

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND MEMBERS OF THE COUNCIL
FROM: SHARI MEADS, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: EXTENSION AND MODIFICATIONS OF CITY CODE CHAPTER
20-16 RESILIENT CITY DEVELOPMENT MEASURES
AGENDA ACTION: ORDINANCE INTRODUCTION

RECOMMENDATION

It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council introduce an ordinance to amend Title 20 of the Santa Rosa City Code to extend and modify Chapter 20-16, Resilient City Development Measures, to address housing needs and economic development within the City following community emergency events including fires and the COVID-19 pandemic.

EXECUTIVE SUMMARY

The project includes extension and modification of the temporary Resilient City Development Measures to address housing needs and economic development within the City following community emergency events including fires and the COVID-19 pandemic. Specifically, this project expands opportunities for mobile food vending, expands opportunities for large family daycares and child care centers, extends time limits for temporary uses, consolidates and streamlines review processes for certain land use entitlements, provides flexibility for nonconforming uses, and includes additional minor amendments for clarifications and technical corrections.

Following the October 2017 Tubbs and Nuns fires (2017 Fires), the Council adopted multiple urgency and long-term ordinances to assist recovery. These ordinances include City Code Chapter 20-16, Resilient City Development Measures, which is set to expire on May 11, 2021, unless extended. Incentives to facilitate economic recovery are still critical and have been exacerbated by the LNU Lightning Complex fires and Glass Fire (2020 Fires), and the COVID-19 pandemic. The recommended amendments are summarized within this report and detailed within the attached ordinance.

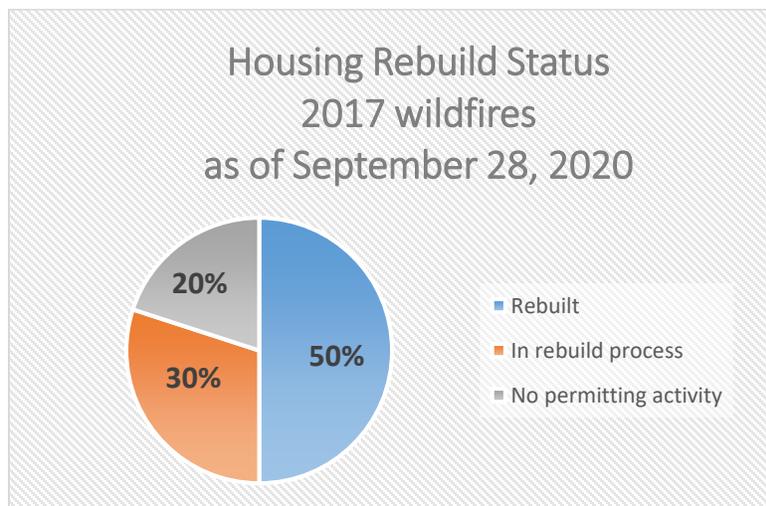
BACKGROUND

The 2017 Fires severely impacted housing stock, childcare availability, lodging facilities, and many other industries. The Council took quick action to adopt initiatives to facilitate an efficient and expeditious rebuild process and to streamline housing and economic recovery citywide.

It has been three years since the 2017 Fires and rebuilding is well underway, although not complete. Fire debris has been removed, water contamination issues have been resolved, replacement and restoration of public infrastructure has begun, and many businesses have rebuilt. In addition, approximately 50-percent of homes have been rebuilt and another 30-percent are in some phase of the rebuild process. There are roughly 500 parcels still inactive in the rebuild areas. Staff continues to meet regularly with residents in the rebuild area, along with developers, to understand the interests and concerns of those who have yet to submit permits. As of September 15, 2020, 31-percent of the inactive parcels had been sold. It is expected that most outstanding parcels will eventually submit a permit to rebuild, but due to a variety of circumstances, these may manifest at different times.

Due to the continued (2017 Fires) and renewed (2020 Fires) need for rebuilding and economic recovery, staff is recommending the continuance of recovery measures and additions related to the COVID-19 pandemic.

Figure 1. Housing Units and Rebuild Status as of September 28, 2020



REGULATORY HISTORY

On October 9, 2017, Governor Jerry Brown declared a State of Emergency for Sonoma and other counties because of multiple wildfires including the Tubbs and Nuns Fires.

On April 10, 2018, the City Council adopted an urgency ordinance adding Chapter 20-16, Resilient City Development Measures; specifically, Sections 20-16.010 through 20-

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16.050, related to temporary housing, temporary structures and accessory dwelling units.

On May 22, 2018, the City Council, approved an amendment to Title 20 of the Santa Rosa City Code to add Chapter 20-16, Resilient City Development Measures, Sections 20-16.060 through 20-16.110, related to reduced review authority for certain uses, modifications to the Design Review process, changes to an approved residential, lodging or child care facility project, Zoning Administrator meetings, appeal fees, and adding a requirement for an annual review.

On October 2, 2018, the City Council approved an amendment to Title 20 of the Santa Rosa City Code – Chapter 20-16, Resilient City Development Measures, adding Section 20-16.030 to address waiving of Capital Facilities, Housing, and Park Impact Fees for temporary housing.

On January 8, 2019, the City Council approved an amendment to Title 20 of the Santa Rosa City Code – Chapter 20-16, Resilient City Development Measures, adding Section 20-16.120 to Chapter 20-16, Resilient City Development Measures, to allow an automatic, one-time, 12-month extension for approved tentative subdivision maps and associated entitlements that were active as of October 9, 2017.

On February 25, 2020, the City Council approved an amendment to Title 20 of the Santa Rosa City Code, Chapter 20-16, Resilient City Development Measures, to allow a second automatic 12-month extension for tentative maps and associated entitlements that benefitted from the first automatic, 12-month extension.

On March 4, 2020, Governor Gavin Newsom declared a statewide State of Emergency related to the COVID-19 pandemic.

On March 17, 2020, the Sonoma County Public Health Officer issued a Shelter in Place Health Order directing all to shelter at their place of residence with certain exceptions. The Shelter in Place Health Order has been amended and extended several times.

On August 11, 2020, the City Council approved an amendment to Title 20 of the Santa Rosa City Code Chapter 20-16, Resilient City Development Measures, adding Section 20-16.070A(1)(b), to define the appeal body for certain land use projects.

On August 16, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to an Extreme Heat Event.

On August 18, 2020, Governor Gavin Newsom declared a State of Emergency for Sonoma and other counties due to fires collectively known as the LNU Complex Fire.

On September 28, 2020, Governor Gavin Newsom declared a State of Emergency for Sonoma, Napa and Shasta counties due to the Glass and Zogg fires.

On October 22, 2020, the Planning Commission voted unanimously to recommend that the Council adopt a Zoning Code Text Amendment to Chapter 20-16, Resilient City

Development Measures, to address continued fire and COVID-19 recovery, with minor changes to the proposed text.

ANALYSIS

The amendments to the Resilient City Development Measures (Chapter 20-16) are detailed in the attached ordinance and are shown in red text and underline and ~~strike through~~ format in Attachment 1. The amendments are also summarized below.

Chapter 20-16: Resilient City Development Measures

1. 20-16.010 Purpose

Staff recommends removing recovery language that is limited to the 2017 Tubbs and Nuns fires and adding language acknowledging community emergency events including fires, and the COVID-19 pandemic.

2. 20-16.020 Application of this chapter.

Staff proposes extending the Resilient City Development Measures to December 31, 2023.

3. 20-16.030(A) Temporary Housing

Amendments include clarification that temporary housing permit applications pursuant to this chapter are deemed discretionary acts for purposes of the California Environmental Quality Act (CEQA).

4. 20-16.030(C) Temporary Housing Development Standards

Amendments include the addition of language clarifying that temporary housing units need to comply with applicable Zoning District development standards (setbacks and height) which helps to ensure neighborhood compatibility.

5. 20-16.040(B)(1&2) Temporary Use Permit Time Extensions and Number of Events

The Zoning Code currently prohibits time extensions for Temporary Use Permits. Fire and COVID-19 pandemic recovery have made it difficult for some entitlement holders to initiate an approved temporary use and for others to fully benefit from a completed project. Staff is proposing allowing additional time for businesses to complete certain types of entitled temporary projects.

This amendment would allow one 12-month time extension, approved by the Director through a Zoning Clearance, for Temporary Use Permits.

Staff also recommends an increase in the number of events allowed under the Temporary Activities, Events and Temporary Auto Sales subcategories. The Events subcategory includes farmers' markets, flea markets, art and craft exhibits, and second hand sales, among other activities. The proposed amendment would

increase the number of events allowed within a 12-month approval period from seven consecutive days or six two-day weekends, to 21 consecutive days, or 36 weekend days. The number of temporary auto sales events allowed would increase from three consecutive days every three months not to exceed 12 days in a calendar year to three consecutive days every month not to exceed 36 days within a 12-month approval period.

6. 20-16.060(A) Reduced Review Authority for Certain Uses

The City Council has identified child care as a 2020 priority. Staff has identified opportunities to streamline and incentivize these facilities. The proposed amendments would permit Large Family Day Care Homes by right citywide and would allow Child Day Care Centers (15 or more children) by right in commercial, light industrial, and mixed-use Zoning Districts instead of requiring Minor Use Permit approval. The proposal also includes reducing permit requirements for Child Day Care Centers in residential zones from a Conditional Use Permit to a Minor Use Permit.

By reducing the permit requirements, and thereby the review authority, these land uses would be processed and established in a much more efficient and time-sensitive way.

7. 20-16.060(D) Consolidated Review for Certain Projects

Amended language is proposed allowing the Director to elevate certain decisions to the Planning Commission or City Council when there are multiple actions required for one project. The intent of this section is to avoid project delays that can arise when a project has multiple entitlements with different review authority bodies.

8. 20-16.070 Modifications to the Design Review Process

Staff proposes an update to this section (including Figure 1.1) to reflect new Downtown Station Area Specific Plan boundaries.

9. 20-16.090 Zoning Administrator Meetings and Hearings

Staff proposes to add language to specify that projects submitted under the Resilient City Development Measures may be elevated by the Director to a Zoning Administrator public hearing. This would allow an expedited timeline for projects that are anticipated to be elevated prior to being requested by the public -- such as those that are large in size or scope, highly visible, or otherwise of high interest. Applicant will be responsible for paying the Zoning Administrator public hearing fee.

10. 20-16.120 Continuance of Nonconforming Uses

Staff proposes to add a section to permit legal nonconforming uses of certain structures to be reoccupied with a similar or less intensive use provided that reoccupancy commences within 12 months of prior nonconforming use.

Once a building or tenant space becomes vacant for longer than six months, the next use must be consistent with the current Zoning District and General Plan

Designation. An example is a retail store located within an Industrial Zoning District. If the retail tenant goes out of business or relocates, the property owner may have difficulty finding a new retail tenant within six months. Once the use has been vacant for six months, the next use would need to be an industrial use. If the building is not readily convertible to an industrial use, the building could remain vacant for a long time.

This change would increase the period to reoccupy a legal nonconforming structure from six months to 12 months. The modification would allow reuse of vacant buildings more quickly but could delay properties converting to a use consistent with the City's General Plan.

11.20-16.130 Expansion of Mobile Food Vending

Mobile food vending is currently restricted to a limited number of parcels along Sebastopol Road within the Roseland community. Staff proposes to expand mobile food opportunities to commercial, mixed use, and industrial zones citywide, with certain operating and/or development standards.

12.20-16.140 Setback Requirements and Exceptions

Staff proposes the addition of language to clarify setback requirements from the public right of way and easements. City Code Section 20-30.110 currently prohibits any portion of a structure, including eaves or roof overhangs, from extending into any easement. This amendment establishes a clearly defined process to evaluate, on a case by case basis, projects that may qualify for an exemption to this requirement.

COMMUNITY OUTREACH

September 3, 2020 Downtown Subcommittee

The subcommittee was supportive of the proposed amendments with few comments from the public.

September 13, 2020 North Bay Black Chamber of Commerce

Members of the Chamber were generally supportive of the proposed amendments. They were supportive of expanding opportunities for mobile food vending.

September 14, 2020 Citywide Community Meeting

Community members were supportive of the proposed changes but expressed concern that expanding mobile food vending locations might negatively affect existing brick and mortar restaurants. There was support for mobile vending in food deserts such as the County Administration Center and other remote industrial/business areas.

September 16, 2020 Downtown Action Organization Board -- Santa Rosa Metro Chamber

Downtown Action Organization board members reacted favorably to the

proposed measures. Streamlining child care approvals and expanding mobile food vending were cited as catalysts for encouraging Downtown visits. Two board members inquired about including Tentative Subdivision Map, Building, and Encroachment Permit extensions within this set of amendments. However, based on review by staff there are existing opportunities for applicants to request extensions on individual permits and no such requests have been received.

September 23, 2020 Hispanic Chamber of Commerce -- Sonoma County

Hispanic Chamber of Commerce board members expressed support for the proposed amendments, particularly the expansion of mobile food vending and child care opportunities. There was a discussion around the challenges faced by mobile food vendors who are trying to enter the marketplace. Staff will reach out to the Sonoma County Department of Environmental Health and Safety to seek out ways to streamline the Mobile Food Vending approval process. Board members also requested information about how outdoor eating areas will be able to function during the winter months.

PUBLIC COMMENT

Jacqui King emailed staff that she has been unable to operate the weekly MoJo Sales flea market due to the Veteran's Building parking lot being closed as a result of the COVID-19 pandemic. Jacqui plans to hold the flea market at a different City location and requests that time limit restrictions be loosened for this type of temporary activity (See Attachment 3).

Staff response: The proposed amendments would increase the number of days allowed for Temporary Use Permit Events including flea markets and would allow a one-time 12-month extension approved by the Director through a Zoning Clearance.

PLANNING COMMISSION REVIEW

On October 22, 2020, the Planning Commission held a public hearing in consideration of a recommendation to Council on the Resilient City Development Measures amendment. There were no public comments during the meeting. Vice Chair Weeks suggested providing additional flexibility for the maximum number of event days allowed pursuant to Subsection 20-16.040(B)(2)(a) to better accommodate temporary events that are held once per week (such as farmers' markets and flea markets). After discussion, the Commission recommended changing the proposed maximum number of event days allowed for temporary activities governed under Subsection 20-16.040(B)(2)(a) from 21 consecutive days or 18 two-day weekends to 21 consecutive days or 36 weekend days.

Staff read this change into the record along with a technical correction to Subsection 20-16.060(A)(2)(b) to remove Limited Light Industrial from the list of zoning districts where Child Day Centers will be permitted by right. The Limited Light Industrial zoning district will become obsolete when the Downtown Plan zoning changes are adopted – the timing of which is anticipated to coincide with the adoption of this ordinance.

The Planning Commission voted unanimously to approve Resolution Number 12028 with these changes incorporated.

FISCAL IMPACT

The proposed Zoning Code amendments will continue Reduced Review Authority for certain land uses, hillside developments, and Design Review permits. The reduction in permit requirements will result in a reduction in the amount of fees collected for those applications, which will have an impact on the General Fund.

ENVIRONMENTAL IMPACT

Adoption of the ordinance is exempt under the “general rule” set forth in CEQA Guidelines Section 15061(b)(3), which provides that CEQA applies only to projects having the potential to cause a significant effect on the environment. “Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The proposed temporary ordinance addresses housing need and economic development in response to continued recovery from the 2017 and 2020 Fires, and the COVID-19 pandemic and would not result in any activity that may have a significant effect on the environment.

Adoption of the ordinance is exempt under CEQA Guidelines section 15282(h), which exempts adoption of an ordinance regarding second units in a single family or multifamily residential zone to implement the provisions of Government Code sections 65852.1 and 65852.2 and Public Resources Code section 21080.17 The proposal would continue to allow accessory dwelling units to be constructed and occupied prior to the completion of a main residence on the same site, thereby incentivizing additional, smaller units within the City. This change implements the City’s Housing Action Plan and is consistent with the provisions of Government Code Section 65852.2, both of which seek to incentivize the development of accessory dwelling units to provide smaller and more affordable residential units.

Adoption of the ordinance is exempt under CEQA Guidelines section 15183, which provides that “projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”

Furthermore, the proposed temporary Zoning Code amendments are exempt from the provisions of CEQA pursuant to Section 15269(c) regarding specific actions necessary to mitigate or prevent an emergency. A State of Emergency for Sonoma County was declared by the Governor on October 9, 2017, March 4, 2020, August 16, 2020, August 18, 2020, and September 28, 2020.

The proposed ordinance addresses housing needs and economic development within

the City following the 2017 and 2020 Fires, and the COVID-19 pandemic. The ordinance would allow temporary housing and other temporary structures through the Temporary Use Permit process, would allow accessory dwelling units to be constructed and occupied prior to the completion of a main residence, would allow extensions for certain Temporary Use Permits, would reduce the review authority for certain residential and child care uses, would expand mobile food vending opportunities, and would reduce the Design Review process for certain residential, child care, and lodging uses.

NOTIFICATION

The proposed amendments would impact properties citywide, therefore, a one-eighth page advertisement was published in the Press Democrat on November 5, 2020. Notice was also emailed to the City's Community Advisory Board and posted at City Hall.

ATTACHMENTS

- Attachment 1 - Chapter 20-16 Amendments, Redline
- Attachment 2 - Chapter 20-16 Amendments, Clean
- Attachment 3 - Public Comment
- Ordinance

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