

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: JESSICA JONES, SUPERVISING PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: RESILIENT CITY DEVELOPMENT MEASURES

AGENDA ACTION: ORDINANCE

RECOMMENDATION

It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council introduce an ordinance amending Title 20 of the Santa Rosa City Code, adding Sections 20-16.060 through 20-16.090 to 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.

EXECUTIVE SUMMARY

Zoning Code Chapter 20-16, Resilient City Development Measures, was prepared to address housing needs and economic development Citywide following the Tubbs and Nuns fires of October 2017. The draft ordinance was unanimously recommended for approval, with minor changes, by the Planning Commission on February 8, 2018. On April 3, 2018, the City Council voted 6-1 to adopt the sections of the ordinance that relate to temporary housing and structures, and accessory dwelling units. Through a separate action, the Council voted unanimously to continue proposed Sections 20-16.060 (Reduced Review Authority for Certain Uses), 20-16.070 (Modifications to the Design Review Process), and 20-16.080 (Changes to an Approved Residential, Lodging or Childcare Facility Project) to the April 24, 2018 City Council meeting. Direction was provided to staff to develop specific criteria for those projects that would receive reduced review authority, to require that Zoning Administrator meetings for affected projects be held in the evening, to include Emergency Shelters in the list of uses for reduced review authority, excluding the Open Space zoning districts, and to require monthly reports to Council on implementation of the ordinance.

BACKGROUND

In October 2016, the Council accepted the Housing Action Plan, which was prepared to address the City's ongoing unmet housing needs and to implement the City's General Plan Housing Element.

In June 2017, the Council adopted the City's top priorities, which included implementation of a comprehensive housing strategy, "Housing for All". Similarly, in February 2018, the Council adopted the current top priorities, which also includes the comprehensive housing strategy as a Tier 1 priority; reaffirming the Council's housing goals.

On October 8, 2017, and continuing for days thereafter, a series of wildfire events, identified as the Tubbs and Nuns Fires (Fires) burned over 90,000 acres in Sonoma County and damaged or destroyed approximately 3,000 homes and 100 commercial structures within the City of Santa Rosa.

On October 9, 2017, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City of Santa Rosa.

On October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties.

On October 10, 2017, President Donald J. Trump declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires, beginning on October 8, 2017.

On October 13, 2017, the Council adopted Resolution No. RES-2017-201 ratifying the City Manager's proclamation of the existence of a local emergency.

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 December 5, 2017, the Council held a study session to discuss the Resilient City ordinance and how to streamline and expedite housing and other needed uses Citywide.

The Council has previously found that the City of Santa Rosa is experiencing a housing crisis, and that, prior to the Fires, there existed a severe lack of rental housing that is affordable to lower and moderate income residents.

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The housing units destroyed by the Fires increased the rental housing shortage by several orders of magnitude, and also severely reduced the number of owner-occupied housing units, as well as child care and lodging facilities in the City.

The Santa Rosa Zoning Code includes provisions for development of new housing, childcare and lodging; however, it does not address streamlining and expedition of such development.

On February 1, 2018, the Design Review Board (Board) received a report related to the proposed Design Review process changes identified in the draft ordinance. At that meeting, the Board provided comments, which are summarized in the “Board/Commission/Committee Review and Recommendations” section of this report.

On February 8, 2018, the Planning Commission voted unanimously to recommend that the Council adopt the Zoning Code Text Amendment to add Chapter 20-16, Resilient City Development Measures, with minor changes to the proposed text. The proposed language, with the Commission’s recommended changes identified in underline and strikeout format, is included as Attachment 1 to this report.

On April 3, 2018, the City Council held a public hearing to discuss the proposed ordinance. The Council approved the sections related to temporary housing and structures, and accessory dwelling units, and continued Sections 20-16.060 through 20-16.080, related to reduced review authority, to the April 24, 2018 Council meeting. Direction was provided to staff to develop specific criteria for those projects that would receive reduced review authority, to require that Zoning Administrator meetings for affected projects be held in the evening, to include Emergency Shelters in the list of uses for reduced review authority, with the exception of the Open Space zoning districts, and to require monthly reports to the Council on implementation of the ordinance.

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.

PRIOR CITY COUNCIL REVIEW

See Background section above.

ANALYSIS

Below are the items that Council directed staff to address in proposed Sections 20-16.060 (Reduced Review Authority for Certain Uses), 20-16.070 (Modifications to the Design Review Process), and 20-16.080 (Changes to an Approved Residential, Lodging or Childcare Facility Project), along with an explanation of how each have been incorporated:

1. Provide specific criteria for those projects that would receive reduced review authority.

Staff Response

At the April 3, 2018 meeting, the Council expressed concern regarding the proposal to reduce the review authority for Use Permits and Design Review for various residential, childcare and lodging uses, and requested that staff develop specific criteria for those projects that would receive a lower level of review. Concerns were also expressed regarding the public participation process for such projects, as well the fact that, as proposed, the ordinance did not include any provisions for affordable housing or incentives to develop in the City's Priority Development Areas (PDA).

To address the Council's concerns, the following amendments were developed to proposed Section 20-16.070, Modifications to the Design Review Process:

- a. Language has been added that proposed development and major remodels would be delegated to the Zoning Administrator, through the Minor Design Review process, only if the project meets the following criteria:
 - i. The project proposes on-site affordable housing pursuant to City Code Chapter 21-02 (Housing Allocation Plan), and is restricted by a recorded regulatory agreement; or
 - ii. The project is located within one of the City's Priority Development Areas.
- b. A requirement has also been added that any project requesting Minor Design Review pursuant to this Section would need to apply for a pre-application neighborhood meeting. Such a requirement would ensure early public notice and participation.
- c. For clarity, a subsection has been added to state that the Zoning Administrator may defer any decision and refer the request to the Design Review Board, pursuant to Section 20-50.020 (Authority for Land Use and Zoning Decisions).

Specific criteria for Section 20-16.060, Reduced Review Authority for Certain Uses, which proposes reducing the Use Permit requirements for certain residential and childcare facility uses, has not been prepared. New development or remodels of those uses included in Section 20-16.060, with the exception of detached single-family uses, would require Design Review approval. Because Design Review is required, the above noted Design Review criteria would apply,

thereby addressing public notification and an open and transparent review process.

In addition, due to concerns raised regarding the transition between the urban areas of the City and the City's preservation districts, language has been added that would preclude the proposed reduced review authority from these areas. Specifically, any project located in a Historic (-H) Combining District would continue to be required to comply with Zoning Code Section 20-58.060(C)(3), Design Review, which requires joint review by the Design Review Board and Cultural Heritage Board for any project of 5,000 square-feet or greater.

2. Require that Zoning Administrator meetings for affected projects be held in the evening.

Staff Response

An additional section is proposed at the end of Chapter 20-16, which would require that any Zoning Administrator meetings for projects submitted pursuant to this Chapter would be held, as needed, at or after 5:00 p.m., at City Hall.

3. Include Emergency Shelters in the list of uses for reduced review authority, with the exception of the Open Space zoning districts.

Staff Response

Following the February 8, 2018 Planning Commission meeting, the "emergency shelter" land use was removed from Section 20-16.060, Reduced Review Authority for Certain Uses, at the request of the Commission. As requested by Council at the April 3, 2018 meeting, the land use has been added back into the ordinance; however, the references to the City's two Open Space zoning districts have been removed.

4. Require monthly reports to the Council on implementation of the ordinance.

Staff Response

As identified in Section 20-10.020 (Purposes of Zoning Code), the Zoning Code implements goals and policies of the General Plan and provides standards, regulations and requirements for development within the City. Reports to the Council, or to any other City board or commission, on the status of implementation is not included because it is not the purpose of the document. However, staff is committed to providing monthly reports to the Council on the process and implementation of the Resilient City Development Measures.

FISCAL IMPACT

The proposed Zoning Code amendment would reduce the use permit requirements for specific land uses, as well the level of Design Review required for certain uses. With the reduction in permit requirements, there would be a resulting reduction in the amount of fees collected for those applications, which would have an impact on the General Fund. However, the amount of staff time spent on such projects would be proportionately reduced, thereby mitigating the impact to the General Fund.

ENVIRONMENTAL IMPACT

Adoption of the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemptions set forth in the Public Resources Code and CEQA Guidelines. (*Surfrider Foundation v. California Coastal Com.* (1994) 26 Cal.App.4th 151 [if a project involves various activities, and each falls within one or more exemption(s), then the entire project is exempt].)

- 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 Sections 20-16.060 through 20-16.090 to Chapter 20-16, Resilient City Development Measures, to provide less stringent regulations to help incentivize the development of new housing, child day care facilities and lodging facilities within the City following the Nuns and Tubbs fires of October 2017. 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 regulations would require their own entitlement permit and CEQA review process.
- 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.”

The proposed addition of Sections 20-16.060 through 20-16.090 to Chapter 20-16, Resilient City Development Measures, would address housing needs and economic development within the City following the Tubbs and Nuns fires of October 2017. The proposal would reduce the review authority for certain residential and child care uses, and would reduce the Design Review process for residential, child care and lodging uses.

Each of the proposed measures is consistent with the Santa Rosa General Plan, Zoning Code and any applicable specific plan. The proposal would not allow density beyond what is currently provided in the General Plan, and would continue to require consistency with the requirements of the Zoning Code. While the review authority for certain uses would be reduced, those uses that would have the potential for causing impacts to adjacent land uses would continue to require an entitlement permit (Minor Use Permit), which would allow for consideration of compatibility and consistency with surrounding uses.

- Adoption of the ordinance is exempt under CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, and Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency. The proposed addition of Sections 20-16.060 through 20-16.090 to Chapter 20-16, Resilient City Development Measures, would address housing needs and economic development within the City following the Tubbs and Nuns fires of October 2017. A state of emergency was proclaimed by the Governor on October 9, 2017. The proposal would reduce the review authority for certain residential and child care uses, and would reduce the Design Review process for residential, child care and lodging uses.

NOTIFICATION

Pursuant to Zoning Code Section 20-66.020(D), Alternative to Mailing, if the number of property owners to whom notice would be mailed would exceed 1,000, the City may, as an alternative to mailing and on-site posting, provide notice by placing an advertisement of at least one-eighth page in at least one newspaper of general circulation 10 days prior to the hearing. The proposed Zoning Code Chapter 20-16, Resilient City Development Measures, would affect properties Citywide, therefore, a one-eighth page advertisement was placed in the Press Democrat for the April 3, 2018 Council meeting. The notice was also emailed to the City's Community Advisory Board, was sent out through the City's various social media sites, and the notice was posted at City Hall. Because the Council continued a portion of the ordinance to a date certain, the April 24, 2018 City Council meeting, a new notice is not required.

It should also be noted that a project website was created, which provides a summary of the ordinance, as well as a copy of the draft ordinance, and the proposal was included in the Planning and Economic Development Departments Blueprint newsletter. Information about the April 24, 2018 Council meeting was added to the website.

ATTACHMENTS

- Attachment 1 – Proposed Resilient City Development Measures Ordinance Amendment
- Attachment 2- Public Correspondence
- Ordinance

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