC 65915) and where necessary to maintain economic feasibility of the lower income units.

Program II. Permanent Housing Availability

- 1) Evaluate whether density bonuses or a mix of density bonuses and other concessions and/or incentives should be used.
- 2) Determine aspects of development that should be given consideration for an increase in density bonus percentage or additional incentives.

This task was added to the Implementation Plan for compliance with state density bonus law, including Government Code Section 65915. HCD will not certify a Housing Element Update for a city that has not adopted a density bonus. State law provides that if a developer proposes to include at least 20% of the dwelling units in a project at rents/prices affordable to low-income households or 10% of the dwelling

units in a project at rents/prices affordable to very low-income households, the City must permit a 25% minimum density bonus.

The attached Density Bonus Ordinance has undergone legal review.

ENVIRONMENTAL REVIEW: On December 1, 2011, the City Council adopted an Initial Study (IS) and Negative Declaration (ND) that programmatically evaluated the 2012 Housing Element Update, including the effects that implementation measures in the Element would potentially have on the environment.

RECOMMENDED MOTION: Move that the Commission make the following findings, recommend that the City Council adopt the Density Bonus Ordinance, and direct staff to prepare in writing the Commission's recommendation to the City Council for consideration and possible adoption.

Findings:

1. The Negative Declaration for the General Plan Housing Element Update adopted by the City Council in December 2011 found that implementation of the Element's programs would not have a significant effect on the environment; therefore, the adoption of Ordinance 2014-03 Density Bonus Ordinance has been evaluated in compliance with the California Environmental Quality Act and would not have a significant effect on the environment.
2. Ordinance 2014-03 Density Bonus Ordinance conforms to the Ferndale General Plan.

ORDINANCE NO 2014-03

AN ORDINANCE OF THE CITY OF FERNDALE, STATE OF CALIFORNIA, ADOPTING PROVISIONS IN ACCORDANCE WITH STATE DENSITY BONUS LAW AND AFFORDABLE HOUSING INCENTIVES

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

Article 1 SHORT TITLE AND PURPOSE

- §1.1 **Short Title:** This Ordinance shall be known and cited as “Density Bonus Ordinance.”
- §1.2 **Purpose:** The purpose of this Ordinance is to specify how compliance with Government Code Section 65915 ("State Density Bonus Law") will be implemented in an effort to encourage the production of low income housing units in developments proposed within the City.

Article 2 STATUTORY AUTHORITY

- §2.1 The statutory authority for this Ordinance is California Government Code §65915 and other applicable State laws.

Article 3 DEFINITIONS

- §3.1 Unless otherwise specified in this Ordinance, the definitions found in state density bonus law shall apply to the terms contained herein.

Article 4 APPLICABILITY

- §4.1 This Ordinance shall apply to all zoning districts, including mixed use zoning districts, where residential developments of five (5) or more dwelling units are proposed and where the applicant seeks and agrees to provide low, very low, senior or moderate income housing units in the threshold amounts specified in state density bonus law such that the resulting density is beyond

that which is permitted by the applicable zoning. This Ordinance and state density bonus law shall apply only to the residential component of a mixed use project and shall not operate to increase the allowable density of the nonresidential component of any proposed project.

Article 5 APPLICATION REQUIREMENTS

- §5.1 Any applicant requesting a density bonus, incentive(s) and/or waiver(s) pursuant to state density bonus law shall provide the City with a written proposal. The proposal shall be submitted prior to or concurrently with filing the planning application for the housing development and shall be processed in conjunction with the underlying application.
- §5.2 The proposal for a density bonus, incentive(s) and/or waiver(s) pursuant to state density bonus law shall include the following:
- 5.2.1 **Requested Density Bonus.** The specific requested density bonus proposal shall evidence that the project meets the thresholds for state density bonus law. The proposal shall also include calculations showing the maximum base density, the number/percentage of affordable units and identification of the income level at which such units will be restricted, additional market rate units resulting from the density bonus allowable under state density bonus law and the resulting unit per acre density. The density bonus units shall not be included in determining the percentage of base units that qualify a project for a density bonus pursuant to state density bonus law.
- 5.2.2 **Requested Incentive(s).** The request for particular incentive(s) shall include a pro forma or other report evidencing that the requested incentive(s) results in identifiable, financially sufficient and actual cost reductions that are necessary to make the housing units economically feasible. The report shall be sufficiently detailed to allow the City to verify its conclusions. If the City requires the services of specialized financial consultants to review and corroborate the analysis, the applicant will be liable for all costs incurred in reviewing the documentation.
- 5.2.3 **Requested Waiver(s).** The written proposal shall include an explanation of the waiver(s) of development standards requested and why they are necessary to make the construction of the project physically possible. Any requested waiver(s) shall not exceed the limitations provided by Article 9 Waivers and to the extent such limitations are exceeded will be considered as a request for an incentive.
- 5.2.4 **Fee.** Payment of the fee in an amount set by resolution of the City Council to reimburse the City for staff time spent reviewing and processing the state density bonus law application submitted pursuant to this Ordinance.

Article 6 DENSITY BONUS

- §6.1 A density bonus for a housing development means a density increase over the otherwise maximum allowable residential density under the applicable zoning and land use designation on the date the application is deemed complete. The amount of the allowable density bonus shall be calculated as provided in state density bonus law. The applicant may select from only one of the income categories identified in state density bonus law and may not combine density bonuses from different income categories to achieve a larger density bonus.
- §6.2 The Planning Commission may approve a density bonus and/or incentive(s) in accordance with state density bonus law for a project that does not maximize the underlying base zoning density.

Additionally, nothing herein prevents the City from granting a greater density bonus and additional incentives or waivers than that provided for herein, or from providing a lesser density bonus and fewer incentives and waivers than that provided for herein, when the housing development does not meet the minimum thresholds.

Article 7 INCENTIVES

§7.1 The number of incentives granted shall be based upon the number the applicant is entitled to pursuant to state density bonus law.

§7.2 An incentive includes a reduction in site development standards or a modification of zoning code requirements or architectural requirements that result in identifiable, financially sufficient and actual cost reductions. An incentive may be the approval of mixed use zoning (e.g., commercial) in conjunction with a housing project if the mixed use will reduce the cost of the housing development and is compatible with the housing project. An incentive may, but need not be, the provision of a direct financial incentive, such as the waiver of fees.

Article 8 DISCRETIONARY APPROVAL AUTHORITY RETAINED

§8.1 The granting of a density bonus or incentive(s) shall not be interpreted in and of itself to require a general plan amendment, zoning change or other discretionary approval. If an incentive would otherwise trigger one of these approvals, when it is granted as an incentive, no general plan amendment, zoning change or other discretionary approval is required. However, if the base project without the incentive requires a general plan amendment, zoning change or other discretionary approval, the City retains discretion to make or not make the required findings for approval of the base project.

Article 9 WAIVERS

§9.1 A waiver is a modification to a development standard such that construction at the increased density would be physically possible. Modifications to floor area ratio in an amount equivalent to the percentage density bonus utilized shall be allowable as a waiver. Requests for an increase in floor area ratio above that equivalent percentage shall be considered a request for an incentive. Other development standards include, but are not limited to, a height limitation, a setback requirement, an on-site open space requirement, or a parking ratio that applies to a residential development. An applicant may request a waiver of any development standard to make the project physically possible to construct at the increased density. There is no limit on the number of waivers.

Article 10 AFFORDABLE HOUSING AGREEMENT

§10.1 Prior to project approval, the applicant shall enter into an affordable housing agreement with the City, to be executed by the City Manager without review by the Planning Commission or City Council if the underlying application does not require review and/or approval by those bodies, to the satisfaction of the City Attorney guaranteeing the affordability of the rental or ownership units for a minimum of thirty (30) years and identifying the type, size and location of each affordable

unit. Such affordable housing agreement shall be recorded in the County Recorder’s office.

Article 11 DESIGN AND QUALITY

§11.1 Affordable units must be constructed concurrently with market rate units and shall be integrated into the project. Affordable units shall be of equal design and quality as the market rate units. Exteriors, including architecture and elevations, and floor plans of the affordable units shall be similar to the market rate units. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the Building Official. The number of bedrooms in the affordable units shall be consistent with the mix of market rate units.

§11.2 Parking standards shall be modified as allowable under state density bonus law and anything beyond those standards shall be considered a request for an incentive.

Article 12 ENACTMENT

§12.1 **Severability.** If any section, sub-section, paragraph, sentence, or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences and words of this Ordinance, and the applications thereof; and to that end the sections, sub-sections, paragraphs, sentences and words of this Ordinance shall be deemed to be severable.

§12.2 **Effective Date.** This Ordinance shall become effective 30 days after the date of its enactment.

PASSED AND ADOPTED on this Xth day ofXXX 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

City Clerk / Deputy City Clerk

Stuart Titus, Mayor

First Reading:	Amended:	
Second Reading:		
Enacted:		
Amended:		

Meeting Date:	April 16, 2014	Agenda Item Number	6.3
Agenda Item Title	Reasonable Accommodation Ordinance		
Presented By:	Contract City Planner		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input checked="" type="checkbox"/> Roll Call Vote

RECOMMENDATION: Recommend that the City Council adopt Reasonable Accommodation Ordinance and direct staff to prepare in writing the Commission's recommendation to the City Council for consideration and possible adoption (Government Code §65855).

BACKGROUND: Ferndale's General Plan 2012 Housing Element Update contains implementation programs for a balanced supply of housing, serving all socioeconomic groups and household types. State housing regulations require such programs. In 2013, the City Council directed staff to organize Housing Element programs into manageable phases. The Planning Commission reviewed the complete Housing Element Implementation Plan 2013 and recommended it to the Council, which approved the plan.

The Implementation Plan organizes Housing Element programs into three phases, the first of which encompasses Zoning Ordinance amendments required by State housing regulation. In November 2013, the City Council directed staff to complete Phase 1. Staff prepared Ordinance No. 2014-02 Amending Zoning Ordinance 02-02 for Housing Element Compliance, Ordinance No. 2014-03 Density Bonus Ordinance, and Ordinance 2014-05 Reasonable Accommodation Ordinance. Adoption of these Ordinances will satisfy the zoning-related programs the City designed and approved when it adopted the 2012 Housing Element, while also bringing the City into compliance with State housing regulations. The Department of Housing and Community Development will require compliance with State housing regulations prior to certifying the Housing Element Update 2014. Timely adoption may make the City eligible for HCD's streamlined review option.

DISCUSSION: Ferndale's Housing Element 2012 contains the following policy and program for compliance with state and federal housing regulations:

Policy F-1: Reduce parking requirements, setbacks and other zoning provisions that may interfere with ramp construction for disabled persons where it is the only feasible design and provides a "reasonable accommodation" consistent with the Americans with Disabilities Act.

Program V. Housing Equity 1): Revise the Zoning Ordinance regarding persons with disabilities and establish reasonable accommodation procedures. Pursuant to the Fair Housing Amendments Act of 1988 and the requirements of Chapter 671, Statutes of 2001(SB520), the City will adopt reasonable accommodation procedures to provide people with disabilities reasonable accommodation in rules, policies, practices and procedures that may be necessary to ensure equal access to housing.

The approved Implementation Plan 2013 contains the following subtask:

Task 1.1 (c): Establish reasonable accommodation procedures for persons with disabilities to ensure equal access to housing.

The attached Reasonable Accommodation Ordinance was prepared for compliance with Housing Element 2012, Implementation Plan 2013, federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act and has undergone legal review.

ENVIRONMENTAL REVIEW: On December 1, 2011, the City Council adopted an Initial Study (IS) and Negative Declaration (ND) that programmatically evaluated the 2012 Housing Element Update, including the effects that implementation measures in the Element would potentially have on the environment.

RECOMMENDED MOTION: Move that the Commission make the following findings, recommend that the City Council adopt the Reasonable Accommodation Ordinance, and direct staff to prepare in writing the Commission's recommendation to the City Council for consideration and possible adoption.

Findings:

1. The Negative Declaration for the General Plan Housing Element Update adopted by the City Council in December 2011 found that implementation of the Element's programs would not have a significant effect on the environment; therefore, the adoption of Ordinance 2014-05 Reasonable Accommodation Ordinance has been evaluated in compliance with the California Environmental Quality Act and would not have a significant effect on the environment.
2. Ordinance 2014-05 Reasonable Accommodation Ordinance conforms to the Ferndale General Plan.

ORDINANCE NO 2014-05

AN ORDINANCE OF THE CITY OF FERNDALE, STATE OF CALIFORNIA, ADOPTING A PROCEDURE FOR REASONABLE ACCOMMODATION IN THE CITY’S LAND USE AND ZONING AND BUILDING REGULATIONS PURSUANT TO FAIR HOUSING LAWS

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THE CITY COUNCIL OF THE CITY OF FERNDALE DOES ORDAIN AS FOLLOWS:

Article 1 SHORT TITLE, PURPOSE AND FINDINGS

- §1.1 **Short Title:** This Ordinance shall be known and cited as “Reasonable Accommodation Ordinance.”
- §1.2 **Purpose:** It is the policy of the jurisdiction, pursuant to the federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act (hereafter “fair housing laws”), to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.
- §1.3 **Findings:** The federal Fair Housing Amendments Act of 1988 and California’s Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation in their land use and zoning regulations and practices when such accommodation may be necessary to afford individuals with disabilities an equal opportunity to housing;
 - 1.3.1 The Housing Element of the jurisdiction must identify and develop a plan for removing governmental constraints to housing for individuals with disabilities including local land use and zoning constraints or providing reasonable accommodation;
 - 1.3.2 The Attorney General of the State of California has recommended that cities and counties implement fair housing reasonable accommodation procedures for making land use and zoning determinations concerning individuals with disabilities to further the development of housing for individuals with disabilities;
 - 1.3.3 A fair housing reasonable accommodation procedure for individuals with disabilities and

developers of housing for individuals with disabilities to seek relief in the application of land use, zoning and building regulations, policies, practices and procedures will further the jurisdiction's compliance with federal and state fair housing laws and provide greater opportunities for the development of critically needed housing for individuals with disabilities.

Article 2 STATUTORY AUTHORITY

§2.1 This Ordinance is established pursuant to the provisions of California Government Code Sections 12927(c)(l) and 12955(1).

Article 3 DEFINITIONS

§3.1 For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

3.1.1 **ACTS.** The Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act.

3.1.2 **APPLICANT.** An individual who files an application for reasonable accommodation under this Ordinance.

3.1.3 **INDIVIDUAL WITH A DISABILITY.** Any person who has a medical condition, physical disability, or mental disability that substantially limits one or more of the person's major life activities, as those terms are defined in the California Fair Employment and Housing Act (Cal. Gov. Code § 12900 et seq.).

3.1.4 **REASONABLE ACCOMMODATION.** A modification or exception to the standards, regulations, policies, or procedures contained in this title for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide an individual with a disability equal opportunity for the use and enjoyment of housing of their choice, and that does not impose undue financial or administrative burdens on the City or require a fundamental or substantial alteration of the City's planning and zoning programs.

Article 4 APPLICABILITY

§4.1 To make specific housing available to an individual with a disability, any person may request reasonable accommodation under this Ordinance to modify a land use or zoning standard, regulation, policy, or procedure under this title as may be necessary to afford the individual with a disability equal opportunity to the use and enjoyment of their dwelling.

Article 5 APPLICATION REQUIREMENTS

§5.1 Applications for reasonable accommodation shall be reasonable and limited to the minimum that the applicant believes is necessary to accommodate the disability.

§5.2 Requests for reasonable accommodation shall be in writing and provide the following

information:

- 5.2.1 Name and address of the individual(s) requesting reasonable accommodation;
 - 5.2.2 Name and address of the property owner(s);
 - 5.2.3 Address of the property for which accommodation is requested;
 - 5.2.4 Description of the requested accommodation and the regulation(s), policy or procedure for which accommodation is sought; and
 - 5.2.5 Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- §5.3 Any information identified by the applicant as confidential shall be retained by the City in a manner so as to respect the privacy rights of the individual with a disability and shall not be made available for public inspection.
- §5.4 A request for reasonable accommodation in regulations, policies, or procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an applicant's obligation to comply with other applicable regulations not at issue in the requested reasonable accommodation.
- §5.5 If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.
- §5.6 The fee for an application for reasonable accommodation shall be established by resolution of the City Council.

Article 6 REVIEW AUTHORITY AND PROCESS

- §6.1 The City Manager shall designate a reviewing authority, who shall have the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this Ordinance.
- §6.2 No advance notice or public hearing is required for the consideration of reasonable accommodation requests.
- §6.3 A written determination shall be made within 45 days of receipt of a complete application requesting reasonable accommodation and shall either approve, approve with conditions or deny the application for reasonable accommodation in accordance with Article 7.
- §6.4 If necessary to reach a determination on the request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with fair housing laws, specifying in detail the information that is required. In the event that a request for additional information is made, the 45 day period to issue a decision is stayed until the applicant responds to the request.
- §6.5 If a request for reasonable accommodation is submitted for concurrent review with another discretionary land use application, it shall be determined by the authority making the final

discretionary land use decision.

Article 7 REQUIRED FINDINGS

- §7.1 The written decision to approve, approve with conditions or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:
- 7.1.1 The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
 - 7.1.2 The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
 - 7.1.3 The requested reasonable accommodation would not impose an undue financial or administrative burden on the City.
 - 7.1.4 The requested reasonable accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
 - 7.1.5 The requested reasonable accommodation would not adversely impact surrounding properties or uses.
 - 7.1.6 There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the City's applicable rules, standards and practices.
- §7.2 In approving an application for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by §7.1 above.

Article 8 APPEAL PROCEDURE

- §8.1 A determination by the review authority to approve, approve with conditions or deny a request for reasonable accommodation may be appealed pursuant to Article XI of Zoning Ordinance 02-02.

Article 9 ENACTMENT

- §9.1 **Severability.** If any section, sub-section, paragraph, sentence, or word of this ordinance shall be held to be invalid, either on its face or as applied, the invalidity of such provision shall not affect the other sections, sub-sections, paragraphs, sentences and words of this Ordinance, and the applications thereof; and to that end the sections, sub-sections, paragraphs, sentences and words of this Ordinance shall be deemed to be severable.
- §9.2 **Effective Date.** This Ordinance shall become effective 30 days after the date of its enactment.

PASSED AND ADOPTED on this Xth day of XXXX 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Attest:

City Clerk / Deputy City Clerk

Stuart Titus, Mayor

First Reading:		Amended:	
Second Reading:			
Enacted:			
Amended:			

Section 7: BUSINESS

Meeting Date:	April 16, 2014		Agenda Item No:	7.1	
Agenda Item Title:	Interview Planning Commission Applicants and Recommend Appointment of Two Applicants to the City Council				
Presented by:	Chair Von Frausing-Borch and City Clerk Conner				
Type of Item:	x	Action		Discussion	Information
Action Required:		No Action	x	Voice Vote	Roll Call Vote

RECOMMENDATION:

Interview applicants for the Planning Commission openings and make recommendations to the City Council.

BACKGROUND:

There are currently two vacancies on the Planning Commission. One vacancy was created when Commissioner Christiansen resigned from the Planning Commission on March 20, 2014. That remainder of that term runs through March 1, 2017. The other vacancy is due to Commissioner Nielsen's term ending on March 1, 2014. That position's term will run from 2014 to March 1, 2018.

The City Clerk advertised the vacancies in the newspaper and posted the notices on three public bulletin boards in Ferndale. The deadline for application submittal was April 1, 2014. Two letters of interest in serving on the Commission were received. On April 2, the City Clerk contacted Commissioner Nielsen to ensure that he knew that he needed to submit a letter of interest if he wanted to continue to serve. A letter of interest was received from Commissioner Nielsen the same day.

Per the Planning Commission Ordinance 05-05, the Planning Commission will interview applicants for the position of Planning Commissioner and make recommendations for appointment to the City Council:

§5.04 Appointments

- 5.04.1 A new commissioner shall be appointed to fill a vacancy within ninety (90) days from the next regularly scheduled City Council meeting. The City Clerk shall advertise the vacancy (via notice in newspaper, public posting) and notify Ferndale residents to contact the City Clerk for an application, which can be picked up at City Hall or mailed to the applicant.
- 5.04.2 Applications must be received by the City Clerk by ten (10) calendar days from the date of posting of the vacancy. Applications must be forwarded to the remaining members of the Planning Commission the next business day after the closing date of the announcement. The Planning Commission will interview applicants at their next regular or special meeting. A priority ranking of the Commission's recommendations as well as reasons supporting the ranking will be forwarded the following business day to the City Council via the City Clerk.
- 5.04.3 The City Clerk shall include the recommendation list and reasons to support the ranking of candidates as an action agenda item for the next regular City Council meeting. The Council may interview the applicants, or rely on the Planning Commission recommendations. A member of the Commission will be present to summarize the qualifications and merits that support their ranking, and to answer

questions posed by the City Council. The Council will vote, in open session, for the new Commissioner in the order of ranking by the Commission. The first person that receives a majority will be selected to fill the vacancy. If a majority is not obtained, or if there are no applicants, the vacancy will be re-advertised and the ninety- (90) day clock resets.

§5.05 Vacancies - Vacancies shall be filled by appointment for the remaining portion of the term, or for four (4) years, starting March 1st, for expired terms.

Attachments:

1. Copy of the Notice of Planning Commission Vacancy
2. Copy of Notice of Planning Commission Vacancy from newspaper
3. Letter from City Clerk Conner to Commissioner Nielsen re vacancy
4. Letter of interest from Commissioner Nielsen
5. Letter of interest from Paul Gregson
6. Letter of interest from Michael Warner

CITY OF FERNDALE PUBLIC NOTICE

Planning Commission Vacancy

Notice is hereby given that the Ferndale Planning Commission has a vacancy. Please contact city hall for an application or write a letter of interest and submit by 4:00pm on 4/1/14 to City Hall (Mon-Thurs 9-4pm or cityclerk@ci.ferndale.ca.us) Applicants should plan to attend the 4/16/14 Planning Commission meeting for an interview. Call 786-4224 for more information.

Elizabeth Conner, City Clerk
March 21, 2014

CITY OF FERNDALE PUBLIC NOTICE

Planning Commission Vacancy

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Elizabeth Conner, City Clerk
March 21, 2014

The Times-Standard

PO Box 3580
Eureka, CA 95502
707-441-0571
legals@times-standard.com

CITY OF FERNDALE - LEGAL
PO BOX 1095
FERNDALE CA 95536

Legal No. **0005133681**

**CITY OF FERNDALE PUBLIC NOTICE
Planning Commission Vacancy**

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Elizabeth Conner, City Clerk
March 22, 2014
3/22/2104

PROOF OF PUBLICATION (2015.5 C.C.P.)

STATE OF CALIFORNIA County of Humboldt

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-mentioned matter. I am the principal clerk of the printer of THE TIMES-STANDARD, a newspaper of general circulation, printed and published daily in the City of Eureka, County of Humboldt, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Humboldt, State of California, under the date of June 15, 1967, Consolidated Case Numbers 27009 and 27010; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit,

3/22/2014

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Eureka, California,
This 24th day of March, 2014

Signature



This space is for the County Clerk's Filing Stamp



Application for Planning Commission

Application for Planning Commission

1 view

Elizabeth Conner <cityclerk@ci.ferndale.ca.us>

Wed, Apr 2, 2014 at 3:00 PM

Reply-To: cityclerk@ci.ferndale.ca.us

To: Dean Nielsen <dean.m.nielsen@gmail.com>

Hi Dean,

I wanted to let you know that your term on the Planning Commission officially ended on March 1, 2014. I posted the vacancy - as per our city code - with a due date of yesterday. This notice was also for the vacancy created by Commissioner Christiansen resigning.

Since I did not receive an application for re-appointment from you, and I did not contact you specifically, I realize you may not have been aware of the requirement to re-apply for another term when your term is up. If you do want to continue to serve on the Planning Commission, you may re-apply by sending a letter stating your interest in serving for another term.

If interested, please get that signed letter to me by Monday, April 7th at 4:00 at the latest so that it can be included in the April PC packet.

Please contact me if you need further information.

Thank you,

--
Elizabeth Conner
City Clerk
City of Ferndale
834 Main Street
P.O. Box 1095
Ferndale CA 95536
Phone: 707.786.4224

April 2, 2014

Mr. Jorgen Von Frausing-Borch-Chairman
Ferndale Planning Commission
834 Main St.
Ferndale, Ca. 95536

RE: Request for Reappointment to the Planning Commission

Dear Chairman,

The purpose of this letter is to request that I be reappointed to the Ferndale Planning Commission. I have served on the Commission since December 2012 and have tried to be an effective member of the Commission.

I had asked the City Clerk to verify if I was appointed to fill an unexpired term or a full term on the commission as neither you as Chairman nor I could verify which was correct. I received the attached email this afternoon from the City Clerk advising my term was up March 1st. I would have preferred to have known the actual expiration date of my term before today so I could have submitted a request to be reappointed in a more timely fashion.

My wife and I have owned our home in Ferndale for almost 6 years. Before moving to Ferndale I built several homes, developed a five lot residential tract, and served on the Alameda County Supervisor appointed Castro Valley Municipal Advisory Council for 12 years. The Council conducted hearings on civic affairs, planning, land use, redevelopment and wrote the city master plan.

Thank you for your consideration,



Dean M. Nielsen
1099 Van Ness Ave
Ferndale, Ca. 95536

Cc: Jay Parrish-City Manager
Elizabeth Conner-City Clerk

Jay Parrish
City of Ferndale
City Manager

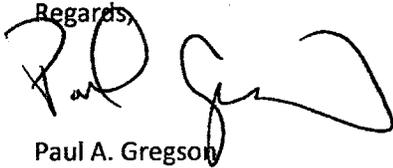
April 1, 2014

Dear Jay,

I would like to apply for the current opening on the Planning Commission. I have been a member of the Design Review committee for the past several months, and have found the experience fulfilling and rewarding. I have learned a great deal about the City of Ferndale while serving, and would like to further contribute to the wonderful community I reside in.

Thank you for your consideration.

Regards,

A handwritten signature in black ink, appearing to read "Paul A. Gregson". The signature is stylized and cursive, with a large initial "P" and "G".

Paul A. Gregson

Paul Gregson
P.O. Box 883
Ferndale, CA 95536
(415) 244-0450

September 12, 2013

To whom it may concern:

Ten month ago I move to Ferndale from Shasta County when I was hired as an engineer by LACO Associates. I have a Bachelors of Science degree in Civil Engineering and a Master of Science degree in Environmental Engineering from U.C. Berkeley with and emphasis in water and wastewater treatment as well as environmental chemistry. Since graduating my fields of expertise have been water/wastewater treatment as well as collection and distribution systems. I also have experience performing flood analysis.

Since relocating to the area I have attended Ferndale's City Council Meetings fairly regularly to become better acquainted with the community, and to develop a better understanding of politics and policies in Humboldt County. I have also been attending several water and wastewater District Board meetings in Humboldt to expand my awareness regarding the needs of small utility districts. While attending these meetings I have developed a respect for the people who volunteer their time and energies to serve on District and City Boards, and also come to realize the value they provide to their communities. Therefore, I have elected to donate some of my time to serve my community in some capacity, and serving on the Design Review Committee would appear to be a good place to begin.

Serving on the Design Review Committee appears to be a good fit for me in that it is unlikely to lead to any conflict of interest between my work and my service. Furthermore, I should be able to use some of my engineering background to contribute to the committee, and serving on the Committee will provide me with an opportunity to learn about Victorian era architecture, local politics, and my community.

I hope you will give my application serious consideration.

Sincerely,

Paul Gregson

31 March 2014

Jay Parrish
City Manager
Ferndale, CA 95536

RE: Letter of Interest for the Planning and Zoning Commission Position

Dear Jay,

Pursuant to our discussion, please consider me as an applicant for a Planning and Zoning Commission in the City of Ferndale. My relevant experience is as follows:

- 20+ years as a professional planner
- Masters degree in Landscape Architecture, with emphasis on environmental planning
- Member of American Institute of Certified Planners
- Member of American Society of Landscape Architects
- Former City Planner and Planning and Zoning Administrator, City of Hailey, Idaho
- President and founder of a consulting company comprised of approximately 70 planners, scientists and support staff
- Resident of Ferndale

In regards to specific relevant examples of experience, I have prepared or contributed to General Plans (Comprehensive Plans), performed zone amendments (maps and code), written zoning codes, prepared a sign ordinance, and prepared design review guidelines. Working with local, State, and federal regulations is a regular part of my professional experience.

In regards the specific experience with the City of Ferndale Ordinance, I have read through many sections of the ordinance in relation to issues of personal interest. I have practical experience with matters related to city approvals for my home and the establishment of a business in town.

I am not in conflict with any zoning issues or regulations.

I am pleased to contribute to our town in this way. I hope you will look upon my application favorably.

Sincerely,



Michael Warner

Business Item 7.2 Building and Land Use Permits

<i>BUSINESS ITEM</i>		<i>March 10, 2014 – April 9, 2014</i>
<i>Building Permits</i>		
860	Herbert St	Foundation Slab
660	Berding St	Remodel Bathroom
370	Schley Ave	Re-Roof

NOTE: Staff will bring the Building Permit Book to the Planning Commission meetings so that any of the commissioners, or public, can view any permits that have been issued.

Meeting Date:	April 16, 2014	Agenda Item Number	7.3
Agenda Item Title	Design Review Committee Report		
Presented By:	Elizabeth Conner, City Clerk		
Type of Item:	<input type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input checked="" type="checkbox"/> Information
Action Required:	<input checked="" type="checkbox"/> No Action	<input type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

RECOMMENDATION:

Receive and file report from Design Review Committee members.

BACKGROUND:

Chairman Von Frausing-Borch and staff have discussed having the two Design Review Committee members report on items of interest. This will be an on-going item on the agenda.

ATTACHMENTS:

1. Minutes of Design Review Committee Meeting of 3-13-14
2. Minutes of Design Review Committee Meeting of 3-27-14

City of Ferndale, Humboldt County, California USA
Design Review Minutes for the 03/13/14 - 8:30am meeting

Chairman Mark Giacomini opened the meeting at 8:30 a.m. Committee Members Lino Mogni, Paul Gregson, and Doug Brower were present along with City Clerk Elizabeth Conner and Administrative Assistant Kristene Tavares.

Approval of Previous Minutes: **MOTION** to approve January 23, 2014 meeting minutes **(Gregson/Brower) Unanimous.**

There were no Modifications to the Agenda.

Public Comments: Mr. Collum brought up an issue of composite in his front yard from Cal-Trans. Chair Mark Giacomini informed Mr. Collum that this issue was not a Design Review item.

1319 Main Street: The Design Review Committee was presented with a picture of the flagpole sight. Mr. Collum explained the flagpole will sit inside a sleeve. The sleeve will be cemented in the ground approximately two (2) feet deep. **MOTION** to make the required findings of fact listed in Attachment A to approve the Design Review Use Permit, subject to the conditions of approval listed in Attachment B to install a 20 ft tall telescopic lighted flagpole at 1319 Main Street. **(Brower/Gregson) Unanimous**

450 Berding Street: The Design Review Committee was presented with pictures and schematic of proposed installation of nine (9) solar panels on the roof of the house and seven (7) solar panels on the roof of the garage. The committee and staff discussed California Code 658500.S limiting barriers local agencies may put on the installation of solar panels. Chair Mark Giacomini would like more guidelines from the Planning Commission on this issue for future applications. **MOTION** to make the required findings of fact listed in Attachment A to approve the Design Review Use Permit, subject to the conditions of approval listed in Attachment B to install nine (9) solar panels on the south facing side of the house and seven (7) solar panels on the garage for generation of electricity at 450 Berding Street. **(Gregson/Brower) 3-0-1 (Mogni abstained)**

Design Review Approval Sign-Offs: DR1309 & DR1223 have been scrapped, DR1339 committee member Brower will check on. DR1319 & DR1326 will be removed from the list as they have already been finalized.

There were no Correspondence.

There were no Committee Member Comments

Meeting adjourned at 9:07 am.

Respectfully submitted,

Elizabeth Conner, City Clerk
City of Ferndale

City of Ferndale, Humboldt County, California USA
Design Review Minutes for the 03/27/14 - 8:30am meeting

Chairman Mark Giacomini opened the meeting at 8:31 a.m. Committee Members Lino Mogni, Paul Gregson, and Doug Brower were present along with City Clerk Elizabeth Conner and Administrative Assistant Kristene Tavares.

Approval of Previous Minutes: **MOTION** to approve March 13, 2014 meeting minutes. **(Gregson/Brower) Unanimous.**

There were no Modifications to the Agenda.

There were no Public Comments.

553 Main Street: The Design Review Committee was presented with a picture of the proposed new 3.5"-5" trim around the windows and on the corners of the building. **MOTION** to make the required findings of fact listed in Attachment A to approve the Design Review Use Permit, subject to the conditions of approval listed in Attachment B to repaint with the same color scheme while adding 3.5"-5" trim around the windows and on the corners of the building at 553 Main Street. **(Gregson/Mogni) 3-0-1 (Brower recused due to a potential conflict)**

832 Herbert Street: The Design Review Committee was presented with site photos and plans for a proposed 600sqft addition to the back of the house. Staff explained the siding and roof will match the existing color scheme. Staff also informed committee that applicant was correcting severe pest damage and poor construction. **MOTION** to make the required findings of fact listed in Attachment A to approve the Design Review Use Permit, subject to the conditions of approval listed in Attachment B to correct poor construction and severe pest damage while adding a 600sqft addition to the back of the residence at 832 Herbert Street. **(Brower/Gregson) Unanimous**

Design Review Approval Sign-Offs: DR1405 was finalized. Chair Mark Giacomini would like all non-finalized Design Review applications brought to the regular meetings.

Correspondence: Staff presented committee with CEQA memorandum from Planwest.

Committee Member Comments: Committee and Staff reviewed CEQA policies and exemptions. Committee was presented with a packet containing the basics of CEQA and the most common exemptions used for Design Review. Chair Mark Giacomini would like the discussion of the packet to be put on the next regular meetings agenda.

Meeting adjourned at 9:17 am.

Respectfully submitted,

Kristene Tavares, Administrative Assistant
City of Ferndale

Section 8: CORRESPONDENCE

City of Ferndale

INCORPORATED 1893

POB 1095; Ferndale CA 95536



April 2, 2014

Re: Compliance with Ordinance No. 2013-02 Regulation of Signs and Sign Structures

Dear Business Owner:

As you are likely aware, the City of Ferndale recently passed Ordinance No. 2013-02 Regulation of Signs and Sign Structures, which became effective on December 7, 2013. We are in the process of contacting business owners to bring them into compliance with this new Sign Ordinance.

It has come to our attention that your business has a sign that is not compliant with the new ordinance. Please note that under Section §7.10 of this ordinance, illuminated open/closed signs are not permitted. If you would like to review the Sign Ordinance, it can be found on the City of Ferndale website at ci.ferndale.ca.us by clicking on the 'Laws' link and then clicking on 'Sign Ordinance'. A hard copy of the ordinance is also available for viewing at City Hall Monday through Thursday, 9:00am-4:00pm.

Please consider this a courtesy letter (per §5.04.1 of the Nuisance Ordinance) advising you to remove your illuminated open/close sign within four (4) weeks of the date of this letter. Failure to abate this nuisance will result in further action. If you have any questions, please call 786-4224.

Thank you for your help in keeping Ferndale an attractive place to live, work, shop and visit.

Sincerely,

Elizabeth Conner
City Clerk

cc: Correspondence
Property file
City Manager

Subject: Some information you may find useful
From: Elizabeth Conner <cityclerk@ci.ferndale.ca.us>
Date: 4/8/2014 4:59 PM
To: Dean Nielsen <dean.m.nielsen@gmail.com>

Dean,

Following up on our call, the following is the link to the source on sex offender residency laws I mentioned—it is a bit dated (2006) but it is an excellent general resource on the subject (note the California laws creating residency restrictions on sex offenders referenced in the Table): <http://www.library.ca.gov/crb/06/08/06-008.pdf>

It would be worthwhile for anyone interested in this subject to review Megan's Law as well:

<http://meganslaw.ca.gov/registration/law.aspx?lang=ENGLISH>

You are likely aware of this information, but I thought I'd go ahead and send in case these are useful to you.

I'll see you at the meeting next week.

Thank you,

--

Elizabeth Conner
City Clerk
City of Ferndale
834 Main Street
P.O. Box 1095
Ferndale CA 95536
Phone: 707.786.4224

Section 9: STAFF REPORTS

Section 10: ADJOURN