



City of Stockton

Legislation Text

File #: 16-2623, Version: 1

CONSIDER RECOMMENDING TO COUNCIL THE ADOPTION OF AN ORDINANCE AMENDING TITLE 5, CHAPTER 5.16, SECTION 5.16.010, CHAPTER 5.76, SECTION 5.76.010, TITLE 16, CHAPTER 16.80, SECTION 16.80.020.A, SECTION 16.80.310, AND CHAPTER 16.240, SECTION 16.240.020 OF THE STOCKTON MUNICIPAL CODE TO INCORPORATE TINY AND MICRO HOUSES

RECOMMENDATION

Presented for the Committee's consideration, review, and discussion are amendments to Stockton Municipal Code sections 5.16.010, 5.76.010, 16.80.020.A, 16.80.310, and 16.240.020. It is recommended that the Committee forward such amendments to Council for consideration and adoption.

Summary

The City of Stockton faces affordable housing problems and a homelessness epidemic, and the proposed amendments, recognizing the rise of the "tiny house" movement, attempt to address these issues by incorporating tiny and micro houses into the Stockton Municipal Code.

The proposed amendments (Attachment A - SMC - Redline Version) address the housing problems by making tiny and micro houses viable housing alternatives for low income families and the homeless population, respectively. They also serve to resolve language discrepancies, clarify current regulations, and correct internal code reference errors. The Committee is being asked to review the proposed amendments for the purpose of forwarding a recommendation to City Council that the proposed amendments be adopted.

DISCUSSION

Background

The tiny house movement, a social movement that advocates a substantial downsize in living space, is growing. It has expanded from its original objective to address pressing social concerns. In California and throughout the United States, tiny houses are helping to alleviate affordable housing limitations and even the homelessness epidemic.

For example, citizens in Washington, D.C. are using tiny houses as affordable living alternatives and citizens of San Francisco are advocating for tiny house villages that will provide housing for low income families. Also, in the City of San Jose and in Sonoma County, local officials are exploring micro-housing and attempting to establish micro house communities to accommodate their homeless population.

Present Situation

Currently, the City of Stockton does not regulate tiny houses or micro houses. Instead, the City regulates similar structures like secondary dwelling units and accessory living quarters.

Tiny Houses

Tiny houses are a mobile, downsized, and affordable housing alternative. There is a movement throughout the United States to incorporate these tiny houses into various regulatory schemes. Specifically, cities like the City of Fresno have opted to regulate the following structures: secondary dwelling units, backyard cottages (which includes tiny houses), and accessory living quarters. Because Stockton shares many of the same municipal concerns as the City of Fresno, the proposed amendments are based on the Fresno Development Code.

Proposed Code Amendments

Accessory Living Quarters

Currently, the City of Stockton regulates accessory living quarters (“ALQ’s”) as follows:

1. The Development Code defines accessory living quarters by utilizing an internal cross-reference to the definition for “guest house.”
2. Staff utilizes the code section for ‘Accessory uses and structures’ to determine appropriate use and development standards for ALQ’s.

There are two issues with the current process: First, the definition for accessory living quarters is unnecessarily confusing because it does not have its own separate definition and relies on a defined term that is not otherwise referenced in the Code. Second, neither guest house nor ALQ’s are explicitly regulated in the Development Code.

The proposed amendments will:

- Add the term “accessory living quarters” to SMC section 16.80.020 “Accessory uses and structures”
- Modify SMC section 16.240.020 “Definitions of specialized terms and phrases” to add a separate definition for ALQ’s and delete the current definition which consists of an internal cross-reference

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Secondary Dwelling Units

The Development Code does not currently define or regulate Tiny House structures. However, SMC section 16.80.310, "Secondary dwelling units" is a logical place to incorporate Tiny Houses as the two structures are similar in purpose and use.

The proposed amendments will:

- Incorporate Tiny Houses into the Development Code
- Reorganize the structure of this code section to accommodate the inclusion of Tiny Houses
- Add cross references to clarify the source of dimensional restrictions for secondary dwelling units
- Incorporate regulations related to development standards, access requirements, and use for secondary dwelling units
- Define tiny houses in SMC section 16.240.020.

Policy Issues

There are further changes that need to be made in conjunction with the amendments listed above. However, these changes are policy-based and require further consideration prior to their inclusion in the proposed amendments:

1. The appropriate dimensional restrictions for tiny houses
2. The appropriate restrictive covenants to be included
3. The permissive or mandatory nature of kitchens for secondary dwelling units and tiny houses
4. Whether home occupations will be permitted in secondary dwelling units and/or tiny houses
5. The appropriate development standards (i.e. setback requirements and openings) for secondary dwelling units and tiny houses

By way of example, the City of Fresno applies different lot size and dimensional restrictions for secondary dwelling units and tiny houses. The lot size requirement for secondary dwelling units is 6,200 square feet but backyard cottages require 6,000 square feet for an interior lot and 5,000 square feet for a corner lot. Similarly, tiny houses cannot exceed 440 square feet of floor space, but secondary dwelling units may have up to 1,250 square feet of floor space.

Other dimensional restrictions in Fresno's code include the following:

- Rear Yards Setbacks. Shall be separated from the main home by a minimum of six feet.
 - Alley Present. Three (3) feet.
 - No Alley Present. 10 feet and shall comply with all setback requirements for the primary structure
- Maximum Building Height. 30 feet.
- Openings.
 - For two story buildings, there shall be no openings, such as windows and doors, within 10 feet from an interior side or a common rear property line with another single-family home.

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- Clerestory windows, 6 feet from the floor of the interior of the unit, are excepted.

A determination on the appropriate lot size and dimensional restrictions for tiny houses in the City of Stockton must be made.

Likewise, the City of Fresno includes a provision that restricts the sale or transfer of Secondary Dwelling Units or Backyard Cottages separate and apart from the rest of the property. SMC section 16.80.310 currently contains a provision that restricts the sale of secondary dwelling units separate from the main dwelling unit but with the addition of tiny houses, the City must determine whether a similar restriction will apply to tiny houses.

Micro Houses

Micro houses are smaller versions of tiny houses that some cities are utilizing to address homelessness. Specifically, these structures are wheeled towable structures of approximately 100 to 150 square feet, accommodating sleeping and minimal storage, but without facilities such as kitchens, bathrooms, or electrical hookups.

With the proposed addition of tiny houses to Stockton Municipal Code sections 16.80.310 and 16.240.020, the term “micro house” is used to avoid confusion between the two types structures since there are substantial differences in the proposed size, dimensions, use, and regulations for each. However, alternatives do exist and any other chosen term can be defined and integrated into the code.

Because micro houses are wheeled structures, the logical place to regulate these structures is Chapter 5.76 “CAMP CARS (TRAILERS) and CAMPGROUNDS.” Under the current regulations, campgrounds are allowed in the following zones: Commercial General, Commercial Downtown, Industrial Limited, and Public Facilities. These locations already require communal centers that can accommodate these structures without toiletries and electrical hookups.

The proposed amendment would incorporate micro houses into the Municipal Code by adding a definition for micro houses to SMC section 5.76.010

Policy Issues

There are further changes that need to be made in conjunction with the amendments listed above. However, these changes are policy-based and require further consideration prior to their inclusion in the proposed amendments:

1. Allowable square footage
2. Location for the micro campgrounds
3. Incorporation of flexibility
4. Clarifying the appropriate permitting authority(s) and procedures

Micro houses are typically 100 to 150 square feet. However, the City is not bound to these dimensions and must determine what square footage is appropriate for it code.

Early on, there was a suggestion that these micro house campgrounds be established close enough

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to the St. Mary's Interfaith Community Services building ("St. Mary's") such that this structure could serve as the required communal center. However, upon further review, locating these campgrounds near St. Mary's raises two issues.

First, the proposed locations (Attachment B- Map of Proposed Micro Locations) are in areas zoned for Industrial General, thus, campgrounds are currently prohibited in these areas. Second, SMC section 5.76.110 requires bathrooms within 100 feet of the spaces laid out for use by camp cars (or in this case, micro houses). The proposed locations do not meet the bathroom distance requirement from SMC 5.76.110. Additionally, Chapter 5.76 requires a specific number of toilets, urinals, and showers for each sex. Thus, depending on the number of micro houses permitted in these campgrounds, the number of required toilets and showers could be quite numerous and the facilities at St. Mary's would likely not meet these requirements as currently situated. Additionally, the City may face problems with density as Chapter 5.76 currently mandates that five feet be maintained between camp cars.

If the City wants to permit greater flexibility in the regulation of campgrounds, then it would need to consider viable alternatives such as:

1. Amending the code to clarify the permit process, adjust the zoning code, and allow flexibility in the regulation of campgrounds
2. Creating separate rules and regulations governing the operation of campgrounds under the direction of the City Manager or his/her designee.

For example, the permitting authority listed in SMC Chapter 5.76 is the San Joaquin County Local Health District. However, this district was dissolved and the departments were split. None of the remaining departments permit or otherwise regulate the operation of campgrounds. Therefore, the current ordinance reflects a procedural gap and the City should verify who the appropriate permitting authority is. If the City opts to bridge this procedural gap and provide flexibility, adjust the zoning code, separate rules and regulation, and/or designate a proper permitting authority, SMC Chapters 5.76 and 16.20 (Table 2-2) must be further reviewed for appropriate amendments.

FINANCIAL SUMMARY

Tiny houses will require the same level of review as currently regulated secondary living structures, i.e. secondary dwelling units and accessory living quarters. Micro house campgrounds will developed by outside developers. As such, there is no anticipated impact to the General Fund and no expenditure of funds is required to adopt revisions to these code sections.

Attachment A - SMC - Redline Version
Attachment B - Map of Proposed Micro Locations