



Planning Commission Recommended Proposed Text Amendments to the Ferndale Zoning Ordinance Clean Version

October 15, 2025 Public Hearing and First Reading of
the Ferndale City Council

Project location of proposed text amendments: Citywide in the
City of Ferndale.

Note: The pending amendments to the Zoning Ordinance per Ordinance 2025-04 are incorporated below. See <https://ci.ferndale.ca.us/wp/city-council-packets/250716-CouncilPacket.pdf?wpnonce=ee13c137c2> for more information about Ordinance 2025-04.

Notes:

1. Revisions recommended by the Planning Commission are shown with **turquoise** highlighting.
2. All sub-sections not included in the below sections shall continue in full force, unamended by this Ordinance.

ARTICLE 3: DEFINITIONS

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§3.XX Single Room Occupancy or SRO: Multiple-unit residential building(s) containing housing units that may have kitchen and/or bathroom facilities and are single room dwelling units or efficiency units as defined by the State Health and Safety Code. Each housing unit is occupied by no more than 2 persons, for no less than 30 days, and the unit is the occupants' primary residence. A housing facility that is configured as SRO units that meets the State definitions for transitional housing or supportive housing shall be regulated as transitional housing or supportive housing as applicable.

§3.xx Supportive Housing (§3.74 added by Ordinance 2025-x on): As defined at Section 65582(n) of the Government Code means housing has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population. . Supportive housing is a residential use that is permitted in the same manner as other residential dwellings of the same type in the same zone, and subject only to the same regulations and procedures that apply to other residential uses of the same type in the same zone pursuant to Government Code Section 65583(c)(3).

§3.XX Supportive Services: As defined in Government Code Section 65582(o), supportive services include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy.

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ARTICLE 4: ESTABLISHMENT AND DESIGNATION OF ZONES

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§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
Housing Combining (Added by Ordinance 2014-02 on 5/1/2014):	-H
Streamside Protection Area Combining	-SPA

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ARTICLE 5: REGULATIONS FOR THE PRINCIPAL ZONE:

§5.01 In addition to the regulations specified in this Article for each of the principal zones, the general regulations set forth in Article 7 shall be applicable to each and every such zone. In the event of conflict between the particular regulations for each zone set forth in this Article and the general regulations set forth in Article 7, the Planning Commission shall determine which of the conflicting regulations shall be applicable.

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§5.02 **Residential One-Family or R1 Zone** is intended to be applied in areas of the City where topography, access, utilities, public services and general conditions make the area suitable and desirable for single-family home development. The following regulations shall apply in all Residential One-Family or R1 Zones:

5.02.1 Principal permitted uses:

- a. Single-family dwellings.
- b. Boarding of not more than two (2) persons not employed on the premises.
- c. Keeping no more than four (4) household pets for each dwelling unit.
- d. Vacation rentals.
- e. Small employee housing.

5.02.2 Uses permitted with a Use Permit:

- a. Guest houses.
- b. Public and private non-commercial recreation facilities, including golf courses.
- c. Bed and breakfast inns.

5.02.3 Other regulations:

- a. Minimum lot area: 5,000 square feet.
- b. Minimum lot width: 50 feet.
- c. Maximum lot depth: 3 times lot width.
- d. Minimum yards: front, 20 feet; rear, 15 ft; side, 10% of lot width on each side except that no side yard may be less than 5 ft, or need be more than 12 ft.
- e. Maximum ground coverage: 40%.
- f. Maximum building height: 35 feet.

5.02.4 Development Criteria: Any single-family home constructed or placed within the City of Ferndale in accordance with these provisions shall

- a. Have a minimum width of 20 feet, and
- b. Have a minimum twelve (12) inch roof overhang on all sides, and
- c. Have an exterior siding composed of one or more of the following materials:
 - i. Grooved plywood exterior panel siding.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less.

- d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
- e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.
 - v. Low- to non-reflective or anti-reflective Class A metal roofs.
- f. The Planning Commission may allow a single-family dwelling to be constructed or placed within the City of Ferndale with alternative development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any appeal of the decision of the Planning Commission may be taken in accordance with the provisions of Article 11, Appeals.

§5.03 **Residential Two-Family or R2 Zone.** The Residential Two-Family or R2 Zone is intended to be applied in areas of the City suitable for a variety of low, medium, and high density residential development consistent with the Residential Medium Density (R2) land use designation of the Ferndale General Plan. The following regulations shall apply in all Residential Two-Family or R2 Zones:

5.03.1 Principal permitted uses:

- a. Single family dwellings.
- b. Two-family dwellings.
- c. Vacation rentals.
- d. Boarding of not more than two (2) persons not employed on the premises.
- e. Keeping no more than four (4) household pets for each dwelling unit.
- f. Multiple Dwellings and Dwelling Groups.
- g. Small employee housing.
- h. Single room occupancy housing and supportive housing developments.

5.03.2 Uses permitted with a Use Permit:

- a. Guest houses.
- b. Private institutions.
- c. Bed and breakfast inns.

5.03.3 Other Regulations:

- a. Minimum lot area: 5,000 square feet.
- b. Minimum lot width: 50 feet.
- c. Maximum lot depth: 3 times lot width.
- d. Maximum ground coverage: 45%.
- e. Minimum yards: front, 20 ft; rear, 15 feet; side, 10% of lot width on each side except that no side yard may be less than 5 ft, or need be more than 12 ft.
- f. Maximum building height: 35 feet.
- g. Dwelling units per acre: One (1) to eighteen (18) units. All density calculations resulting in fractional units shall be rounded up to the next whole number.
 - i. Accessory dwellings units and junior accessory dwelling units do not exceed the allowable density of the lot.

5.03.4 Development criteria: Any two-family home constructed or placed within the City of Ferndale in accordance with these provisions shall

- a. Have a minimum width of 20 feet, and
- b. Have a minimum twelve (12) inch roof overhang on all sides, and
- c. Have an exterior siding composed of one or more of the following materials:
 - i. Grooved plywood exterior panel siding.
 - ii. Masonry or concrete.
 - iii. Stucco.
 - iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and

- d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
- e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.
 - v. Low- to non-reflective or anti-reflective Class A metal roofs.
- f. The Planning Commission may allow a single-family dwelling to be constructed or placed within the City of Ferndale with alternative development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any appeal of the decision of the Planning Commission may be taken in accordance with the provisions of Article 11, Appeals.

§5.04 **Residential Multiple-Family or R3 Zone.** The Residential Multiple Family or R3 Zone is intended to be applied to areas of the City suitable for a variety of low, medium, and high density residential development consistent with the Residential High Density (R3) land use designation of the Ferndale General Plan. The following regulations shall apply in all Residential Multiple Family or R3 Zones:

5.04.1 Principal permitted uses:

- a. Single family dwellings.
- b. Dwelling Groups and Multiple Dwellings.
- c. Keeping no more than two (2) household pets for each dwelling unit.
- d. Bed and breakfast inns.
- e. Small employee housing.
- f. Single room occupancy housing and supportive housing developments.

5.04.2 Uses permitted with a Use Permit:

- a. Hotels, motels, mobile home parks and boarding houses.
- b. Private institutions.
- c. Professional offices.

5.04.3 Other regulations:

- a. Minimum lot area: 5,000 square feet, but not less than 600 square feet for each dwelling unit.
- b. Minimum lot width: 50 feet.
- c. Maximum lot depth: 3 times lot width.
- d. Maximum ground coverage: 60%.
- e. Minimum yards: front, 20 feet; rear, 10 feet; side, 5 feet.
- f. Special yards for dwelling groups: The distance between separate buildings of a dwelling group shall not be less than 10 feet. The distance between the front of any dwelling unit in the group and any other building shall be not less than 20 feet.
- g. Residential transitions for dwelling groups: The distance between the front of any dwelling unit in the group sharing a side lot line with a single family home in a R1 zone shall be increased by 2 feet for each 2 feet that any building on the lot exceeds 2 stories.
- h. Maximum building height: 45 feet.
- i. Dwelling units per acre: One (1) to twenty-seven (27) units. All density calculations resulting in fractional units shall be rounded up to the next whole number.
 - i. Accessory dwellings units and junior accessory dwelling units do not exceed the allowable density of the lot.

5.04.4 Development criteria: Any multiple-family home constructed or placed within the City of Ferndale in accordance with these provisions shall

- a. Have a minimum width of 20 feet, and
- b. Have a minimum twelve (12) inch roof overhang on all sides, and
- c. Have an exterior siding composed of one or more of the following materials:
 - i. Grooved plywood exterior panel siding.
 - ii. Masonry or concrete.

- iii. Stucco.
- iv. Any wood product including shingles, shakes, horizontal overlapping board or pressboard siding or any material of wood-like appearance in widths of twelve (12) inches or less, and
- d. Have exterior siding that shall extend to the ground, except that when a solid concrete masonry foundation is used, the exterior covering material need not extend below the top of the foundation, and
- e. Have a roof composed of one or more of the following materials:
 - i. Interlocking roof tiles.
 - ii. Composition shingles.
 - iii. Wood.
 - iv. Wood asbestos cement or slate shingles.
 - v. Low- to non-reflective or anti-reflective Class A metal roofs.
- f. The Planning Commission may allow a multiple-family dwelling to be constructed or placed within the City of Ferndale with alternative development standards substituted for those herein above set forth, or to exempt such a dwelling from the strict application of such development standards, upon showing of good cause. Application for such substitution of, or exemption from, development standards shall be made to the Planning Commission and any appeal of the decision of the Planning Commission may be taken in accordance with the provisions of Article 11, Appeals.

§5.05 **Neighborhood Commercial or C1 Zone.** The Neighborhood Commercial or C1 Zone is intended to provide for neighborhood shopping centers which provide convenient sales and service facilities to residential areas, detracting from the residential desirability of such areas. The following regulations apply in all Neighborhood Commercial or C1 Zones.

5.05.1 Principal permitted uses:

- a. Social halls, fraternal and social organizations and clubs, plant nurseries and greenhouses.
- b. Professional and business offices and commercial instruction.
- c. Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as: antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores and mortuaries, nurseries and greenhouses.
- d. Sales of used and secondhand goods when appurtenant to any of the foregoing.
- e. Vacation Rentals in conjunction with a dwelling use permit.
- f. Dwellings, small employee housing, and Multiple Dwellings and Dwelling Groups, single room occupancy housing, and supportive housing developments above the first floor.

5.05.2 Uses permitted with a Use Permit

- a. Dwellings, small employee housing, Multiple Dwellings and Dwelling Groups, single room occupancy housing, and supportive housing developments on the first floor.
- b. Hotels, motels, boarding houses and mobile home parks.
- c. Small animal hospitals, completely enclosed within a building.
- d. Stores, agencies and services such as: minor automobile repair, new automobile, trailer and boat sales, and used automobile, trailer and boat sales when appurtenant thereto, bowling alleys, licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, storage warehouses.

5.05.3 Other Regulations:

- a. Minimum lot area: 2,000 square feet.
- b. Minimum lot width: 25 feet.
- c. Minimum yards: front, none, except where frontage is in a block which is partially in an "R" Zone, the front yard shall be the same as that required in such "R" Zone; rear, 15 feet, except where a rear yard abuts on an alley, such rear yard may be not less than 5 feet; side, none, except that a side yard of an interior lot abutting on an "R" Zone shall be not less than the front yard required in such "R" Zone.
- d. Maximum building height: 35 feet.

§5.06 **Community Commercial or C2 Zone.** The Community Commercial or C2 Zone is intended to apply to areas where more complete commercial facilities are necessary for community convenience. The following regulations shall apply in all Community Commercial or C2 Zones:

5.06.1 Principal permitted uses:

- a. Social halls, fraternal and social organizations and clubs, plant nurseries and greenhouses.
- b. Professional and business offices and commercial instruction.
- c. Stores, agencies and services of a light commercial character, conducted entirely within an enclosed building, such as: antique shops, art galleries, retail bakeries, banks, barber shops, beauty salons, book stores, clothing and apparel stores, coin-operated dry cleaning and laundries, dry cleaning laundry agencies, drug stores, florists, food markets, furniture stores, hardware and appliance stores, radio and television sales and services, restaurants and licensed premises appurtenant thereto, automobile service stations, studios, tailor shops, enclosed theaters, variety stores and mortuaries, nurseries and greenhouses.
- d. Sales of used and secondhand goods when appurtenant to any of the foregoing.
- e. Dwellings, small employee housing, Multiple Dwellings and Dwelling Groups, hotels, motels, vacation rentals, boarding houses, mobile home parks, single room occupancy housing, and supportive housing developments.
- f. Small animal hospitals, completely enclosed within a building.
- g. Stores, agencies and services such as: minor automobile repair, new automobile, trailer and boat sales, and used automobile, trailer and boat sales when appurtenant thereto, bowling alleys, licensed premises not appurtenant to any restaurant, pet shops, public garages, sales of used or secondhand goods, storage warehouses.

5.06.2 Uses permitted with a Use Permit:

- a. Stores, agencies & services such as: carpentry and cabinetry & cabinet-making shops, clothing manufacturers, contractors' yards, dry cleaning & laundry plants, handicraft manufacture, lumber yards, metal-working shops, wholesale outlet stores, painters' & decorators' yards, plumbing shops, printing & lithographing.

5.06.3 Other regulations:

- a. Minimum lot area: 2,000 square feet.
- b. Minimum lot width: 25 feet.
- c. Minimum yards: front, none, except where frontage is in a block which is partially in an "R" Zone, the front yard shall be the same as that required in such "R" Zone; rear, 15 feet, except where a rear yard abuts on an alley, such rear yard may be not less than 5 feet; side, none, except that a side yard of an interior lot abutting on an "R" Zone shall be not less than the front yard required in such "R" Zone.
- d. Maximum building height: 45 feet.

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ARTICLE 6: REGULATIONS FOR THE COMBINING ZONES

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§6.08 Streamside Protection Area Combining or -SPA.

6.08.x Purpose and Scope

The Streamside Protection Area Combining or -SPA Zone is intended to be established along both sides of Francis Creek, and the -SPA Zone shall extend from the top of bank or the edge of the riparian dripline, whichever is a greater distance from the Francis Creek centerline, for fifty (50) feet, on either side of the creek, pursuant to General Plan Open Space and Conservation Policy LU-4.2 and Implementation Program LU-IP2.

The purpose of these regulations are to provide minimum standards pertaining to the use and development of land located within the Streamside Protection Area Combining Zone as defined in General Plan Land Use Element Policy LU-4.2—Francis Creek Riparian Habitat and Erosion Control; and to implement other applicable portions of the City’s General Plan Conservation and Open Space and Land Use Element Goal 4 – Conserve Soil Resources and Minimize Erosion and Other Soil Depleting Processes.

6.08.x Special Regulation

Development within the -SPA zone shall be subject to the following Policies and Implementation Measures set forth in City of Ferndale General Plan Land Use Element Goal LU-4:

- a. LU-3.4—Francis Creek Corridor.
- b. LU-4.2—Francis Creek Riparian Habitat and Erosion Control.

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ARTICLE 7: GENERAL PROVISIONS AND EXCEPTIONS

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§7.x Demolition of Existing Hotels, Motels, and Multifamily Buildings

7.x.x Purpose and Scope

The purpose of this section is to establish a process and standards for evaluating requests for the demolition of existing hotels, motels, and multifamily buildings regardless of age, location, or zoning, and buildings and structures in the Main Street Historic District as designated in 1994 by the National Park Service, and on individually designated historic properties that are listed on the National Register of Historic Places.

7.x.x Definitions

For the purposes of this section, the following words are defined:

“Building” as used in this section shall have the same meaning as §3.17 “Building”.

“Hotel” as used in this section shall have the same meaning as §3.39 “Hotel”.

“Motel” as used in this section shall have the same meaning as §3.51 “Motel”.

“Multifamily” as used in this section shall have the same meaning as §3.28.3 “Dwelling, Multiple” or §3.28.5 “Dwelling Group”.

“Non-transient” as used in this section shall mean a rental or lease for a term of thirty (30) days or more for the use as living quarters.

“Protected unit” means a dwelling unit, excluding a manager’s unit, in a hotel, motel, or multifamily building used on a non-transient basis and subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; or subject to any other form of rent or price control through a public entity’s valid exercise of its police power.

“Structure” as used in this section shall have the same meaning as §3.70 “Structure”.

§7.x.x Review Required

No existing hotels, motels, or multifamily buildings located in any zone, or any buildings or structures in the Main Street Historic District as designated in 1994 by the National Park Service, or on individually designated historic properties that are listed on the National Register of Historic Places may be demolished and no building permit for demolition may be issued without approval pursuant to this chapter except as provided in Section §7.xx.xx Exceptions to Review Process.

§7.x.x Exceptions to Review Process

The following is exempted from the demolition review process as detailed in §7.x.x through §7.x.x:

- a. After consulting with the City Building Inspector or City Engineer, the City Manager may issue a demolition permit for a hotel, motel, and multifamily building, or any buildings or structures in the Main Street Historic District as designated in 1994 by the National Park Service, or on individually designated historic properties that are listed on the National Register of Historic Places that they determine to be an imminent hazard to public safety, either to the subject property or to neighboring properties, and where demolition is the only feasible means

to secure the public safety. The City Manager shall issue their determination in writing. Prior to demolition of any such building, the applicant will measure and photo document the resource, where safety permits, and submit the documentation to the City Clerk.

§7.x.x Process for Demolition Requests ~~for Hotels, Motels, and Multifamily Buildings~~

Prior to the demolition of any hotels, motels, or multifamily buildings, ~~or any buildings or structures in the Main Street Historic District as designated in 1994 by the National Park Service, or on individually designated historic properties that are listed on the National Register of Historic Places~~ the following is required:

- a. Application for a demolition 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 demolition. Said filing fee shall be fixed by resolution of the City Council at such sum as it may determine necessary.
 - i. For any building or design review permit application where demolition is also proposed, permits shall be processed and issued concurrently.
- b. The City Manager, or their designee, will forward the demolition application to the Planning Commission for consideration pursuant to §7.x.x where they determine that satisfactory evidence has been provided by the applicant that documents all of the following:
 - i. That the building ~~or structure~~ is less than fifty years of age and is not listed or eligible for listing on a cultural or historic resources register.
 - ii. The building does not include any protected units; or any protected unit that is demolished will be replaced with an equivalent unit that complies with the affordability requirements specified in subparagraphs (B) to (D) of Government Code Section 65915(c)(3), and as they may be amended from time to time.
- c. Where the building ~~or structure~~ is fifty years or older or is listed or may be eligible for listing on a cultural or historic resources register, the City Manager or their designee will require preparation of a cultural resource evaluation in conjunction with the demolition permit application. The applicant is responsible for the cost of preparing the cultural resource evaluation.
 - i. The cultural resources evaluation, prepared by a qualified consultant, shall determine the potential eligibility of the building for listing, individually and/or as a contributor to a potential district, on a cultural resources register.
 - ii. Concurrently with the preceding, the City Manager or their designee shall forward the application to cultural resources agencies and experts as they may deem necessary for review and comment.
 - iii. Buildings or structures determined eligible for listing, individually and/or as a contributor to a potential district, on a cultural resources register shall be referred to the Planning Commission for consideration as follows subject to the findings in §7.x.x.

d. The City Manager or their designee shall forward a report to the Planning Commission, including comments and recommendations received in response to consultations pursuant to paragraph C and schedule the application for a public hearing before the Planning Commission.

§7.x.x Planning Commission Findings for Approving Demolition Requests

a. The Planning Commission may approve the demolition application for an hotel, motel, or multifamily building, or any buildings or structures in the Main Street Historic District as designated in 1994 by the National Park Service, or on individually designated historic properties that are listed on the National Register of Historic Places only after first finding all of the following:

- i. The Planning Commission determines that the building does not include three (3) or more protected units; or determines that any protected unit that is demolished will be replaced with an equivalent unit that complies with the affordability requirements specified in subparagraphs (B) to (D) of Government Code Section 65915(c)(3), and as they may be amended from time to time.
- ii. The Planning Commission determines that demolition of the building is consistent and does not conflict with the City's goals, policies, and programs with respect to the management and protection of historic resources in the City as reflected in the City's general plan.
- iii. The requested demolition complies with the California Environmental Quality Act.

b. If the Planning Commission approves the issuance of a demolition permit, the demolition permit shall not be issued for a period of ten (10) business days from the date of the Planning Commission action to allow for filing of an appeal to the City Council.

§7.x.x. Appeals

a. Appeal procedures. Appeals of actions pursuant to this section shall be carried out in accordance with the appeal procedures established in Article 11 of the Ferndale Zoning Ordinance.

b. Stay of issuance of demolition permit. If the City Council approves the issuance of a demolition permit, the demolition permit shall not be issued for a period of ten (10) business days from the date of the City Council action to allow for filing of a judicial appeal.

§7.x.x Expiration of Decision; Permit Expiration

a. A demolition permit must be obtained from the City Clerk after demolition is approved by the Planning Commission. A demolition permit must be secured within one (1) year after the date of the decision approving demolition unless:

- i. Conditions of Planning Commission approval establish a shorter expiration period,
- ii. An extension has been issued by the City Clerk, or

- iii. A demolition permit has been issued by the City Clerk.
Upon application by the property owner filed prior to the expiration of a demolition permit approved by the Planning Commission, the City Manager or their designee may approve up to one (1) additional year unless a demolition permit already has been issued by the City Clerk.

§7.x.x *Lot Maintenance After Demolition; Violation*

All lots shall be maintained in a clean, safe and aesthetically pleasing manner after demolition. Failure to comply shall be considered a violation subject to the penalties provided in Ordinance No. 06-04.

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§7.xx Single Room Occupancy Housing (or SRO)

7.x.1 *Purpose.*

This Section provides for the regulation of single room occupancy (SRO) housing facilities that do not meet the State definitions for transitional housing or supportive housing, as such SRO housing facilities shall be regulated as transitional housing or supportive housing. SRO housing facilities are intended to provide housing opportunities for lower-income one- or two person households who may not be able to afford other housing options. SRO housing units are rented out as a permanent residence and/or primary residence to individuals, within a multi-tenant building where tenants may share a kitchen, toilets or bathrooms. Some SRO units may have a small refrigerator, microwave and sink.

7.x.2 *Applicability.*

a. SRO housing facilities shall be permitted in the Residential Two-Family (R2), Residential Multiple-Family (R3), Neighborhood Commercial (C1), and Community Commercial (C2) zones in the same manner as other residential uses in the zone when they comply with the development standards of the applicable zone, are located, developed, and operated in compliance with the General Provisions and Standards identified in this Section.

7.x.3 *General Provisions and Standards.*

A Single Room Occupancy (SRO) housing facility shall be located, developed, and operated in compliance with the following standards and requirements:

- a. Except for a manager's unit, SRO units shall be provided at rents affordable to individuals and households with lower incomes as defined by the California Department of Housing and Community Development's State income limits for Humboldt County.
- b. No transient occupancy of SRO units shall be allowed. Tenancy of SRO units shall be for 30 or more days. SRO unit tenants shall not have an additional residential address other than the address of the SRO housing facility in which the unit is located.
- c. **Maximum Occupancy.** Each SRO unit shall be designed to accommodate a maximum of 2 persons. Occupancy of SRO units may be restricted to seniors or be available to persons of all ages.
- d. **Minimum Size.** An SRO unit must have at least 150 square feet of floor area for single person occupancy and 220 square feet for two (2) person occupancy. No individual unit may exceed 375 square feet.
- e. **Entrances.** All SRO units must be independently accessible from a single main entry, excluding emergency and other service support exits.
- f. **Bathroom.** An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided,

common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.

g. Kitchen. An SRO unit is not required to, but may, contain food preparation facilities.

h. Common Area. Four (4) square feet per living unit shall be provided, excluding janitorial storage, laundry facilities and common hallways. At least 200 square feet of interior common space provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings.

i. Facility Management. The agency, organization, or entity operating the SRO housing facility shall provide full-time on-site management. The facility shall include a manager's office or a manager's unit.

j. Parking. One (1) space for every two SRO units, plus one (1) space for the management unit or office and 1 space for each employee, if any, on maximum shift.

k. Common laundry facilities for tenant use shall be provided.

i. For an SRO housing facility consisting of 10 or fewer SRO units, common laundry facilities shall be provided at a rate of not less than one (1) washer and one (1) dryer, in addition to a laundry sink and folding area.

ii. For SRO housing facility consisting of greater than 10 SRO units, common laundry facilities shall be provided at a rate of not less than one (1) washer and one (1) dryer for the first ten (10) rooms, with one (1) additional washer and one (1) additional dryer provided for every five (5) additional rooms or fraction thereof.

iii. The requirement for common on-site laundry facilities may be waived where it can be shown that a laundry facility open to the public is located within one-eighth (1/8) of a mile from the project site.

l. Storage for tenants. Private, secured storage space of not less than fifty (50) cubic feet per resident shall be provided. Storage space may be provided in private closet(s) accessible from individual SRO rooms; and/or as individually locked areas accessible from a common room; and/or within a separate on-site storage structure. Where storage space is provided within a separate structure, such structure shall provide for separate, locking storage spaces for each SRO room, and shall be of sufficient construction to protect stored items from weather.

§7.xx Supportive Housing Developments

7.x.1 *Purpose.*

This Section provides for the regulation of supportive housing developments as required by Sections 65650 through 65656 of the California Government Code, as amended. Section 65651 prescribes that qualifying supportive housing developments shall be a by right use in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses when specific requirements are met. Government Code Sections 65651 through 65656 establish specific requirements for the regulation of supportive housing developments. This Section is intended to comply with the standards in Sections 65650 through 65656 of the California Government Code to the greatest extent feasible.

7.x.2 *Applicability.*

The provisions of this Section apply to all lots in zones that permit multifamily and mixed uses, including nonresidential zones that permit multifamily uses, that is the Residential Two-Family (or R2), Residential Multiple-Family (or R3), Neighborhood Commercial (or C1), and Community Commercial (or C2) zones. Supportive Housing Developments shall comply with objective development standards and policies that apply to other multifamily development within the same zone.

7.x.3 *General Provisions.*

A supportive housing development developed pursuant to Government Code Section 65650 et seq., consisting of fifty (50) units or less, that meets all of the following requirements and is permitted in the Residential Two-Family (or R2), Residential Multiple-Family (or R3), Neighborhood Commercial (or C1), and Community Commercial (or C2) zones, provided:

- a. Units within the development are subject to a recorded affordability restriction for fifty- five (55) years.
- b. **Affordability.** One hundred percent (100%) of the units, excluding managers' units, within the development must be restricted to lower income households and are or will be receiving public funding to ensure affordability of the housing to lower income Californians. Lower income households has the same meaning as defined in Section 50079.5 of the California Health and Safety Code. The rents in the development shall be set at an amount consistent with the rent limits stipulated by the public program providing financing for the development.
- c. **Supportive Housing Units.** At least 25 percent (25%) of the units in the development or 12 units, whichever is greater, are restricted to residents in supportive housing who meet criteria of the target population as defined in subparagraph (d) of Government Code Section 65650. In developments with fewer than 12 units, one hundred percent (100%) of those units, excluding managers' units, must be restricted to residents in supportive housing.
- d. **Services Plan.** The applicant shall submit a plan for providing supportive services, with documentation demonstrating that supportive services will be provided onsite to residents in the

project as required by Section 65651, and describing those services, which must include all of the following:

- i. The name of the proposed entity or entities that will provide supportive services.
 - ii. The proposed funding source or sources for the provided onsite supportive services.
 - iii. Proposed staffing levels.
- e. Replacement Dwelling Units. The supportive housing development shall replace rental dwelling units in the manner provided in Section 65915 of the California Government Code.
- f. Facilities. Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.
- g. Supportive Services Floor Area. For a development with twenty (20) or fewer total units, at least ninety (90) square feet shall be provided for onsite supportive services. For a development with more than 21 units, at least three percent (3%) of the total nonresidential floor area must be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.
- h. Parking. A supportive housing development that is located within one-half mile walking distance of a public transit stop shall not require parking for units within the supportive housing development that are designated for supportive housing residents.
- i. Any other requirements of Government Code section 65650 et seq. regarding supportive housing, as may be amended.

7.x.4 *Review Procedures.*

- a. The City shall approve a supportive housing development that complies with the applicable requirements of this Section.
- b. The City shall only require the supportive housing development to comply with the objective development standards and policies that apply to other multifamily development within the same zone.
- c. The City shall notify the developer whether the application is complete within 30 days of receipt of an application to develop supportive housing in accordance with this Section. The City shall complete its review of the application within 60 days after the application is complete for a project with 50 or fewer units, or within 120 days after the application is complete for a project with more than 50 units.

d. The City's review of a supportive housing development to determine whether the development complies with objective development standards, including objective design review standards, pursuant to this Section shall be conducted consistent with the requirements of subdivision (f) of Section 65589.5 of the California Government Code, and shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

e. Any discretion exercised by the City in determining whether a project qualifies as a use by right pursuant to this Section or discretion otherwise exercised pursuant to this section does not affect that City's determination that a supportive housing development qualifies as a use by right pursuant to this Section.

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ARTICLE 10: USE PERMITS AND SPECIAL 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 by publication once in a newspaper of general circulation printed and published in the county at least ten (10) days prior to the hearing, 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 sixty (60) days the commencement thereof.
- §10.06 The Planning Commission may approve a use permit only after first finding all of the following:
- a. The proposed use is allowed within the applicable zone and complies with all other applicable provisions of this Zoning Ordinance and other applicable adopted City Ordinances or is a nonconforming use in compliance with § 12.01.2 of this Ordinance;
 - b. The proposed use is consistent with the General Plan and any applicable specific plan;
 - c. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and potential future land uses in the vicinity;
 - d. The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints;
 - e. Granting the permit will not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located;
 - f. Compliance with the California Environmental Quality Act.
- §10.07 Within thirty (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 effective and final ten (10) days from the date thereof, unless an appeal is filed in accordance with Article 11 of this Ordinance. In the event an appeal is filed, the use permit approval shall be stayed until approval is obtained from the City Council.

- §10.08 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.
- §10.09 (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)
- §10.10 Special Permits may be granted by the Planning Commission for any use for which a special permit is permitted or required.
- 10.10.1 An owner or his agent may file an application for a special permit with the City Clerk. The application shall be made upon a form prescribed by the City Clerk and shall be accompanied by a filing fee set by resolution of the City Council sufficient to cover the cost of handling the application.
- 10.10.2 Public Hearings are required for special permits.
- 10.10.3 Notice of the time and place of the hearing shall be given by publication once in a newspaper of general circulation printed and published in the county at least ten (10) days prior to the hearing, and by posting said notice in conspicuous places close to the property.
- 10.10.4 At the public hearing, the Planning Commission shall hear any person affected by the proposed special permit. The hearing may be continued from time to time, but shall be concluded within sixty (60) days the commencement thereof.
- 10.10.5 The Planning Commission may approve a special permit only after first making all of the findings in § 10.06 of this Ordinance.
- 10.10.6 The action of the Planning Commission shall become effective and final ten (10) days from the date thereof, unless an appeal is filed in accordance with Article 11 of this Ordinance. In the event an appeal is filed, the special permit approval shall be stayed until approval is obtained from the City Council.
- 10.10.7 An approved special permit shall be subject to the revocation provisions specified in Section 10.08.

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ARTICLE 12: NON-CONFORMING USES.

- §12.01 Non-Conforming Uses: Any use, building or structure, existing on the date a zoning ordinance amendment rendered the use or structure nonconforming, may be continued, even though such use, building or structure may not conform with the provisions of this chapter, except as provided herein:
- 12.01.1 No such use or building shall be enlarged, increased or structurally altered, nor be extended to occupy a greater area than that existing on the effective date of the application of these regulations to the subject property.
 - 12.01.2 Any use for which a use permit is required by these regulations shall be considered a non-conforming use until a use permit is obtained.
 - 12.01.3 If any such use or building after the effective date of the application of these regulations to the subject property is destroyed to the extent of 60% or more, then the subject property shall become subject to the regulations applicable to the subject property, and any subsequent use or buildings shall be in accordance with such regulations.
 - 12.01.4 Any interruption of a non-conforming use, or the use of a non-conforming building which continues for 12 months or more, shall be deemed to be an abandonment of such use, and subsequent use of buildings shall be in accordance with the regulations applicable to the subject property.
 - 12.01.5 Ordinary maintenance and repair may be made to any non-conforming use or building, provided that such maintenance and repair does not exceed 25% of the actual value in any one year.
 - 12.01.6 Any use coming within the provisions of Section 7.04, concerning domestic animals appurtenant to residential uses shall, after the expiration of 6 months from the effective date of these regulations, conform to the provisions of Section 7.04.
 - 12.01.7 Sections 12.01.3 through 12.01.5 are subject to Government Code §65852.25 when applicable to Multifamily Dwellings that are involuntarily damaged or destroyed by fire, other catastrophic events, or the public enemy.
 - 12.01.8 Buildings within the Historic District shall be exempt from sections 12.01.3 and 12.01.5, provided any reconstruction, repair or restoration occurs within the building square footage as existing on the effective date of these amendments.