

ORDINANCE NO. ORD-2022-001

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA REZONING THE PROPERTY LOCATED AT 2660 PETALUMA HILL ROAD, ALSO IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 044-370-002, 044-370-010, 044-051-073, AND 044-051-055, FROM THE CSC (COMMUNITY SHOPPING CENTER) AND PD 96-001C TO THE R-3-30 (MULTIFAMILY RESIDENTIAL) DISTRICT ZONING - FILE NUMBER PRJ21-011 (REZ21-002)

WHEREAS, on December 14, 2020, the Council approved a General Plan Amendment to change the General Plan land use designation from Retail and Business Services and Medium Density Residential to Medium High Density Residential for the Project; and

WHEREAS, after public hearing, the Council determined that the present classification of property situated at 2660 Petaluma Hill Road Assessor's Parcel Numbers 044-370-002, 044-370-010, 044-051-073, and 044-051-055, in the CSC (Commercial Shopping Center) and PD 96-001C zoning district is no longer appropriate and that rezoning is required for public convenience, necessity and general welfare; and

WHEREAS, rezoning the three parcel site into the R-3-30 (Multifamily Residential) zoning district is consistent with the Medium High Density land use designation of the General Plan.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council finds, based on the evidence and records presented, that the R-3-30 (Multi-Family) zoning district is appropriate for Assessor's Parcel Number(s) 044-370-002, 044-370-010, 044-051-073, and 044-051-055. The Council further finds and determines that:

The proposed Rezoning is consistent with the goals and policies of all elements of the General Plan in that it implements the General Plan land use designation of Medium High Density Residential. In accordance with Section [20-22.020\(C\)](#), the R-3 zoning district is applied to areas of the City appropriate for residential neighborhoods with medium and higher residential densities, to provide home rental and ownership opportunities, and to provide a full range of choices in housing types to improve access to affordable housing. The maximum allowable density ranges from eight (8) to 30 dwellings per acre, with the specific allowable density for each parcel shown on the zoning map by a numerical suffix to the R-3 map symbol (see Section [20-22.040](#)). The R-2 and R-3 zoning districts implement and are consistent with the Residential—Medium Density and Medium High Density land use classifications of the General Plan. General Plan Section 1-2 requires that the General Plan be internally consistent; therefore, a proposed amendment to a zoning district that is consistent with and would implement a General Plan land use designation would be consistent with the goals and policies of all elements of the General Plan, and the proposed project site is not subject a specific plan area; and

The proposed Rezoning would not be detrimental to the public interest, health, safety, convenience or welfare of the City in that the proposed zoning district would be consistent with the Medium High Density Residential General Plan Land Use

Designation. Rezoning the Project site would remove the Community Shopping Center requirement to be placed on this site and allow for residential densities that would align the property with its neighbors. The Project has been reviewed by City Staff and applicable outside agencies and has been conditioned appropriately. Finally, an Addendum to 38 Degrees North Phase 2 IS/MND concluded that the Project would not result in significant effects on the environment with mitigations identified on the Mitigation Monitoring and Reporting Program as part of the Addendum; and

The Rezoning area is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/developments in that the Project site is bounded by Petaluma Hill Road, Kawana Springs Road, and the future extension of Farmers Lane, which are all regional streets designated by the General Plan Circulation Element, which can accommodate the use. The site is adjacent to other similar residential uses and zoning districts that can accommodate higher density residential uses. Rezoning of this property would not be incompatible with the surrounding land uses; and

The proposed amendment is internally consistent with other applicable provisions of this Zoning Code in that the Project site is subject to all other applicable sections of the Zoning Code and will require Major Design Review approval should the Rezoning application be recommended by the Planning Commission to Council and subsequently approved by Council; and

The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land uses/developments in that the Project site is bounded by Petaluma Hill Road, Kawana Springs Road, and the future extension of Farmers Lane, which are all regional streets designated by the General Plan Circulation Element, which can accommodate the use. The site is adjacent to other similar residential uses and zoning districts that can accommodate higher density residential uses. Rezoning of this property would not be incompatible with the surrounding land uses.

Section 2. All conditions required by law have been satisfied and all findings with relation thereto have been made. Title 20 of the Santa Rosa Code is amended by amending the “Zoning Map of the City of Santa Rosa,” as described in Section 20-20.020, so as to change the classification of Assessor’s Parcel Numbers 044-370-002, 044-370-010, 044-051-073, and 044-051-055, from the CSC (Community Shopping Center) and PD 96-001C to the R-3-30 (Multifamily Residential) zoning district.

Section 3. In addition to any other conditions that are deemed appropriate or necessary, any development approval for this property shall be expressly conditioned to require the applicant to fulfill the following condition:

Sewer connections for this development, or any part thereof, will be allowed only in accordance with the requirements of the California Regional Water Quality Control Board, North Coast Region, in effect at the time that the building permit(s) for this development, or any part thereof, are issued.

Section 4. Environmental Determination. The proposed Project has been reviewed in compliance with the California Environmental Quality Act (CEQA). An Initial Study (IS) was prepared for 38 Degrees North Phase 2, which resulted in a Mitigated Negative Declaration (MND). The draft MND was circulated for a 30-day public comment period commencing June 11, 2020. No comments were received. Potentially significant impacts related to Air Quality, Biological Resources, Cultural Resources, Energy, Geology/Soils, Greenhouse Gases, Hydrology/Water Quality, Noise, Transportation, Tribal Cultural Resources, and Cumulative Impacts were identified. The project impacts would be mitigated to a less than significant level through implementation of recommended mitigation measures contained in the Mitigation Monitoring and Reporting Program (MMRP) prepared for the Project, which identifies the timing of, and the agency or agencies responsible for enforcement and monitoring of each mitigation measure to be implemented. The mitigation measures included in the MMRP reduce potentially significant impacts to less than significant levels and demonstrate how compliance with existing Municipal Code requirements or City standards reduces impacts to less than significant levels. The IS/MND was adopted by Design Review Board Resolution No. 20-1012 on August 20, 2020.

An Addendum to the adopted 2020 MND was prepared on October 22, 2021, and reviewed by City Staff. Staff has determined that the project would not cause new significant environmental effects or substantial increases in the severity of significant effects beyond those previously identified and mitigated to a less than significant level through implementation of the aforementioned MMRP. An Addendum to an adopted MND may be prepared if no significant environmental effects will occur and none of the previously identified effects will increase in severity (CEQA Guidelines section 15164). None of the circumstances under CEQA Guidelines Section 15162 are triggered; therefore, an addendum complies with the requirements of CEQA.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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Section 6. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on December 14, 2021.

IN COUNCIL DULY PASSED AND ADOPTED this 11th day of January, 2022.

AYES: (6) Mayor C. Rogers, Vice Mayor Alvarez, Council Members Fleming, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney