

ORDINANCE NO. _____

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – ADDING SECTION 20-16.030(E) TO CHAPTER 20-16, RESILIENT CITY DEVELOPMENT MEASURES, TO ADDRESS WAIVING OF CAPITAL FACILITIES, HOUSING AND PARKS IMPACT FEES FOR TEMPORARY HOUSING - FILE NUMBER REZ18-008

WHEREAS, on April 10, 2018, the City Council adopted an ordinance adding Chapter 20-16, Resilient City Development Measures, and specifically Sections 20-16.010 through 20-16.050, related to temporary housing, temporary structures and accessory dwelling units, to address housing needs and economic development within the City following the Tubbs and Nuns fires of October 2017; and

WHEREAS, on May 22, 2018, the City Council adopted the remaining sections of Chapter 20-16, including Sections 20-16.060 through 20-16.110, related to reduced review authority for residential, lodging and childcare facilities; and

WHEREAS, due to the temporary nature of the housing permitted by Zoning Code Section 20-16.030, Temporary Housing, specific language is included that waives water and wastewater connection and demand fees, with an agreement from the property owner assuring termination of the connections at the expiration of the temporary use; and

WHEREAS, since the adoption of Zoning Code Chapter 20-16, the City has received its first application for a temporary housing development under this Chapter, at which time it was discovered that additional development impact fees would be assessed, including capital facilities, housing and parks impact fees; and

WHEREAS, it has been determined that omitting a waiver of the capital facilities, housing and parks impact fees from Chapter 20-16 was an oversight and, because housing developments approved under this ordinance would be temporary and required to terminate at the end of their approved duration, a waiver of these impact fees is appropriate; and

WHEREAS, the proposed Zoning Code Amendment to add a new Section 20-16.030(E) to Chapter 20-16, Resilient City Development Measures, is consistent with the goals and policies of all elements of the General Plan and any applicable specific plan, in that the additional section will waive capital facilities, housing and parks impact fees and will not allow density beyond what is currently provided in the General Plan; and

WHEREAS, the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that it will provide a means by which to encourage and facilitate the development of new temporary housing Citywide following the October 2017 fires and the pre-existing housing shortage.

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

Section 1. The Council finds, based on evidence and records presented, that amending Title 20 (Zoning) of the Santa Rosa City Code, as follows, is required to address housing needs and economic development within the City of Santa Rosa following the Tubbs and Nuns fires of October 2017.

The Council further finds and determines that:

1. The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that it would not allow density beyond what is currently provided in the General Plan or any applicable specific plan, nor would it allow new uses to be established in areas inconsistent with the General Plan;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that it would amend Chapter 20-16 of the Zoning Code to waive capital facilities, housing and parks impact fees for temporary housing to help incentivize such development following the Nuns and Tubbs fires of October 2017;
3. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA); and
4. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code as it would continue to require consistency with all elements of the Zoning Code.

Section 2. Add a new subsection E “Impact fees” to Zoning Code Section 20-16.030, Temporary Housing, to read as follows and re-letter all subsequent lettered subsections that follow, beginning with F, in sequence:

- “E. Impact fees. The following development impact fees shall be waived for any temporary housing units under this chapter but not beyond the duration of such temporary use. In the event of any such fee waiver, the Planning and Economic Development Department will require an agreement from the owner of the underlying property to assure termination of the use at the expiration of the temporary use permit.
- a. Capital facilities fee.
 - b. Housing impact fee.
 - c. Park fee.
 - d. Water and wastewater fees. See section 20-16.030(C)(6)(c) for additional requirements regarding the waiving of water and wastewater connection/demand fees.”

Section 3. Environmental Determination. The Council finds that the adoption and implementation of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemptions set forth in the CEQA Guidelines.

- Adoption of the ordinance is exempt under the “common sense exemption” 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 project would amend the City’s Zoning Code, adding Section 20-16.030(E), Impact Fees, to address waiving of capital facilities, housing and parks impact fees for temporary housing. The proposed Zoning Code amendment would not in and of itself allow the development of any new structures or alteration of lands; rather, any future projects utilizing the proposed fee waiver would require their own entitlement permit and CEQA review process.
- Adoption of the ordinance is exempt under CEQA Guidelines section 15273, which provides that “CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purpose of:
 - 1) Meeting operating expenses, including employee wage rates and fringe benefits;
 - 2) Purchasing or leasing supplies, equipment, or materials;
 - 3) Meeting financial reserve needs and requirements;
 - 4) Obtaining funds for capital projects, necessary to maintain service within existing service areas; or
 - 5) Obtaining funds necessary to maintain such intra-city transfers as are authorized by city charter.”

The proposed addition of Section 20-16.030(E), Impact Fees, would address waiving of capital facilities, housing and parks impact fees for temporary housing. The waiving of such fees would potentially impact the funds related to city projects supported by these impact fees. However, because the housing would be temporary, and the property owner would be required to enter into an agreement to ensure termination of the use upon expiration of the Temporary Use Permit, impacts to these City funds would be less than significant.

Section 4. 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.

Section 5. This ordinance shall take effect on the 31st day following its adoption.

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This ordinance was introduced by the Council of the City of Santa Rosa on September 25, 2018.

IN COUNCIL DULY PASSED AND ADOPTED this 2nd day of October, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney