

ORDINANCE NO. ORD-2018-020

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE, SECTION 20-42.130(D)(3)(b), UTILITY CONNECTION FEES, TO NO LONGER REQUIRE NEW OR SEPARATE UTILITY CONNECTION OR RELATED CONNECTION FEE OR CAPACITY CHARGE FOR ACCESSORY DWELLING UNITS THAT ARE 750 SQUARE-FEET OR SMALLER

WHEREAS, Santa Rosa faces a significant shortage of housing, particularly that available for moderate and lower income families; and

WHEREAS, in October 2016, the City Council accepted the Housing Action Plan, and its constituent programs to address how Santa Rosa can increase production, achieving a goal of “housing for all”; and

WHEREAS, the Housing Action Plan identifies policies to incentivize “affordable by design” housing that is smaller in scale, efficiently designed and less expensive to construct, and directs staff to evaluate financial obstacles and reduce development costs of accessory dwelling units; and

WHEREAS, in June 2017, the Council adopted the City’s top priorities for the year, which included implementation of a comprehensive housing strategy, “housing for all”; and

WHEREAS, 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; and

WHEREAS, on December 5, 2017, the Council introduced an ordinance amending the Santa Rosa City Code to allow for Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) in compliance with State law and in support of the City’s Housing Action Plan, and approved a resolution reducing capital facilities and park impact fees for new ADU’s; and

WHEREAS, on December 12, 2017, the Council adopted Ordinance No. ORD2017-024, amending Title 20 of the City Code and implementing changes to the Code with respect to ADUs in compliance with State law and in support of the City’s Housing Action Plan; and

WHEREAS, on December 19, 2017, the Council approved a resolution to reduce the Southeast and Southwest Area Development Impact fees for new ADU’s; and

WHEREAS, the Council now seeks to clarify the application of water and wastewater connection fees for ADUs in order to incentivize the development of smaller ADUs consistent with California State Government Code Section 65852.2 (f)(2); and

WHEREAS, the overall revenue impact is not expected to be significant based on the anticipated number of new ADUs.

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 incentivize the development of ADUs within the City of Santa Rosa, as identified in the Housing Action Plan.

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 Section 20-42.130(D)(3)(b) of the Zoning Code to waive new or separate utility connections, fees and capacity charges for ADUs that are 750 square-feet in size, or smaller, to help incentivize such development within the City;
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. Amend Zoning Code Section 20-42.130, Accessory Dwelling Units, subsection (D)(3)(b), Utility Connection Fees, to read and provide as follows:

“b. No new or separate utility connection or related connection fee or capacity charge will be required for accessory dwelling units that are internal conversions of existing space within a single-family residence or an accessory structure, or for accessory dwelling units that are 750 square-feet or smaller.”

Section 3. Environmental Determination. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA), because the proposed Zoning Code text amendment implements California Government Code 65852.1 and 65852.2, the project is statutorily exempt from CEQA per Section 15282(h).

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. Effective Date. This ordinance shall take effect on the 31st day following its adoption and will apply to all building permits issued on or after the effective date. Applicants for building permits who have paid Water and Wastewater connection fees as of the effective date of this ordinance, but have not yet been issued a building permit, may apply for a refund for new ADUs that are no longer required to pay such fees under this ordinance.

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: (6) Mayor Coursey, Vice Mayor Rogers, Council Members Combs, Olivares, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (1) Council Member Tibbetts

ABSTAIN: (0)

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney