

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: AMY LYLE, SUPERVISING PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: ZONING ORDINANCE- PROCEDURAL AMENDMENT RELATED
TO APPEALS UNDER RESILIENT CITY DEVELOPMENT
MEASURES, REZ 2020-005

AGENDA ACTION: ORDINANCE INTRODUCTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the City Council introduce an ordinance to amend City Code Chapter 20-16, Resilient City Development Measures, adding Section 20-16.070(A)(1)(b) to Chapter 20-16 to define the appeal body for land use projects under this Section.

EXECUTIVE SUMMARY

Zoning Code Chapter 20-16, Resilient City Development Measures, was adopted to address Citywide housing needs and to stimulate economic development following the Tubbs and Nuns Fires (Fires). The Resilient City Development Measures Section 20-16.070 includes modifications to the Design Review process for childcare, lodging, and residential projects located within one of the City's Priority Development Areas or within the General Plan Downtown core.

Section 20-16.070 reduces the permit requirement for these types of projects from Major Design Review to Minor Design Review. Minor Design Review includes a mandatory requirement for Concept Design Review by the Design Review Board and final action by the Zoning Administrator.

The Resilient City Development Measures do not, however, establish an appeal process for actions taken by the Zoning Administrator under this section. In the absence of a specific process, appeals would be governed by the Citywide appeal process set forth in City Code Sections 20-20.020 and 20-62.020 which identify the Design Review Board as the appeal body for Minor Design Review actions taken by the Zoning Administrator. Under this scenario, the Design Review Board would act as the preliminary review body for Concept Design Review and, in the event the Zoning

Administrator's decision were appealed, the Design Review Board would also act as the final appeal body. This dual review was not the intent of Chapter 20-16.

The proposed text change would correct and clarify that the City Council would be the appeal body for projects subject to the streamlined process outlined by the Resilient City Development Measures in Chapter 20-16.070.

BACKGROUND

Project Description

The proposed Zoning Code text amendment would add Section 20-16.070A(1)(b) to Chapter 20-16, Resilient City Development Measures. The purpose of the modification is to establish a procedure for the appeal and review of certain decisions made under the Resilient City Development Measures.

Zoning Code Chapter 20-16, Resilient City Development Measures, was adopted to address Citywide housing needs and to stimulate economic development following the 2017 Fires. The Resilient City Development Measures, Section 20-16.070, includes modifications to the Design Review process for the uses listed below when they are located within one of the City's Priority Development Areas or within the General Plan Downtown core:

- Child day care
- Lodging – bed & breakfast inn (B&B)
- Lodging – hotel or motel
- Mixed-use development (that includes a residential component)
- Multi-family residential
- Single-room occupancy facility

Concept Design Review by the Design Review Board is required for any project that involves 10,000 square-feet or more in total floor area, is located within a visually sensitive location, defined by the Zoning Code as sites within the Downtown Commercial Zoning District, or within the Gateway, Historic or Scenic Road Combining Zoning District. This provision ensures that the Design Review Board has an opportunity to provide non-binding comments on such projects prior to review by the Zoning Administrator.

In recent months it has become clear that the Code does not establish a specific appeal process for actions taken by the Zoning Administrator under these provisions, the result being dual review authority by the Design Review Board for Concept Design Review and then again as the appeal body. The proposed Zoning Code text amendment would add Section 20-16.07A(1)(b) to establish a procedure whereby the City Council acts the appeal body for Zoning Administrator actions under Section 20-160.70A.

PRIOR CITY COUNCIL REVIEW

On October 24, 2017, the Council adopted Ordinance No. ORD-2017-018, an urgency ordinance, amending the Zoning Code to add Section 20-28.100, Resilient City (-RC) Combining District, to facilitate rebuilding and implementation of resiliency initiatives to those parts of the City most severely impacted by the Fires. The Council also adopted Ordinance No. ORD-2017-019, an urgency ordinance, adding the -RC Combining District to the base District of those parcels impacted by the Fires.

On February 8, 2018, the Planning Commission voted unanimously to recommend that the Council adopt a Zoning Code Text Amendment to add Chapter 20-16, Resilient City Development Measures, to address housing needs and economic development within the City of Santa Rosa following the Tubbs and Nuns Fires of October 2017, with minor changes to the proposed text.

On April 3, 2018, the City Council introduced an amendment to Title 20 of the Santa Rosa City Code – to add Chapter 20-16, Resilient City Development Measures, Sections 20-16.010 through 20-16.050, related to temporary housing and structures, and accessory dwelling units, to address housing needs and economic development within the City, and continued Sections 20-16.060 through 20-16.080, related to reduced review authority, to the April 24, 2018 Council meeting.

On April 10, 2018, the City Council adopted an ordinance adding Chapter 20-16, Resilient City Development Measures; specifically, Sections 20-16.010 through 20-16.050, related to temporary housing, temporary structures and accessory dwelling units.

On April 24, 2018, the City Council introduced an amendment to Title 20 of the Santa Rosa City Code – to add Sections 20-16.060 through 20-16.090 to Chapter 20-16, Resilient City Development Measures.

On May 22, 2018, the City Council adopted an amendment to Title 20 of the Santa Rosa City Code adding sections 20-16.060 through 20-16.110 to Chapter 20-16, Resilient City Development Measures.

ANALYSIS

Following is the specific text amendment (shown in bold) as proposed:

This proposed Ordinance would correct and clarify the appeal body for certain projects subject to the Resilient City Development Measures. The appeal body would be the City Council, as follows:

20-16.070 Modifications to the Design Review process.

A. *Design Review for Child Care, Lodging and Residential Development.*

Subsections 1 through 4, below, apply to the following uses: “child care day care,” “lodging – bed & breakfast inn (B&B),” “lodging – hotel or motel,” “mixed-use development (that includes a residential component),” “multi-family residential,” and “single-room occupancy facility”.

1. Subject to the provisions of subsection A.2 below, Design Review approval for new development and major remodels, with the exception of projects located within the Historic (-H) Combining District, that meet the following criteria, are hereby delegated to the Zoning Administrator, through the Minor Design Review process, on sites zoned for such uses:

a. Projects that are located within one of the City’s Priority Development Areas or within the General Plan Downtown core boundary, as identified in Figure 1-1, Priority Development Areas and Downtown Core.

b. Appeals. Any appeal from a decision by the Zoning Administrator under this section shall be heard and determined by the City Council.

FISCAL IMPACT

Approval of this action will not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The proposed Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and that this procedural change in appeal authority is not subject to CEQA.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

N/A

ISSUES

Not applicable.

ATTACHMENTS

- Attachment 1 –Ordinance

CONTACT

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