

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR THE PLANNING COMMISSION

July 8, 2021

PROJECT TITLE

Codification of Zoning Code
Interpretations and other Technical
Amendments

APPLICANT

City of Santa Rosa

ADDRESS/LOCATION

Citywide

PROPERTY OWNER

N/A

ASSESSOR'S PARCEL NUMBER

N/A

FILE NUMBER

ST21-001

APPLICATION DATE

NA

APPLICATION COMPLETION DATE

NA

REQUESTED ENTITLEMENTS

NA

FURTHER ACTIONS REQUIRED

City Council Ordinance

PROJECT SITE ZONING

N/A

GENERAL PLAN DESIGNATION

N/A

PROJECT PLANNER

Monet Sheikhal, City Planner

RECOMMENDATION

Recommend Approval to City Council

For Planning Commission Meeting of: July 8, 2021

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR WEEKS AND MEMBERS OF THE PLANNING COMMISSION

FROM: MONET SHEIKHALI, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SUBJECT: CODIFICATION OF ZONING CODE INTERPRETATIONS AND OTHER TECHNICAL AMENDMENTS

AGENDA ACTION: ADOPTION OF A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE ZONING CODE.

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission recommend to the City Council adoption of an Ordinance amending the Zoning Code to incorporate Zoning Code Interpretations made by the City's Zoning Administrator and other technical corrections that are minor in nature.

EXECUTIVE SUMMARY

Since adoption of the current Zoning Code in 2004, questions have been raised regarding the meaning or applicability of specific parts of the Zoning Code. According to Zoning Code Section 20-12.030, Procedures for Interpretations, the Zoning Administrator may issue Zoning Code Interpretations (Interpretations) in response to these questions. Since 2011, the Zoning Administrator has issued 30 Interpretations. Seven Interpretations have been codified or superseded through other Zoning Code text amendments and three Interpretations (Numbers 28, 29, and 30) are temporary measures written in response to COVID-19 public health orders. The proposed Zoning Code amendment will formalize the remaining 20 Interpretations.

The recommendation also includes amendments to the Zoning Code that are technical in nature such as: Chapter renaming for clarification purposes, Accessory Dwelling Unit Ordinance technical corrections, various amendments to Sections implementing the Downtown Station Area Specific Plan, amendments to the definition of supportive housing due to State law, the addition of a Resilient City Development Measures Code Section

that was inadvertently removed, and other minor changes as discussed within this staff report.

BACKGROUND

- On August 3, 2004, the City Council adopted a comprehensive update of the Zoning Code.
- Between August 3, 2004, to July 14, 2011, Zoning Administrator had issued 34 Interpretations.
- On July 14, 2011, the Planning Commission made a recommendation to the City Council to adopt an Ordinance amending the Zoning Code to codify 28 of the 34 Interpretations.
- On August 30, 2011, City Council adopted an ordinance codifying the 28 interpretations.
- Since 2011, 31 new Zoning Interpretations have been issued by the Zoning Administrator.

ANALYSIS

The project includes a set of amendments to the Santa Rosa Zoning Code to incorporate Zoning Code Interpretations (“Interpretations”) that have been issued by the Zoning Administrator since 2011. The Interpretations are clarifying in nature and support approved Zoning Code land uses and regulations. As such, the proposed Zoning Code text amendments will not result in any substantive changes to the Santa Rosa Zoning Code.

Section 20-12.030 states that “Whenever the Zoning Administrator determines that the meaning or applicability of any of the requirements of this Zoning Code are subject to interpretation generally, or as applied to a specific case, the Zoning Administrator shall issue an official interpretation, or refer the matter to the Commission in compliance with Subsection B.” Zoning Code Section 20-12.30 (D) states that “Any provision of this Zoning Code that is determined by the Zoning Administrator to need refinement or revision will be corrected by amending this Zoning Code as soon as is practical.”

The Interpretations considered within this Ordinance package are consistent with the General Plan because they are no substantive changes to the regulations; only clarifications and technical amendments. A brief summary is provided below for each Interpretation with the full language attached to this staff report within Attachment A.

A. **Zoning Code Interpretation No. 1**, issued on April 19, 2012. This Interpretation clarifies that the term “facility” in the land use definition of “night club” implies a Bar/Tavern and not a Restaurant/Cafe with Incidental Bar. A Bar/Tavern’s primary use involves the consumption of alcoholic beverages and not necessarily the consumption of a meal.

a. Section 20-70.020, Definition of Night Club

Night Club. A facility **bar/tavern** serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc.

B. **Official Zoning Code Interpretation No. 2**, issued on January 23, 2013: On January 1, 2013, the California Homemade Food Act went into effect and created a new category of food facility operation called a “Cottage Food Operation,” which unlike other food facilities can be operated from a home kitchen. This interpretation is meant to include Cottage food operations within Santa Rosa Zoning Code subject to Section 20-42.070 (Home Occupations).

a. Section 20-42.070(C)(1), Home Occupations

Exempt home occupations. A home occupation that complies with the following requirements and standards, **including a cottage food operation (CFO) for off-site sale**, shall not require the approval of a Minor Conditional Use Permit or Conditional Use Permit.

b. Section 20-70.020, Definition of Cottage Food operation (CFO)

Cottage Food Operation (CFO). An enterprise at a private home where specific low-risk food products that do not require refrigeration are made or repacked for sale to consumers.

C. **Official Zoning Code Interpretation No.4**, issued on October 1, 2014: This Interpretation intended to clarify when a Building Permit is required for a fence.

a. Section 20-30.060(C), Table 3-1, Maximum Height of Fences

TABLE 3-1—MAXIMUM HEIGHT OF FENCES

Location	Maximum Height (1)
Within required front yard setback	36 inches
Within interior side or rear yard setback	6 feet (2)
Within exterior side setback	36 inches

Within a vision triangle (see Section 20-30.070.E)	No fence allowed, except as provided by Section 20-30.070.E (Vision Triangles).
Outside of a required setback	6 feet (2)
<p>Notes:</p> <p>(1) See the City's <i>Processing Review Procedures for Owners of Historic Properties</i> for fence height guidelines with an -H (Historic) combining district.</p> <p>(2) A six-foot fence with two feet of lattice is allowed by right in an interior side or rear yard setback, and outside of a required front or street side setback (see Figure 3-5); provided that any fence exceeding six <u>seven</u> feet in height requires a Building Permit.</p>	

D. **Official Zoning Code Interpretation No.5**, issued on December 4, 2014: Due to differences between the processing of distilled spirits from beer and wine production, as well as the distinct license type required by the Alcoholic Beverage Control (ABC), distilled spirits production does not fit within the City's definition for "brewery – production" or "winery – production". This Interpretation adds distilled spirits production to the definition. Therefore, this Interpretation clarifies that distilled spirits production is categorized under the Manufacturing/Processing- Light: food and beverage product manufacturing land use.

a. Section 20-70.020, Definitions of Specialized Terms and Phrases.

Food and Beverage Product Manufacturing. Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:

- bottling plants
- bread factories
- candy, sugar and confectionery products manufacturing
- catering services separate from stores or restaurants
- coffee roasting
- dairy products manufacturing
- **distilled spirits production**

E. **Official Zoning Code Interpretation No.6**, issued on January 27, 2015. On September 25, 2012, the Council adopted Ordinance No. 3995 amending Zoning

Code Tables 2-6 and 2-10, which provide allowable land uses and permit requirements for commercial and industrial zoning districts. This Interpretation will correct Zoning Code Section 20-42.034, which was not updated at that time, to be consistent with the land use tables.

a. Section 20-42.034(A), Alcoholic Beverages Sales: Applicability

Applicability. In addition to the regulations of the applicable zoning district, any establishment under 10,000 square feet that sells alcohol for on-site or off-site consumption, including liquor stores, convenience food stores, markets, taverns, and bars shall be permitted only by Conditional Use Permit; ~~a restaurant serving alcohol, with or without an incidental bar component, shall be permitted only by Minor Use Permit.~~ A large retailer of 10,000 square feet or greater, such as a supermarket that sells alcoholic beverages as a normal part of the business, is a permitted use. These provisions shall not apply to a winery, tasting room, and/or brewery that sells alcoholic beverages as a normal part of business, when these uses are permitted uses. Applicable provisions of these use regulations shall only apply to winery, tasting room, and/or brewery uses when conditionally permitted.

F. **Official Zoning Code Interpretation No.7**, issued on January 27, 2015: In 2004, when the Zoning Code was adopted, the land use category of “restaurant, café, coffee shop – serving alcohol (no bar)” was created to differentiate restaurants, cafes, and coffee shops that serve alcohol with a meal from the “bar/tavern” land use category. The reference to “(no bar)” has caused confusion with those who administer the Zoning Code, as it can be interpreted to mean that an incidental bar within a restaurant is not permitted. This Interpretation clarifies that the term “no bar” in the land use definition of “restaurant, café, coffee shop – serving alcohol (no bar)” was not intended to prohibit a restaurant from having an incidental bar component.

a. Section 20-70.020, Definitions of specialized terms and phrases

Restaurant, Café, Coffee Shop. A retail business selling ready-to-eat food and/or beverages for on- or off-premises consumption. These include:

1. Counter Ordering. An establishment where customers are served from a walk-up ordering counter for either on- or off-premises consumption. This includes retail bakeries such as a donut shop, pastry shop, cake shop, and similar types of businesses;
2. Table Service. An establishment where customers are served food at their tables for on-premises consumption, which may also provide food for take-out;
3. Outdoor Dining. An establishment with either counter ordering or table service that provides a defined outdoor area for eating, which may be a sidewalk café where allowed by Encroachment Permit;

4. Serving Alcohol (**No Bar**). Any of the above restaurants, cafés, coffee shops which serve beer, wine or distilled spirits with a meal **and may contain or include an incidental bar.**

Note: This does not include Bar/Tavern (see “Bar/Tavern” definition).

G. **Official Zoning Code Interpretation No.9:** The current Zoning Code Section 20-34.030 for landscape and irrigation plans refers to the City’s Water Efficient Landscape Policy (WELP) which is an obsolete document. In order to comply with the State-mandated Water Efficient Landscape Ordinance (WELO), effective from 2009, this Interpretation will replace WELP with WELO.

a. Section 20-34.020(D), Applicability

The provisions of this Chapter apply to all land uses as follows. See also Section 4.1 (Landscaping) of the City’s Design Guidelines.

D. When in conflict with City Code Chapter 14-30, Water Efficient Landscape, Chapter 14-30 shall control.

b. Section 20-34.030 (B) and (C), Landscape plans

Each application for approval of a project subject to this Chapter shall not be approved until plans and written material showing how the landscaping requirements are to be met are reviewed and approved.

B. Plan content. The degree of specificity of landscape plans and written material shall relate to the type of permit or request for approval being sought. Landscape plans shall include the information and materials required by the City of Santa Rosa Landscape Policies **Ordinance (City Code Chapter 14-30).** ~~(City Council Resolution Nos. 21142 and 26690) and as listed on the Department handout for landscape and irrigation plans.~~

C. Water-efficient landscape criteria. Landscape and irrigation plans shall comply with the requirements and guidelines of ~~the Sonoma County Water Agency for water efficient landscape and the City’s Water Efficient Landscape Policy~~ **Ordinance (WELO), pursuant to City Code Chapter 14-30** and ~~the Single-Family Residential Landscape Policy.~~

H. **Official Zoning Code Interpretation No.10,** issued on October 26, 2015: Zoning Code Section 20-38.080 prohibits signs that are moving, flashing, electronic/digital and windblown. This interpretation clarifies that LED-lit service station pricing signs will be exempt from the prohibited signs. Additionally, LED-lit signs are easier to read by passing traffic and the prices can be changed from inside, making LED-lit signs safer.

a. Section 20-38.080(C), Prohibited Signs

The following signs are not permitted within the City:

C. Moving, flashing, electronic/digital and windblown signs. No moving, rotating, flashing, or changing of color intensity or signs with electronic/digitally created content (i.e., electronic reader board signs), and no windblown signs, such as posters, pennants, streamers, or strings of light bulbs, balloons, or other inflated objects are permitted. The only exceptions to these requirements are time and temperature devices, **digital service station price signs**, and signs installed by a governmental agency in carrying out its responsibility to protect public health, safety and general welfare.

- I. **Official Zoning Code Interpretation No.13**, issued on June 7, 2017: Zoning Code provides processes by which an applicant can request a reduction in the required number of parking spaces for a use. It does not, however, clearly define the review authority for each process. This interpretation clarifies the review authority for parking reduction requests.

a. Section 20-36.040(C)(2), Number of Parking Spaces Required

“Each principally or conditionally permitted use shall provide at least the minimum number of off-street automobile and bicycle parking spaces required by this Section, except where parking requirements are adjusted in compliance with Section 20-36.050 (Adjustments to Parking Requirements). Also see Section 20-36.090 (Bicycle Parking Requirements and Design Standards).

C. Expansion of structure change in use.

1. Expansion of structure. When existing conforming or non-conforming structures, other than single family dwellings, are enlarged or increased in capacity by more than 10 percent, or when an expansion in use requires more parking than is presently provided, parking spaces shall be provided in accordance with Table 3-4.

2. Change in use. When a building’s use changes to a new use, for example a retail use to a restaurant, without enlarging the space in which the use is located, there shall be no additional parking required for the new use, except that the new use shall comply with current ADA standards for parking, provided that any deficiency in parking is no more than 10 spaces, or a 25 percent overall reduction from standard parking requirements, whichever is greater. **The determination for no additional parking is made by the Director of Planning and Economic Development.**

b. Section 20-36.050(C)(1), Increase or Decrease in Required Parking

C. Increase or decrease in required parking. Parking requirements may be reduced through the following processes:

1. Where an applicant requests or where the Director determines that, due to special circumstances, any particular use requires a parking capacity which deviates from the requirements in Table 3-4, the Director shall refer the matter to the appropriate review authority for imposition of an appropriate parking requirement. Parking requirements may be reduced through the following processes:

a. Minor adjustment (Section 20-52.060). Allows for parking reduction up to 25 percent for projects that do not need a Minor or Major Conditional Use Permit. Examples are when a parking reduction up to 25 percent is needed to approve a Zoning Clearance or a Design Review Application. The review authority **Director of Planning and Economic Development** may, as a condition of project approval, approve an increase or decrease in parking spaces after first making the following findings:

(1) Due to special circumstances associated with the operation of the use at its location, the proposed use will generate a parking demand different from the standards specified in Table 3-4;

(2) The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use.

b. Project approval. If the project already requires a Minor Use Permit or Conditional Use Permit, these applications may be used to reduce the amount of parking spaces by any amount. The review authority, **Zoning Administrator for a Minor Use Permit or Planning Commission for a Conditional Use permit** may as a condition of project approval, approve an increase or decrease in parking spaces after first making the following findings:

(1) Due to special circumstances associated with the operation of the use at its location, the proposed use will generate a parking demand different from the standards specified in Table 3-4;

(2) The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use.

c. Minor use permit. Is used for reductions of over 25 percent when the project does not already include a Minor or Major Conditional Use Permit. Examples are Design Review Applications that request a reduction of over 25 percent and Zoning Clearance with a reduction of over 25 percent. The review authority **Zoning Administrator** may, as a condition of a Minor Use Permit, approve an increase or decrease in parking spaces after first making the following findings:

(1) Due to special circumstances associated with the operation of the use at its location, the proposed use will generate a parking demand different from the standards specified in Table 3-4;

(2) The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use.

J. **Official Zoning Code Interpretation No.14**, issued on June 7, 2017: This Interpretation clarifies that fences, walls, and screening on multi-family residential and non-residential properties require Design Review approval. The Zoning Code refers to “residential zoning district” for fence height limits but does not distinguish between single-family and multi-family residential zones.

a. Section 20-30.060(C), Fences, Walls and Screening

C. Height limits. ~~A fence in a residential zoning district shall not exceed the height limits shown in Table 3-1, unless authorized in compliance with Subsection D (Additional height with Minor Use Permit approval).~~ **A fence in a residential zoning district is subject to the following restrictions:**

1. Single family dwelling shall not exceed the height limits shown in Table 3-1, unless authorized in compliance with Subsection D (Additional height with Minor Use Permit approval). See also Figure 3-4.

2. Multifamily dwelling and non-residential properties will require Design Review approval and are not subject to the height limits shown in Table 3-1.

K. **Official Zoning Code Interpretation No.15**, issued on June 7, 2017: This Interpretation clarifies that, when an existing residential two-car garage is converted into a single-car garage and habitable space, the driveway’s two parking spaces shall count towards parking requirements.

a. Section 20-36.070(A)(2), Parking Design Standards

Prior to the issuance of a building permit for any parking facility, or any project which includes a parking facility, the review authority shall review and approve each such facility or project to assure that the proposed parking facility is designed and constructed in compliance with the following standards.

A. Location of parking facilities.

1. Required off-street parking shall be located on the same parcel as the uses served; except with Conditional Use Permit approval, parking may be located on a parcel in the vicinity of the parcel

served subject to a recorded covenant running with the land, recorded by the owner of the parking facility, guaranteeing that the required parking will be maintained exclusively for the use or activity served for the duration of the use or activity.

2. Parking facilities other than driveways shall not be located in a required front or street side setback, **except when a single-family residential two-car garage is converted into a single-car garage and habitable space.**

L. **Official Zoning Code Interpretation No.16**, issued on June 7, 2017: This Interpretation clarifies that City projects are not required to obtain entitlement permit approvals and are not required to comply with the Zoning Code or Design Guidelines, except to the minimum extent that is required by law.

a. Section 20-10.050(G), Applicability of Zoning Code

G. Government projects. The provisions of this Zoning Code shall apply to any County, special district, and State or Federal government or agency to the maximum extent allowed by law. The provisions of this Zoning Code shall not apply to any public project of the City except to the minimum extent required by law. **While an entitlement permit is not required for a City project, conceptual design review by the Design Review Board is required.**

b. Section 20-52.030(B)(2), Design Review

City projects. The DRB shall review each Building Permit application for a development project by any City agency or department, for which review is required by Subsection B (Applicability), above. Notwithstanding other provisions of this section, the review shall be for the purposes of providing advice to the Council, Redevelopment Agency, or Housing Authority, respectively., ~~and shall not abrogate the authority of the Council, Redevelopment Agency, or Housing Authority to make any final determination regarding a development project.~~

M. **Official Zoning Code Interpretation No.17**, issued on June 7, 2017: This Interpretation clarifies which of the following elements may be located within a required creekside setback:

- A pathway, either public or private, with a paved or unpaved surface;
- An overhanging/cantilevered portion of a structure; or
- A second-story addition to a single-story, single-family residence that is located within the required setback.

a. Section 20-30.040(B), Creekside Development.

B. Applicability. No structure, including buildings of any type, **including overhangs, cantilevered portions, second story additions to single-story structures**, swimming pools, including prefabricated swimming pools, driveways, streets, parking areas, patios, platforms, decks, fences, liquid storage tanks, mobile homes, broken concrete rubble, earth fill or other structural debris fill, or retaining walls, shall be placed within the Creekside setbacks required by this Section.

1. Existing structures. An existing, lawfully constructed structure that is located within a setback required by this Section is subject to the requirements for nonconforming structures in Chapter 20-61 (Nonconforming Uses, Structures, and Parcels).

2. Exceptions. This Section shall not apply to:

Paved or unpaved trails, both private and public, storm drainage, erosion control, and creekbank stability improvements that have been approved as required by law by the governmental agencies having jurisdiction over them.

N. **Official Zoning Code Interpretation No.18**, issued on June 7, 2017: This Interpretation clarifies how the word “abut” is defined by the Zoning Code to ensure that new uses have minimal impact on nearby residential uses. Due to creeks having varying widths in Santa Rosa, it is determined that properties that are separated by creeks may still be impacted by new uses and, therefore, still require a minor Conditional Use Permit. Given the width of both Highways 101 and 12, a new use adjacent to a residential zone or use that is separated by a highway would not impact existing residential uses, therefore, does not require a minor Conditional Use Permit.

a. Section 20-70.020, Definition of Specialized Terms and Phrases

Abut. Having property lines, street lines, zoning district lines, **or creeks** in common. **It does not include properties that share highways in common.**

O. **Official Zoning Code Interpretation No.19**, issued on June 7, 2017: This interpretation clarifies the type of activities that are permitted for the “Distilled Sprites – Production” land use, which include on-site tasting of spirits and direct retail sale of spirits in keeping with the regulations of the alcoholic Beverage Control (ABC) and Bureau of Alcohol, Tobacco, and Firearms (ATF).

a. Section 20-70.020(M), Definition of Specialized Terms and Phrases.

Manufacturing/Processing—Light. A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical

instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of light manufacturing uses include the following.

3. Food and Beverage Product Manufacturing. Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:

- bottling plants
- bread factories
- candy, sugar and confectionery products manufacturing
- catering services separate from stores or restaurants
- coffee roasting
- dairy products manufacturing
- **distilled spirits production – includes on-site tasting of spirits and direct retail sale of spirits consistent with the regulations of the Alcoholic Beverage Control (ABC) and the Bureau of Alcohol, Tobacco, and Firearms (ATF).**

P. **Official Zoning Code Interpretation No.22**, issued on December 18, 2018: This Interpretation clarifies how the required 75-foot setback from habitable structures to a Commercial Telecommunications Facility shall be measured. The Interpretation further defines “Habitable Structure”.

- a. Section 20-44.060(F)(19), Design guidelines for major commercial telecommunication facilities, habitable structure setback.

F. Design guidelines for commercial facilities. To the greatest extent possible, minor and major commercial telecommunication facilities shall be sensitively designed and located to be compatible with and minimize visual impacts to surrounding areas, including public property. To this end, each facility shall comply with the following design guidelines.

19. All major commercial telecommunication facilities shall be located at least 75 feet from any habitable structure, except for a habitable structure on the property in which the facility is located. **The 75-foot Habitable Structure Setback is measured as the shortest distance from a major commercial telecommunications facility to the nearest exterior wall of the**

closest habitable structure. Habitable structure as defined in this ordinance means a structure for living, sleeping, eating, or cooking spaces occupied by one household or family on a long-term basis. Habitable structure does not include a guest house or any transient residential occupancy of structure including but not limited to hotel or motel.

Q. **Official Zoning Code Interpretation No.24**, issued on December 18, 2018: This Interpretation clarifies that LED or similar menu boards at drive-thru restaurants are not prohibited signs but do require an approved Sign Permit.

a. Section 20-38.040(T), Signs and sign changes allowed without a Sign Permit

T. Drive-through menu boards **excluding digital menu boards**. Locations with approved drive through facilities are permitted a maximum of 30 square feet of menu reader board, with no portion of a menu board permitted to be over seven feet in height.

b. Section 20-38.080(C), Prohibited Signs

C. Moving, flashing, electronic/digital and windblown signs. No moving, rotating, flashing, or changing of color intensity or signs with electronic/digitally created content (i.e., electronic reader board signs), and no windblown signs, such as posters, pennants, streamers, or strings of light bulbs, balloons, or other inflated objects are permitted. The only exceptions to these requirements are time and temperature devices, digital service station price signs, **digital drive-thru restaurant menu boards**, and signs installed by a governmental agency in carrying out its responsibility to protect public health, safety and general welfare.

R. **Official Zoning Code Interpretation No.26**, issued on March 2, 2020: This Interpretation provides a definition and land use classification for hemp and hemp derived products.

a. Section 20-70.020, Definition of Specialized Terms and Phrases

Hemp: A crop that is limited to types of the plant *Cannabis sativa L.* having no more than three-tenth of one percent tetrahydrocannabinol (THC) contained in the dried flowering tops, whether growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin product therefrom.

Agricultural Product Processing. The processing of harvested crops to prepare them for on-site marketing or processing and packaging elsewhere. Examples of this land use include the following:

- **hemp cultivation and processing**

General Retail. Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

- **industrial hemp derived products**

- b. Section 20-38.070, Standards for special category signs

Proposed signs shall comply with the following standards where applicable, in addition to the sign area, height, and other requirements set forth in the City Design Guidelines and all other applicable provisions of this Chapter.

R. Business that sell hemp derived CBD products. Business that sell hemp derived CBD products shall not advertise or market hemp or hemp derived CBD products on an advertising sign within 1,000 feet of a day care center, school providing instruction in kindergarten or any grades 1 through 12, playground or youth center.

- S. **Official Zoning Code Interpretation No.27**, issued on December 18, 2018: This Interpretation clarifies that multiple mobile food vendors are permitted on a single parcel with Minor Use Permit approval.

- a. Section 20-42.210(C)(2), Mobile food Vending

C. Location criteria and hours of operation. The following location and hours of operation requirements shall apply to all mobile food vendors:

1. Location. Mobile food vending facilities may be proposed only on private property located within the General Commercial (CG) zoning district that have street frontage on Sebastopol Road, between Stony Point Road and Olive Street.

2. Concentration. No mobile food vendor shall locate within 200 feet of another approved mobile food vending location **on a separate parcel as measured between the mobile food vendors (not from property lines). Multiple mobile food vendors may be permitted on a single parcel, as determined by the Minor Use Permit.**

3. Hours. Hours of operation for mobile food vending businesses shall be between 6:00 a.m. and 11:00 p.m., as defined in Section 20-70.020 (Definitions – “Hours of Operation”), or as determined by the Minor Conditional Use Permit.

T. **Official Zoning Code Interpretation No. 31**, issued on December 16, 2020:
This Interpretation clarifies the review authority for creekside setback exceptions and updates Sonoma County Water Agency to Sonoma Water and Public Work Department (sic) to Water Department.

a. Section 20-30.040(D)(3), Creekside setback requirements

D. Creekside setback requirements.

3. Channelized waterway. Where a fully channelized waterway exists ~~and the channel is owned by, or under the control of the Sonoma County Water Agency,~~ structures may be closer to the top of the bank than a distance of 2.5 times the depth of the bank plus 50 feet, **subject to the following standards: the** ~~provided that this setback encroachment into the setback area will not obstruct or impair the channel's hydraulic functions;~~ **impede City or Sonoma Water Agency access or maintenance of the channel;** ~~or impair the stability of the slope, bank, or maintenance of the channel;~~ **or impair the stability of the slope, bank, or creekbed fountain, all as determined by and approved by the Planning and Economic Department, the Public Work Water Department, and additionally the Sonoma County Water Agency for projects adjacent to Sonoma Water owned or controlled channelized waterways.**

Staff recommends the following Zoning Code Text Amendments:

Chapter 20-15 Aggressive Economic Development Measures

Remove this chapter from the Zoning Code due to the Ordinance sunset date of August 20, 2015.

Chapter 20-39 Objective Design Standards for Streamlined and Ministerial Residential Developments.

Change the title of this chapter to **Objective Design Standards for Streamlined By Right Housing** to better reflect the intent of the provisions.

Section 20-22.030, Table 2-2, Section 20-23.030 Table 2-6, Section 20-24.030, Table 2-10, Section 20-26.030 Table 2-12

Strike AB 2161 and replace with AB 2162, to reflect the correct Assembly Bill.

Section 20-42.130 Accessory Dwelling Units

Staff recommends the following technical corrections to Zoning Code Section 20-42.130 Accessory Dwelling Units to better reflect consistency with State law:

- Establish side corner setbacks for ADUs
- Remove requirement for more restrictive setback for second story portions of ADUs
- Correct maximum floor area allowed for attached ADUs and internal conversions
- Broaden structures that ADUs can be constructed above (carport or other accessory structure added)
- Indicate that an ADU must include a separate exterior entrance
- Clarify no replacement off-street parking spaces are required when a junior accessory dwelling unit is created through the conversion or demolition, of an attached garage, carport or covered parking structure.
- Allow ADUs on multi-family properties to be attached to existing development and up to two-stories in height
- Specify that accessory structures attached to ADUs must comply with accessory structure height maximums

Various Zoning Code Sections amended related to the Downtown Station Area Specific Plan update (Section 20-10.050 Applicability of Zoning Code, 20-22.020 Purposes of residential zoning districts, 20-23.020 Purposes of commercial zoning districts, 20-23.040 Commercial district general development standards, 20-23.060 CMU, SMU, MMU, NMU zoning district standards, 20-28.060 Station Area (-SA) combining district, 20-28.110 Downtown Station Area (-DSA) combining district, 20-52.030 Design Review, 20-50.020 Authority for land use and zoning decisions, 20-54.060 Changes to an approved project)

Staff recommends the following technical corrections to the above-mentioned Zoning Code Sections to improve internal consistency within the Zoning Code and implement the Downtown Station Area Specific Plan (DSASP):

- Remove remnant Final Design Review references
- Clarify Director Level Design Review process in the Review Authority Table regarding Design Review
- Delete redundant language in the land use tables for CMU, SMU, MMU, NMU zoning districts
- Specify applicability of Zoning Code on projects in process – new process changes would be in effect, but previous development standards can be utilized if requested in accordance with specified timelines
- Add provision which allows approved projects that are diligently pursuing construction, and which propose modifications that do not result in a substantial change to project intensity may be processed for compliance according to the Zoning Code in effect at the time of approval
- Add language to zoning district descriptions that respective zoning districts are consistent with and implement various general plan land use designations
- Specify that transparency requirements apply only to non-residential building facades
- Eliminate duplicative and superseded Downtown Station Area combining district

- Update Review Authority Table for Historic Preservation decisions to be consistent with the Design Review Board as sole review authority for Design Review approvals in Historic Districts
- Eliminate superseded Downtown Station Area Specific Plan figure and table footnotes in Parking Chapter

Chapter 20-16 Resilient City Development Measures

Staff recommends the following corrections to Zoning Code Chapter 20-16 Resilient City Development Measures:

- Remove Subsection(A)(6) Notification from Section 20-16.040 Temporary structures and activities. Notification is not required for ministerial Temporary Use Permits for short-term activities.
- Remove Section 20-16.140 Setback requirements and exceptions. These changes were permanently codified with the Downtown Station Area Specific Plan implementation package (Ordinance No. ORD-2020-014).
- Two one-time automatic 12-month extensions for certain tentative maps and their associated entitlements originally adopted by the Council on January 8, 2019 (Ordinance No. ORD-2019-001) and February 25, 2020 (Ordinance No. ORD-2020-002) were inadvertently not included with the Resilient City Development Measures amendments adopted by Council on December 1, 2020 (Ordinance No. ORD-2020-017).

Staff proposes to re-add the automatic time extensions to Zoning Code Chapter 20-16, Resilient City Development Measures with the following sections, to read and provide as follows.

“20-16.140 – One-Time, 12-Month Extension for Tentative Maps and Associated Entitlements

A. One Time Map Extension. Notwithstanding any contrary provisions of this Code, the expiration date of any tentative subdivision map, vesting tentative subdivision map or parcel map for which a tentative map or vesting tentative map has been approved, that has not expired as of October 9, 2017, shall be extended by 12 months. This automatic extension shall substitute for one extension under Code Section 19-28.030 and shall not increase the total number of extensions allowed under the Code.

B. Concurrent Land Use Approvals. Notwithstanding any contrary provisions of this Code, for maps extended pursuant to Section (A), above, any discretionary land use approval that was granted in conjunction with the subdivision map, vesting tentative subdivision map or parcel map for which a tentative map or vesting tentative map has been approved, and that has not expired as of October 9, 2017, shall be extended by 12 months consistent with the extension granted pursuant to section (A).”

“20-16.150 – One-Time, 12-Month Extension for Tentative Maps and

Associated Entitlements

A. Tentative subdivision maps, vesting tentative subdivision maps, and tentative parcel maps that have been approved or conditionally approved and have not expired as of October 9, 2017, and were extended by City Council Ordinance No. ORD-2019-001 for one year, would be automatically extended by one additional year, provided such extension would not exceed the maximum number of extensions allowed under the Subdivision Map Act and City Code.

B. Discretionary land use approvals that have been approved in conjunction with the map approval and have not expired as of October 9, 2017 and were extended by City Council Ordinance No. ORD-2019-001 for one year, would be automatically extended by one additional year, consistent with the extended tentative subdivision map, vesting tentative subdivision map or tentative parcel map.”

FISCAL IMPACT

N/A

ENVIRONMENTAL IMPACT

The proposed text amendments, which are meant to clarify the original intent of the Zoning Code, are minor in nature and do not substantially change or alter the purpose of the code. This project is considered to be exempt from California Environmental Quality Act (CEQA) under Section 15061(b)(3). CEQA only applies to projects which have the potential for causing 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.

At the time of future development or land use changes, additional environmental analysis may be required to analyze the potential environmental impacts associated with specific development projects and uses proposed at specific locations.

NOTIFICATION

Pursuant to Zoning Code Section 20-66.020(D), Alternative to Mailing, the public hearing notice was placed as a one-eighth page in the Press Democrat. The notice was disseminated to the Department's email distribution list, which includes the City's Community Advisory Board, was uploaded to the Planning and Economic Department's webpage, and was posted at City Hall.

ATTACHMENTS

Attachment 1 – Zoning Code Text Amendments – Redline

Attachment 2 – Zoning Code Interpretations numbers 1, 2, 4 to 7, 9, 10, 13 to 19, 22, 24 to 28, and 31

Resolution

CONTACT

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