

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO INCORPORATE ZONING CODE INTERPRETATIONS MADE BY THE CITY'S ZONING ADMINISTRATOR AND OTHER TECHNICAL CORRECTIONS - FILE NUMBER ST21-001

WHEREAS, on August 3, 2004, the Council of the City of Santa Rosa adopted a comprehensive update of the Zoning Code; and

WHEREAS, Zoning Code Section 20-12.020.A, Rules for interpretation, states “the Zoning Administrator shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this Zoning Code,” and Zoning Code Section 20-12.030, Procedures for interpretations, outlines the process for drafting and retaining all interpretations. The meaning and applicability of all provisions and requirements of the Zoning Code are referred to as Zoning Code Interpretations (Interpretations); and

WHEREAS, between August 3, 2004, to July 14, 2011, the Zoning Administrator issued 34 Interpretations covering a broad range of topics; and

WHEREAS, on July 14, 2011, following a staff report and recommendation, 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; and

WHEREAS, on August 30, 2011, the City Council adopted an Ordinance codifying the 28 Interpretations; and

WHEREAS, since August 2011, 30 Interpretations were issued by the Zoning Administrator; and

WHEREAS, Planning staff reviewed each of the Interpretations to determine which Interpretations needed to be codified. Seven Interpretations have been codified or superseded through other Zoning Code text amendments and three Interpretations are temporary measures written in response to COVID-19 public health orders; as a result, 20 Interpretations are proposed to be codified; and

WHEREAS, additional text amendment needs have been identified over time to correct mistakes or add clarifications that are technical in nature and do not alter the policy or intent of the regulations; and

WHEREAS, on July 8, 2021, the Planning Commission held a public hearing and adopted a resolution recommending that the City Council amend the Zoning Code to incorporate Zoning Code Interpretations and other technical corrections; and

WHEREAS, 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 exempt from CEQA under CEQA Guidelines section 15061 (b) (3), in that the Project does not have the potential for causing a significant effect on the environment; and

WHEREAS, after a public hearing on October 26, 2021, the City Council of the City of Santa Rosa found that amending Title 20 (Zoning) of the Santa Rosa City Code, based on evidence and records presented, is required for implementation of the City's General Plan and public convenience, necessity, and general welfare; and

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

Section 1. The City Council finds, based on evidence and records presented, that amending Title 20 (Zoning) of the Santa Rosa City Code, as follows, is required to result in a more clear, effective and inclusive Zoning Code; and

The Council further finds and determines that:

- A. The proposed amendments are consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that the amendments are comprised of technical corrections, which will not result in any changes to the General Plan goals and policies. Additionally, the amendments further implement the goals and policies of General Plan related to housing, economic vitality, and land use by providing clarity and consistency with the State and local regulations; and
- B. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the amendments support approved Zoning Code land uses and regulations. As such, the proposed amendments will not result in any substantive changes to the Santa Rosa Zoning Code; and
- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and has been found exempt pursuant to CEQA Guidelines Section 15061(b)(3) because the Project does not have the potential to cause significant environmental impacts. 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; and
- D. The proposed amendments are internally consistent with other applicable provisions of this Zoning Code in that the amendments include technical corrections, which do not result in any substantial changes to the Zoning Code.

Section 2. Amend Subsection E. and Subsection G. of City Code Section 20-10.050 Applicability of Zoning Code, to read and provide as follows:

“E. Effect of Zoning Code changes on projects in progress. A land use permit or rezoning application that has been accepted by the Department as complete prior to the adoption date of this Zoning Code or any applicable amendment shall be processed according to the development standard and process requirements of this Zoning Code. Applications may be processed according to the development standards of the past Zoning Code upon written instruction made

by the applicant or representative, but compliance with all current process requirements is required. The Department must receive the written instruction no later than 30 days after the effective date of this Zoning Code. To be considered eligible for consideration under the past Zoning Code, at least one action must be taken by the review authority no later than 210 days after the effective date of this 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.”

Section 3. Add Subsection K. to City Code Section 20-10.050 Applicability of Zoning Code, to read and provide as follows:

“K. Effect of Zoning Code changes on Pipeline projects. 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. These may be changes allowed by Zoning Code Section 20-54.060 Changes to an approved project, or similar changes as approved by the Director.”

Section 4. Delete Subsection A. 6. from City Code Section 20-16.040.

Section 5. Delete City Code Section 20-16.140 Setback requirements and exceptions.

Section 6. Add City Code Section 20-16.140 One-Time, 12-Month Extension for Tentative Maps and Associated Entitlements to read and provide as follows:

“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).”

Section 7. Add City Code Section 20-16.150 Second, 12-Month Extension for Tentative Maps and Associated Entitlements to read and provide as follows:

“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.”

Section 8. Amend Subsection F. of City Code Section 20-22.020 Purposes of the residential zoning districts to read and provide as follows:

“F. NMU (Neighborhood Mixed Use) district. The NMU zoning district is applied to areas within downtown Santa Rosa to allow for multi-family residential development in all residential or mixed-use buildings and a variety of uses that primarily serve local residents such as professional office, retail, entertainment, service, and other neighborhood-scale supporting uses. Housing development will include low- and mid-rise apartments and condominiums, as well as small-lot single-family attached dwellings (e.g., duplexes, triplexes, townhomes). Live-work spaces and maker-oriented uses are permitted subject to performance standards. The NMU zoning district implements and is consistent with the Neighborhood Mixed Use land use classification of the General Plan.”

Section 9. Amend Footnote 4 on Table 2-2 of City Code Section 20-22.030 Residential district land uses and permit requirements, to read and provide as follows:

“A Minor Use Permit is required for the construction of new multi-family supportive or transitional housing units in an RR or R-1-6 Zoning District, similar to construction of a new traditional multi-family unit in an RR or R-1-6 Zone. The construction of new multi-family supportive housing units does not require a Minor Use Permit when the proposed use meets each of the requirements of Assembly Bill 2162, as specified in [Government Code](#) Section 65651. A new supportive or transitional housing use occupying an existing multi-family residence in an RR or R-1-6 Zoning District is a permitted use requiring only a Zoning Clearance.”

Section 10. Amend Table 2-5 of City Code Section 20-22.050 Residential district general development standards, to read and provide as follows:

**TABLE 2-5—R-2, R-3, NMU, AND TV-R DISTRICT DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District							
	R-2	R-3-10	R-3-15	R-3-18	R-3-30	R-3-HD	NMU (3)	TV-R
Setbacks, primary structures (1) (2)	<i>Minimum setbacks required. See Section <a href="#">20-30.110</a> for setback measurement instructions, and exceptions to these requirements.</i>							
Front	10 ft provided a 1-story portion may project up to 6 ft into the setback and required stairs and landings may project up to 10 ft into the setback.					Nonresidential ground floor	0 - 10 ft (min/max)	None, except as required by the review authority (2)
						Residential ground floor	5 - 12 ft (min/max)	
Side—Interior 1-story portions								

**TABLE 2-5—R-2, R-3, NMU, AND TV-R DISTRICT DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District							NMU (3)	TV-R
	R-2	R-3-10	R-3-15	R-3-18	R-3-30	R-3-HD			
Attached and detached except when:	5 ft						0 - 10 ft (min/max); 5 feet required when directly abutting existing low-density residential development	None, except as required by the review authority (2)	
Abutting an R-3	0 ft						0 - 10 ft (min/max); 5 feet required when directly abutting existing low-density residential development		
Side—Interior 2-story portions									
Attached and detached except when:	10 ft						0 - 10 ft (min/max); 5 feet required when directly abutting existing low-density residential development	None, except as required by the review authority (2)	
Abutting an R-3	7.5 ft	0 ft					0 - 10 ft (min/max); 5 feet required when directly abutting existing low-density residential development		
Abutting a nonresidential district	7.5 ft						0 - 10 ft (min/max)		
Side—Interior 3-story portions (or more)									
Attached and detached except when:	15 ft						0 - 10 ft (min/max); 5 feet required when directly abutting existing low-density residential development	None, except as required by the review authority (2)	
Abutting an R-3	10 ft	0 ft					0 - 10 ft (min/max); 5 feet required when directly abutting existing low-density residential development		
Abutting a nonresidential district	10 ft						0 ft		
Side—Corner	10 ft provided a 1-story portion may project up to 6 ft into the setback and required stairs and landings may project up to 10 ft into the setback.						0 - 10 ft (min/max)		
Rear									
Attached and	15 ft						0 ft; 5 feet required when	None, except	

**TABLE 2-5—R-2, R-3, NMU, AND TV-R DISTRICT DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District							NMU (3)	TV-R
	R-2	R-3-10	R-3-15	R-3-18	R-3-30	R-3-HD			
detached except when:							directly abutting existing low-density residential development	as required by the review authority (2)	
Abutting an R-3	15 ft	0 ft					0 ft; 5 feet required when directly abutting existing low-density residential development		
Abutting an RR or R-1	20 ft						5 ft		
Garage/carport front	A garage/carport entrance facing a public or private street shall be set back 19 ft from the rear of the sidewalk, street property line, or street plan line, whichever is greater. A garage facing a public or private alley or driveway shall be set back 3 to 5 ft, or 19 ft from the alley property line, back of curb, sidewalk, or pavement edge, whichever is greater.								
<b>Setbacks, accessory structures (1)</b>	<i>Minimum setbacks for accessory structures. See also Sections <a href="#">20-30.110</a> for exceptions, and <a href="#">20-42.030</a> (Accessory Uses and Structures).</i>								
Front	20 ft						None, except as required by the review authority (2)	None, except as required by the review authority (2)	
Side—Interior	5 ft								
Side—Corner	15 ft								
Rear	5 ft								
Alley	3 to 5 ft, or 19 ft when used for parking with direct access to alley.								
<b>Building separation</b>	See Sections <a href="#">20-30.110</a> (Setback Requirements and Exceptions) and <a href="#">20-42.030</a> (Accessory Structures and Uses).								
<b>Lot coverage</b>	<i>Maximum percentage of total lot area that may be covered by structures. See Section <a href="#">20-22.040</a> (Residential District Subdivision and Density Standards).</i>								
Maximum coverage	50%	55%	60%	65%	75%	100%	100%		
<b>Height limit</b>	<i>Maximum allowable height of structures. See Section <a href="#">20-30.070</a> (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>								
Primary structures	35 ft				45 ft		No maximum. See FAR Section 20- 23.060.A.	4 stories, except for properties that abut residential and historic residential uses and zoning districts, maximum height shall	

**TABLE 2-5—R-2, R-3, NMU, AND TV-R DISTRICT DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District							
	R-2	R-3-10	R-3-15	R-3-18	R-3-30	R-3-HD	NMU (3)	TV-R
								transition down to a max. of 3 stories adjacent to the residential property.
Accessory structures	16 ft							
Fences, walls & hedges	No fence, wall, or hedge shall exceed a height of 3 feet in any required front or corner side setback, or 6 feet in any other location on the lot. See Section <a href="#">20-30.110</a> (Setback requirements and exceptions).							
Landscaping	See Chapter <a href="#">20-34</a> (Landscaping Standards).							
Parking	See Chapter <a href="#">20-36</a> (Parking and Loading).							
Signs	See Chapter <a href="#">20-38</a> (Signs).							

**Notes:**

- (1) The Design Review or Conditional Use Permit process may require larger setbacks.
- (2) The North Station Area (-SA) or Downtown Station Area (-DSA) Combining Districts may require special setbacks.
- (3) See Zoning Code Section 20-23.060 for additional zoning district development standards.

Section 11. Amend Subsections E., F., and G., of City Code Section 20-23.020 Purposes of commercial zoning districts to read and provide as follows:

“E. CMU (Core Mixed Use) district. The CMU zoning district is applied to areas within downtown Santa Rosa to foster a mix of residential and nonresidential uses to activate the greater Old Courthouse Square area and key transit corridors. The principal objectives of the CMU designation are to strengthen the role of this area as a business, governmental, retail, tourism, entertainment, and cultural hub for the region, and to accommodate significant new residential development. New residential development will serve as a catalyst for increased activity and create a built-in market for retail, service, and entertainment uses. High-rise development in all residential or mixed-use buildings is envisioned in a walkable, bikeable environment with public gathering places such as plazas, courtyards, or parks and easy access to public transit. The CMU zoning district implements and is consistent with the Core Mixed Use land use classification of the General Plan.

F. SMU (Station Mixed Use) district. The SMU zoning district is applied to areas within downtown Santa Rosa to provide for a range of visitor-serving uses, including retail, restaurants, entertainment, cultural amenities, and hotels in proximity to the Downtown SMART station. While commercial uses are emphasized, new multi-family housing will also be allowed to support the daytime and evening vitality of the Downtown Station Area. New development will be required to respect the historic character of the Railroad Square area, adding to the mix of uses and enhancing the walkable, pedestrian-oriented streets and public spaces that attract locals, SMART train riders, and visitors from the wider region. The SMU zoning district implements and is consistent with the Station Mixed Use land use classification of the General Plan.

G. MMU (Maker Mixed Use) district. The MMU zoning district is applied to areas within downtown Santa Rosa to emphasize a balanced mix of residential, creative, and maker-oriented uses, including artisan shops, studios, media production, printing and publishing, distilleries and micro-breweries, cannabis, tech start-ups, research and development facilities, limited light industrial uses, and other home-based businesses. Multi-family residential and live/work units are encouraged in all-residential or mixed-use buildings. Supportive uses that contribute to a vibrant village atmosphere, such as bodegas, specialty food stores, cafés, coffee shops, performing arts venues, theatres, restaurants, schools, and educational facilities are also permitted. The MMU zoning district implements and is consistent with the Maker Mixed Use land use classification of the General Plan.”

Section 12. Amend Footnote 12 on Table 2-6 of City Code Section 20-23.030 Commercial district land uses and permit requirements, to read and provide as follows:  
 “Supportive housing is allowed only when the proposed use meets each of the requirements of Assembly Bill 2162, as specified in Government Code Section 65651.”

Section 13. Amend Table 2-8 of City Code Section 20-23.040 Commercial district general development standards, to read and provide as follows:

**TABLE 2-8—CV, CMU, SMU, MMU AND CSC DISTRICT DEVELOPMENT STANDARDS**

Development Feature	Requirement by Zoning District				
	CV	CMU(4)	SMU(4)	MMU(4)	CSC
Minimum lot size	<i>Minimum area and dimensions for parcels proposed in new subdivisions.</i>				
Area	20,000 sf	None required			Determined by CUP
Dimensions	None required (1)				
Residential density	<i>Maximum number of dwelling units allowed on a parcel. The actual number of units will be determined by the City through subdivision or land use permit approval.</i>				



Development Feature	Requirement by Zoning District				
	CV	CMU(4)	SMU(4)	MMU(4)	CSC
Maximum density	Not allowed	See FAR Section <a href="#">20.23.060</a> . None required for parcels without an assigned FAR.	See FAR Section <a href="#">20-23.060</a> .		1 unit required per 4,000 sf of nonresidential floor area to a maximum of 30 units per acre.
<b>Setbacks (1) (2)</b>	<i>Minimum setbacks required. See Section <a href="#">20-30.110</a> for setback measurement instructions.</i>				
Front	20 ft (3)	Nonresidential Ground Floor	0-10 ft (min/max)		7.5 ft adjacent to a residential zone or use; none required elsewhere
		Residential Ground Floor	5-12 ft (min/max)		
Side—Interior (each)	5 ft adjacent to a residential zone or use; none required elsewhere.	0 -10 ft (min/max); 5 ft required when directly abutting existing low-density residential development.			5 ft adjacent to a residential zone or use; none required elsewhere.
Side—Corner	Same as interior side	0-10 ft (min/max)			Same as interior side
Rear	20 ft	5 ft adjacent to a low-density or medium low-density residential zone or use; none required elsewhere.			5 ft adjacent to a residential zone or use; none required elsewhere.
<b>Lot coverage (1)</b>	<i>Maximum percentage of total lot area that may be covered by structures.</i>				
Maximum coverage	85%	100%			
<b>Height limit (4)</b>	<i>Maximum allowable height of structures. See Section <a href="#">20-30.070</a> (Height Limits and Exceptions) for height measurement requirements, and height limit exceptions.</i>				
Maximum height	55 ft	See FAR Section <a href="#">20-23.060</a> . For properties without an assigned FAR, a	See FAR Section <a href="#">20-23.060</a> .		55 ft

Development Feature	Requirement by Zoning District				
	CV	CMU(4)	SMU(4)	MMU(4)	CSC
		max of 35 ft			
Landscaping	See Chapter <a href="#">20-34</a> (Landscaping Standards)				
Parking	See Chapter <a href="#">20-36</a> (Parking and Loading)				
Signs	See Chapter <a href="#">20-38</a> (Signs)				

**Notes:**

- (1) Subdivision or Conditional Use Permit approval may establish specific requirements for minimum lot area, maximum lot coverage, set backs, and/or dimensions based on the characteristics of the site or surroundings, environmental constraints, and/or other issues.
- (2) The Design Review process may require larger setbacks.
- (3) A 20-foot front setback is required for buildings and off-street parking areas; outdoor auto display areas require no front setback.
- (4) See Zoning Code Section 20-23.060 for additional zoning district development standards.

Section 14. Amend Subsection C.3. of City Code Section 20-23.060 CMU, SMU, MMU, NMU zoning district development standards, to read and provide as follows:

“C.3. Transparency (fenestration) requirements. Primary and side street non-residential building facades shall incorporate ground floor transparency/fenestration for 60 percent of the main frontage and 25 percent of the side façade, or as allowed by local building code.”

Section 15. Amend Footnote 8 on Table 2-10 of City Code Section 20-24.030 Industrial district land uses and permit requirements, to read and provide as follows:

“Supportive housing is allowed only when the proposed use meets each of the requirements of Assembly Bill 2162, as specified in Government Code Section 65651.”

Section 16. Amend Footnote 4 on Table 2-12 of City Code Section 20-26.030 Special purpose district land uses and permit requirements, to read and provide as follows:

“Supportive housing is allowed only when the proposed use meets each of the requirements of Assembly Bill 2162, as specified in Government Code Section 65651.”

Section 17. Delete City Code Section 20-28.060 Station Area (-SA) combining district.

Section 18. Renumber City Code Section 20-28.110 Downtown Station Area (-DSA) combining district to City Code Section 20-28.060 Downtown Station Area (-DSA) combining district.

Section 19. Amend City Code Section 20-30.040, to read and provide as follows:

**“20-30.040 Creekside development.**

A. Purpose. This Section requires minimum setbacks from waterways for new structures, to provide reasonable protection to owners of riparian property and the public from the hazards of stream bank failures and flooding, while allowing owners of property near waterways reasonable use of and the opportunity to improve their properties consistent with general safety.

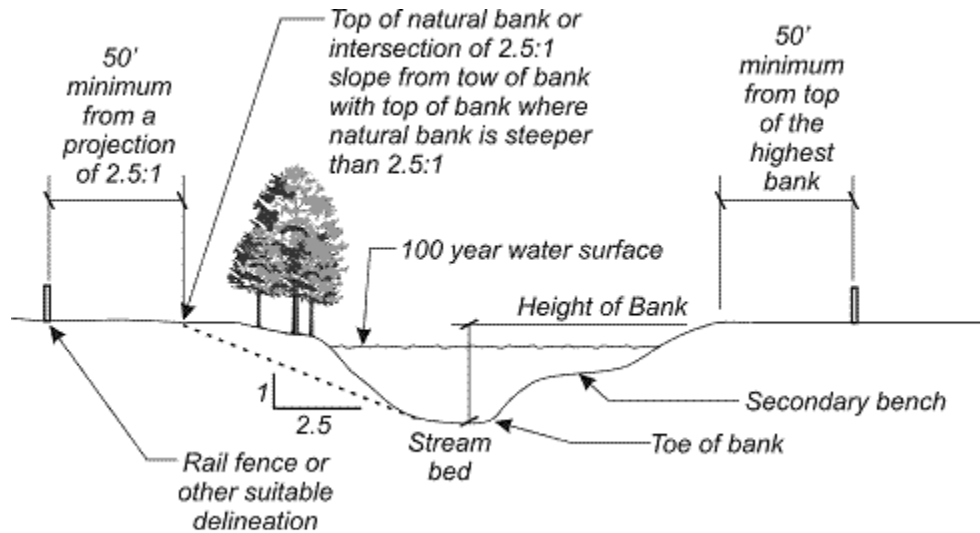
B. Applicability. No structure, including buildings of any type, including overhangs, cantilevered portions, second story additions to single-story structures, swimming pools, including prefabricated swimming pools, driveways, streets, parking areas, patios, platforms, decks, fences, liquid storage tanks, 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.
3. Design guidelines. See also Section 4.4 (Creeks, Riparian Corridors, and Storm Drainage) of the City's Design Guidelines.

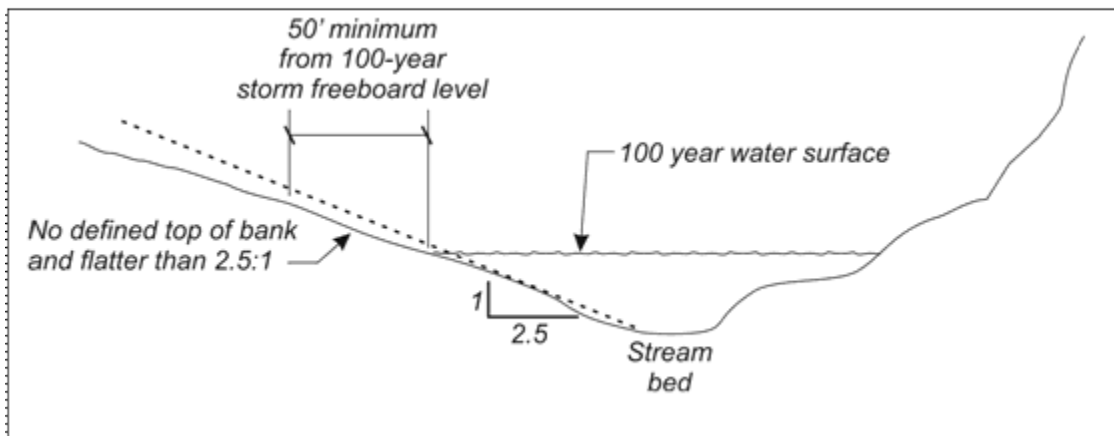
C. Definitions. Definitions of the technical terms and phrases used in this Section may be found in Division 7 (Glossary), under "Waterway."

D. Creekside setback requirements.

1. Waterway with defined bank. The exterior boundary of the setback area on each side of a natural or modified natural waterway shall be 50 feet from the top of the highest bank on that side of the waterway, as determined by the Director. When the bank of a natural or modified natural waterway is steeper than 2.5:1, the exterior setback boundary shall be measured by the projections of a slope of 2.5:1 from the toe of the stream bank to ground level, plus 50 feet. See Figure 3-1.
2. Waterway without defined bank. The exterior boundary of the setback area adjacent to the side of a natural or modified natural waterway, where the top of the stream bank is not defined, shall be 50 feet, measured horizontally, from the established 100-year storm freeboard level. See Figure 3-2.



**Figure 3-1 – Setback with defined bank (see exceptions Section 20-30.040.D.4.)**



**Figure 3-2 – Setback without defined bank (see exceptions Section 20-30.040.D.4.)**

3. Channelized waterway. Where a fully channelized waterway exists, 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 setback encroachment will not obstruct or impair the channel's hydraulic functions; impede City or Sonoma Water access or maintenance of the channel; 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 Water Department, and additionally Sonoma Water for projects adjacent to Sonoma Water owned or controlled channelized waterways.
4. Exceptions.
  - a. The setbacks required in Section 20-30.040 shall be 30 feet for existing properties or adjacent areas within the City that were developed in compliance with applicable setback requirements in effect prior to September 3, 2004.
  - b. The setbacks required in Section 20-30.040 shall be 30 feet for new development that is surrounded by existing structures that were developed in compliance with applicable setback requirements in effect prior to September 3,

2004.

c. Setbacks for accessory dwelling units shall be provided consistent with Section 20-42.130 Accessory dwelling units.

E. Bridges and utilities within setback areas. Bridges for motor vehicles, pedestrians, and/or bicycles, and/or public utility infrastructure may cross through a waterway setback area and over or under its channel, provided that the installation has received all required approvals from the City. "Bridges" as used in this subsection includes the segments of the street connecting with the ends of the bridge and the use of box culverts to contain the waters of a waterway for a street overcrossing."

Section 20. Amend City Code Section 20-30.060, to read and provide as follows:

**"20-30.060 Fences, walls, and screening.**

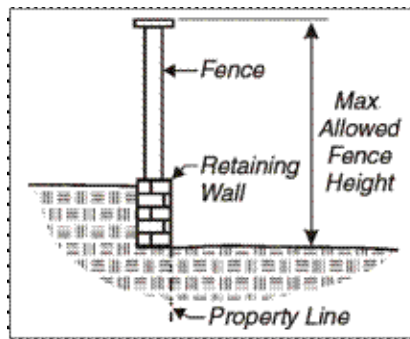
A. Purpose. This Section provides regulations for the installation, construction, and placement of fences on private property. For the purposes of this Zoning Code, the term "fence" includes fences, hedges, walls or structures in the nature of a fence.

B. Measurement of fence and wall height.

1. Fence height shall be measured as the vertical distance between the finished grade at the base of the fence and the top edge of the fence material.

2. The height of fencing atop a wall shall be measured from the base of the wall.

3. Where the ground elevation within six feet of the base of a fence differs from one side of the fence to the other (as when a fence is placed at the top of a slope or on a retaining wall), the height shall be measured from the side with the lowest natural grade; except that a safety fence with a height of 42 inches shall be allowed on the top of a retaining wall of 30 inches or more in height with Minor Use Permit approval. See Figure 3-3.



**Figure 3-3—Fence Height Measurement**

C. Height limits. 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.

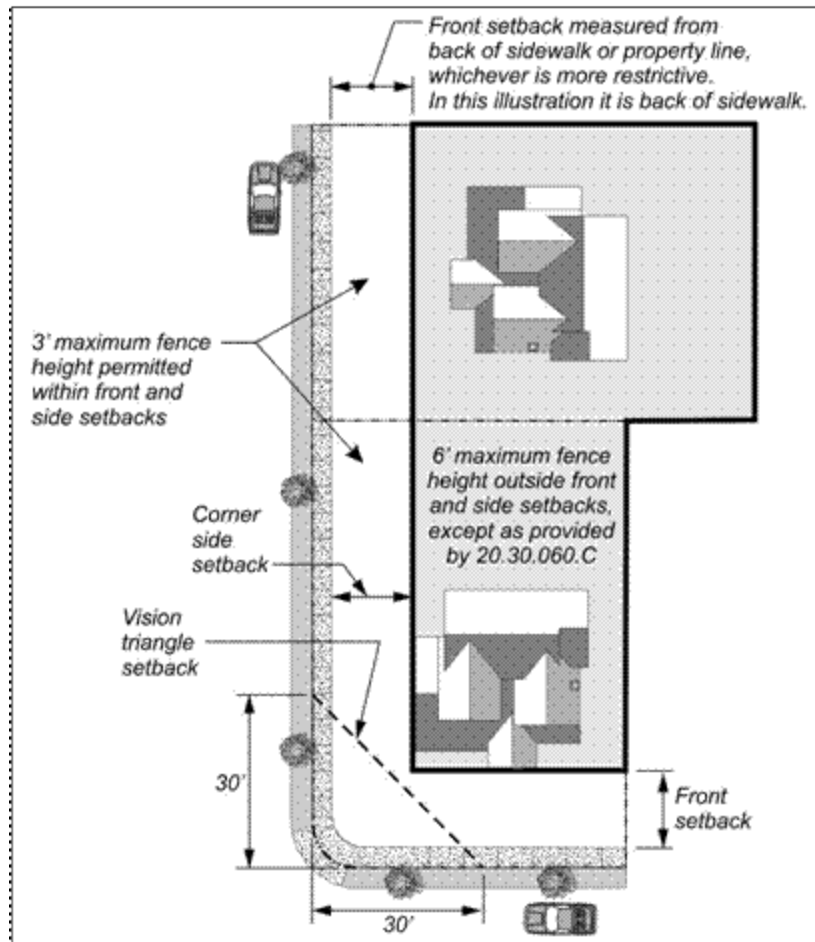
**TABLE 3-1—MAXIMUM HEIGHT OF FENCES**

Location	Maximum Height (1)
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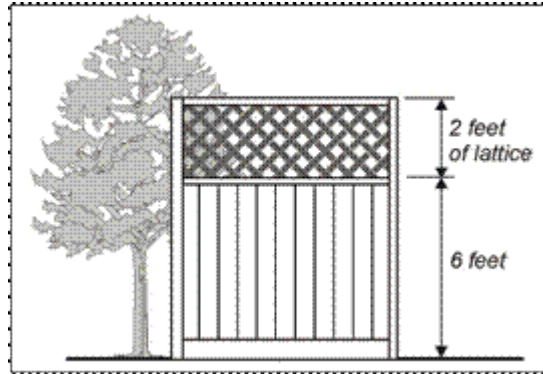
Within required front yard setback	36 inches
Within interior side or rear yard setback	6 feet (2)
Within exterior side setback	36 inches
Within a vision triangle (see Section 20-30.070.E)	No fence allowed, except as provided by Section 20-30.070.E (Vision Triangles).
Outside of a required setback	6 feet (2)

**Notes:**

- (1) See the City's *Processing Review Procedures for Owners of Historic Properties* for fence height guidelines with an -H (Historic) combining district.
- (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 seven feet in height requires a Building Permit.



**Figure 3-4—Allowed Fence Height**



**Figure 3-5—Lattice Allowed for Additional Fence Height**

D. Additional height with Minor Use Permit approval. A fence may be constructed to a height in excess of the limits established by Subsection C with Minor Conditional Use Permit approval, except within a required vision triangle (Section 20-30.070.E). Minor Conditional Use Permit approval shall require that the review authority first make all of the following findings, in addition to those required for Minor Conditional Use Permits by Section 20-52.050:

1. The issuance of the permit is reasonably necessary, by reason of unusual or special circumstances or conditions relating to the property, for the preservation of valuable property rights or the full use and enjoyment of the property;
2. The fence will not create a safety hazard to pedestrians or vehicular traffic;
3. The appearance of the fence is compatible with the design and appearance of other existing buildings and structures within the neighborhood;
4. The fence is a planned architectural feature to avoid dominating the site or overwhelming the adjacent properties and structures;
5. The orientation and location of the fence is in proper relation to the physical characteristics of the site and the surrounding neighborhood; and
6. The fence will be of sound construction.

E. Fire hazards. The Building Official shall not grant a building permit for any fence that will interfere with access in case of fire by the Fire Department to buildings in the vicinity, or that will constitute a hazard to vehicle traffic or pedestrians.

F. Temporary fences—Exceptions. Nothing in this Zoning Code shall be deemed to prohibit the erection of a temporary fence around construction works in compliance with the Building Code and other applicable provisions of the City Code.

G. Barbed wire. Barbed wire fencing shall not be constructed or placed over a fence except in agricultural, open space, or industrial areas. Minor Conditional Use Permit approval shall be required for barbed wire fencing abutting residential uses.

H. Screening.

1. Proposed development within commercially or industrially zoned sites that are adjacent to any residential zoning district shall provide screening between districts, subject to Design Review.
2. Outdoor storage areas in any commercial or industrial zoning district shall be permanently screened from view from any adjacent public right-of-way, access easement, or adjacent private property in compliance with Section 20-42.170 (Storage, Outdoor), and Section 20-30.090.L.1.g (Security—Dumpsters).”

Section 21. Amend City Code Section 20-34.020, to read and provide as follows:

**“20-34.020 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.

- A. New projects. New nonresidential projects, multi-family residential projects, and single-family residential projects shall provide landscaping in compliance with the requirements of this Chapter.
- B. Existing development. The approval of any permit for physical alterations and/or changes in use within an existing development may include conditions of approval requiring compliance with specific landscaping and irrigation requirements of this Chapter. When landscaping is required, the landscape and irrigation improvements shall be installed prior to final building inspection.
- C. Alternatives to requirements. Modifications to the standards of this Section may be approved by the appropriate authority to accommodate alternatives to required landscape materials or methods, where it is first determined that the proposed alternative will be equally effective in achieving the intent of this Section.
- D. When in conflict with City Code Chapter 14-30, Water Efficient Landscape, Chapter 14-30 shall control.”

Section 22. Amend City Code Section 20-34.030, to read and provide as follows:

**“20-34.030 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.

- A. Plan preparation. Landscape plans shall be prepared by a landscape architect or other person qualified by education and experience to prepare landscape plans.
- 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 Ordinance (City Code Chapter 14-30).
- C. Water-efficient landscape criteria. Landscape and irrigation plans shall comply with the requirements and guidelines of the City’s Water Efficient Landscape Ordinance (WELo), pursuant to City Code Chapter 14-30.
- D. Changes to approved plans. Changes to approved landscaping or irrigation plans shall not be made without prior written approval of the Director.
- E. Compliance with required plans. The construction/installation of landscape and irrigation improvements shall be accomplished in compliance with the approved plans as a prerequisite to any final approval/clearance of the use or development to which it relates.”

Section 23. Amend Subsection C. of City Code Section 20-36.040 Number of parking spaces required, to read and provide as follows:

**“C. Expansion of structure, change in use.**

- 1. Expansion of structure. When existing conforming or nonconforming 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.”

Section 24. Amend Footnotes (1) and (2) of Table 3-4 of City Code Section 20-36.040  
“(1) Properties located within the boundaries of the Downtown Station Area Specific Plan shall use the land use type “Downtown Station Area Specific Plan” to determine the number of parking spaces required.  
(2) Properties located within the boundaries of the North Santa Rosa Station Area Specific Plan shall use the land use type “North Station Area Specific Plan” to determine the number of parking spaces required.”

Section 25. Delete Downtown residential units (in CD zone) row in Table 3-4 of City Code Section 20-36.040.

Section 26. Delete Figure 3-11 from City Code Section 20-36.040.

Section 27. Amend Subsection C.1. of City Code Section 20-36.050 Adjustment to parking requirements, to read and provide as follows:

“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 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 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 Table3-4;
- (2) The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use.”

Section 28. Amend Subsection A. of City Code Section 20-36.070 Parking design standards, to read and provide as follows:

“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.”

Section 29. Amend Subsection T. of City Code Section 20-38.040 Sign and sign changes allowed without a Sign Permit, to read and provide as follows:

“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.”

Section 30. Add Subsection R. of City Code Section 20-38.070 Standards for special category signs, to read and provide as follows:

“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.”

Section 31. Amend Subsection C. of City Code Section 20-38.080 Prohibited signs, to read and provide as follows:

“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.”

Section 32. Amend Subsection A. of City Code Section 20-42.034 Alcoholic beverage sale, to read and provide as follows:

“A. 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 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.”

Section 33. Amend Subsection C.1. of City Code Section 20-42.070 Home Occupation, to read and provide as follows:

“C. Permit requirements. A home occupation shall require Minor Conditional Use Permit or Conditional Use Permit approval in compliance with this subsection if it not considered exempt. The approval shall run with the parcel where granted and shall not be transferred to another location.

1. 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.

a. The occupation involves only the use of common household equipment, including, but not limited to, the computer/internet, telephone, and mail; or

b. The occupation is conducted elsewhere, but some or all of the equipment and materials are kept in one vehicle garaged on the premises; or

c. The occupation utilizes the home as an adjunct to a principal office located elsewhere, and no customers, clients, students, patients, or persons in similar relationships to the office’s affairs visit the home as a regular business practice; or

d. The occupation involves tutoring of no more than two students at one time.”

Section 34. Amend Subsection E. of City Code Section 20-42.130, to read and provide as

follows:

“E. Development standards. An accessory dwelling unit permit shall be issued only if the unit complies with the following development standards:

1. General. No development standards shall be applied that would prohibit up to an 800 square foot accessory dwelling unit that is no more than 16 feet in height with four-foot side and four-foot rear setbacks to be constructed in compliance with all other local development standards.
2. Setbacks.
  - a. Single-family residential districts including single-family PD districts. An accessory dwelling unit shall comply with the following setback requirements:
    - (1) A new attached or detached accessory dwelling unit shall provide a minimum four-foot side and four-foot rear setback, and a front setback consistent with that of the primary dwelling unit in a standard zoning district, or the most similar zoning district in the case of a PD. Side-corner setbacks shall be a minimum of eight feet.
  - b. Multifamily districts including multifamily PD districts. An accessory dwelling unit shall comply with the following setback requirements.
    - (1) A new attached or detached accessory dwelling unit shall provide a minimum four-foot side and four-foot rear setback, except when abutting an R-3 zoning district, in which case no minimum side or rear setback is required. The front setback shall be consistent with a primary dwelling unit in the applicable standard zoning district, or the most similar standard zoning district in the case of a PD. Side-corner setbacks shall be a minimum of eight feet.
  - c. No setback shall be required for an existing legally constructed living area, garage, or other accessory structure that is converted to an accessory dwelling unit with independent exterior access from an existing or proposed residence. A setback of five feet from the side and rear property lines is required for an accessory dwelling unit constructed above an existing legally constructed or proposed garage.
  - d. Any new attached accessory dwelling unit, detached accessory dwelling unit or expansion of the single-family dwelling to support the internal conversion for an accessory dwelling shall be designed to maintain appropriate setbacks, as described in Subsection E.2.a. and b. above, from the future width of any abutting public streets. Future street configurations shall be based on the widths, standards and right-of-way lines in the circulation element of the Santa Rosa General Plan, the City Street Design and Construction Standards, City street lists or specifically addressed in a resolution adopted by the City Council.
3. Maximum floor area.
  - a. New detached unit. No newly constructed detached accessory dwelling unit may contain habitable space in excess of 1,200 square feet.
    - (1) An automatic fire sprinkler system shall be installed throughout structures that exceed 1,200 square feet total floor area.
  - b. New attached unit. No newly constructed attached accessory dwelling unit may contain habitable space in excess of 50 percent of the existing residential square

footage except that 850 square feet total floor area must be allowed for studio or one-bedroom ADUs, and 1,000 square feet total floor area must be allowed for more than one-bedroom ADUs.

(1) An automatic fire sprinkler system shall be installed throughout all buildings that undergo any combination of substantial remodel, addition or both that exceed 50 percent of the existing total floor area.

c. Internal conversion. An accessory dwelling unit created entirely by the internal conversion of an existing single-family dwelling shall not occupy more than 45 percent of the existing habitable space of the residence, excluding the garage, nor shall it exceed 1,200 square feet except that 850 square feet total floor area must be allowed for studio or one-bedroom ADUs, and 1,000 square feet total floor area must be allowed for more than one-bedroom ADUs. An accessory dwelling unit created entirely by the internal conversion of a detached accessory structure shall not exceed a maximum of 1,200 square feet

(1) An automatic fire sprinkler system shall be installed throughout all buildings that undergo any combination of substantial remodel, addition or both that exceed 50 percent of the existing total floor area.

4. Height limit.

a. A one-story accessory dwelling unit shall not exceed a maximum height of 16 feet. A two-story accessory dwelling unit shall not exceed a maximum height of 27 feet. No accessory dwelling unit shall exceed 27 feet in height.

b. When an accessory dwelling unit is located above an existing or proposed garage, carport or other accessory structure, the entire combined structure shall not exceed 27 feet in height.

5. Lot coverage. An accessory dwelling unit shall comply with the lot coverage requirements of the applicable zoning district or the most similar zoning district in the case of a PD, except as referenced in Subsection E.1, above.

6. Architectural compatibility. Architectural compatibility between the accessory dwelling unit and primary dwelling unit shall be demonstrated by matching one or more of the following qualities of the accessory dwelling unit to the proposed or existing primary dwelling unit:

- a. Color;
- b. Siding material and style; or
- c. Architectural features.

7. Exterior entrance. An Accessory Dwelling Unit must include a separate exterior entrance.

8. Privacy. A balcony, window or door of a second story accessory dwelling unit shall be designed to lessen privacy impacts to adjacent properties. Appropriate design techniques include obscured glazing, window placement above eye level, screening treatments, or locating balconies, windows and doors toward the existing on-site residence.

9. Residential development. A residential dwelling must already exist on the lot or

shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit.

10. Number per lot.

a. A maximum of one accessory dwelling unit and one junior accessory dwelling unit shall be permitted on any single-family lot zoned for single-family uses.

b. The number of accessory dwelling units allowed within a multifamily dwelling are limited to not more than 25% of the existing number of multifamily dwelling units on the property, except that at least one accessory dwelling unit shall be allowed. These accessory dwelling units shall be allowed within the portions of dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings

c. No more than two detached or attached ADUs are permitted on any multifamily lot developed with an existing or proposed multifamily dwelling.

11. Parking. One off-street parking space is required for an accessory dwelling unit, except as set forth below. The off-street parking shall be permitted uncovered, compact, tandem and in setback areas, unless the review authority determines that tandem parking or parking within a setback is not feasible due to specific site or topographical or fire and life safety conditions. No off-street parking shall be required if one or more of the following circumstances exist:

a. The accessory dwelling unit is 750 square feet or less in area, or a studio unit.

b. The accessory dwelling unit is located within one-half mile walking distance of public transit.

c. The accessory dwelling unit is located within a historic preservation district.

d. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

e. When on-street parking permits are required but not offered to the occupant of an accessory dwelling unit.

f. When there is a car share vehicle located within one block of the accessory dwelling unit.

g. To qualify for an exception, the applicant must provide supporting evidence, such as a map illustrating the location of the accessory dwelling unit and its proximity to a public transit stop or car share vehicle or its location within a historic preservation district, or proof of local parking permit requirements.

h. No replacement off-street parking spaces are required when an accessory dwelling unit is created through the conversion or demolition, of a garage, carport or covered parking structure.

12. Standards for proposed accessory structures attached to an existing or proposed accessory dwelling unit.

a. A proposed accessory structure with a floor area less than 50 percent of the accessory dwelling unit floor area:

- (1) Shall be processed ministerially in conjunction with the accessory dwelling unit.
  - (2) Shall comply with the lot coverage and setback requirements of this Section.
  - (3) Shall comply with the 16 foot height limit for an accessory structure as required by Zoning Code Section 20-42.030.
- b. A proposed accessory structure with a floor area that exceeds 50 percent of the total floor area of the accessory dwelling unit:
- (1) Is subject to any discretionary review required by this Zoning Code.
  - (2) Shall comply with lot coverage, height, and setback requirements for an accessory structure in the applicable standard zoning district or the most similar standard zoning district in the case of a PD.
  - (3) Shall comply with any applicable hillside and/or creekside setbacks.
13. Standards for hillside areas.
- a. Applicability. The development standards outlined below shall apply to accessory dwelling unit development on that portion of a site with a slope of 10 percent or greater.
- b. Development standards. An accessory dwelling unit exceeding 16 feet in height, or 800 square feet, shall observe 15-foot setbacks from side and rear property lines. When a building site abuts another parcel with a difference in vertical elevation of three feet or more, the required side and/or rear yard shall be measured from the nearest toe or top of slope to the structure, whichever is closer. Accessory dwelling units that are 800 square feet or less, and no greater than 16 feet in height, shall provide a minimum four-foot side and four-foot rear setback, consistent with this Section.
14. Standards for Historic Preservation Districts.
- a. Applicability. The requirements outlined below shall apply to new accessory dwelling units within the Historic (-H) Combining District.
- b. Architectural Compatibility. Architectural compatibility between the accessory dwelling unit and primary dwelling unit shall be demonstrated by one of the following means:
- (1) Matching each of the following qualities of the accessory dwelling unit to the proposed or existing primary dwelling unit:
    - (A) Color,
    - (B) Siding material and pattern, and
    - (C) Architectural features; or
  - (2) Through the preparation of a historic resource survey by a qualified professional that concludes the proposed accessory dwelling unit will not negatively impact historic resources on the property, will be consistent with Secretary of the Interior Standards for Treatment of Historic Properties.

15. Standards for creekside development.

- a. Applicability. The development standards outlined below shall apply to accessory dwelling unit development within the specified distances to waterways as indicated in Section 20-30.040 – Creekside Development.
- b. Development standards. An accessory dwelling unit exceeding 16 feet in height, or 800 square feet, shall observe setbacks referenced in Section 20-30.040. Accessory dwelling units that are 800 square feet or less, and no greater than 16 feet in height, shall provide a minimum four-foot side and four-foot rear setback, consistent with this Section.”

Section 35. Amend Subsection F.4.f. of City Code Section 20-42.130 Accessory dwelling units, to read and provide as follows:

“f. Parking. Off-street parking shall not be required for junior accessory dwelling units. 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.”

Section 36. Amend Subsection C. of City Code Section 20-42.210 Mobile food vending, to read and provide as follows:

“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.”

Section 37. Amend Subsection F.19. of City Code Section 20-44.060 Commercial telecommunication facilities, to read and provide as follows:

“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.”



Section 38. Amend Table 5-2 Review Authority of City Code Section 20-50.020, to read and provide as follows:

**TABLE 5-1 – REVIEW AUTHORITY**

Type of Action	Role of Review Authority						
	Director	Zoning Administrator	DRB	Subdivision Committee	CHB	Planning Commission	City Council
<b>Administrative and Amendment Decisions</b>							
Development Agreement	Recommend					Recommend	Decision
Interpretation		Decision				Appeal (1)	Appeal
General Plan Amendment	Recommend					Recommend	Decision
Request for Reasonable Accommodation		Decision				Appeal	
Zoning Code Amendment						Recommend	Decision
Zoning Map Amendment						Recommend	Decision
<b>Concept Review</b>							
CHB Concept Review					Comment		
DRB Concept Review			Comment				
<b>Land Use Permits/Development Decisions</b>							
Conditional Use Permit	Recommend					Decision	Appeal
Minor Conditional Use Permit	Recommend	Decision				Appeal	
Design Review—DRB	Recommend		Decision				Appeal
Design Review—Zoning Administrator		Decision	Appeal				
Design Review—Administrative	Decision		Appeal				

**TABLE 5-1 – REVIEW AUTHORITY**

Type of Action	Role of Review Authority						
	Director	Zoning Administrator	DRB	Subdivision Committee	CHB	Planning Commission	City Council
Density Bonus/Affordable Housing Incentives	Recommend					Recommend	Decision
Hillside Permit—Single dwelling and additions	Recommend	Decision				Appeal (1)	
Hillside Permit—All others	Recommend					Decision	Appeal
Minor Adjustment	Decision					Appeal (1)	
Sign Permit	Decision		Appeal				
Sign Program	Decision		Appeal				
Sign Variance		Decision	Appeal				
Temporary Use Permit	Decision					Appeal	
Tree Permit	Decision					Appeal	
Variance	Recommend					Decision	Appeal
Minor Variance		Decision				Appeal (1)	
Zoning Clearance	Decision				Comment	Appeal	

**Note:**

(1) Commission makes decision if matter is referred to Commission by Director or Zoning Administrator, in which case appeals are then elevated to the next higher.

**Historic and Cultural Preservation Decisions**

Landmark or Preservation District Designation					Recommend		Decision
Landmark Alteration Permit—Major					Decision		Appeal
Landmark Alteration		Decision			Appeal		

**TABLE 5-1 – REVIEW AUTHORITY**

Type of Action	Role of Review Authority						
	Director	Zoning Administrator	DRB	Subdivision Committee	CHB	Planning Commission	City Council
Permit—Minor							
Sign Permit/Program					Decision		Appeal
<b>Subdivision Decisions (refer to City Code Title 19)</b>							
Certificates of Compliance	Decision						Appeal
Lot Line Adjustments	Decision						Appeal
Parcel Mergers	Decision						Appeal
Reversions to Acreage	Recommend					Decision	Appeal
Tentative Parcel Maps and Extensions	Recommend			Decision		Appeal	Appeal
Tentative Maps and Extensions	Recommend					Decision	Appeal

**Note:**

(1) Commission makes decision if matter is referred to Commission by Director or Zoning Administrator, in which case appeals are then elevated to the next higher

Section 39. Amend City Code Section 20-52.030 Design Review, to read and provide as follows:

**“20-52.030 Design Review.**

A. Purpose. This section establishes procedures for the City’s review of the design aspects of proposed development (for example, building design, landscaping, site planning and development, and signs), in compliance with the City’s Design Guidelines.

B. Applicability.

1. Private projects. Design Review approval is required for all projects requiring a Building Permit and all exterior physical changes to existing structures that may or may not require a Building Permit except for the following:

- a. Landscaping repair or replacement;
- b. Parking lot repaving;
- c. Repainting, even when it includes a color change, unless the repainting is for the purpose of creating signage for the building;

- d. Residential accessory structures;
- e. Single-family dwellings, dwellings which are proposed as part of a project within a PD zone, or where otherwise required by this Zoning Code;
- f. Solar panels, and integral parts of the solar panel system including supporting posts or poles, not including proposed new structures, such as a carport or other similar structures proposed in conjunction with the solar panel system. If proposed solar panels would have the possibility of creating a life or safety issue, such as excessive glare to local residences, sensitive facilities (airport) or water resources, the solar panels shall require a Minor Use Permit or Conditional Use Permit depending on the severity of the issues; and
- g. Activities subject to a Temporary Use Permit.

2. 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 its Successor Agency, or Housing Authority, respectively.

C. Review authority. Table 5-2 identifies the review authority and notice requirements for Design Review.

**TABLE 5-2—DESIGN REVIEW AUTHORITY AND NOTICE REQUIREMENTS**

Type of Application	Review Authority			Notice Requirements
	Director	Zoning Administrator	DRB	Design Review
Projects that involve only minor exterior modifications and are not within an historic district. Examples include the addition or modification of awnings, doors and/or windows, rooftop equipment that cannot be seen from the street, ADA improvements associated with tenant improvements, “cool roof” material changes, outdoor dining areas for restaurants within commercial or industrial zoning districts, and other similar minor changes as determined by the Director of Planning and Economic Development. Projects that involve more extensive exterior modifications but that are not readily visible from offsite may also be considered by the Director of	■			None

**TABLE 5-2—DESIGN REVIEW AUTHORITY AND NOTICE REQUIREMENTS**

Type of Application	Review Authority			Notice Requirements
	Director	Zoning Administrator	DRB	Design Review
Planning and Economic Development.				
Projects that involve up to 10,000 square feet in total floor area and projects that include significant exterior changes to existing buildings and the construction of new structures. Also included are new minor telecommunication facilities, and the new construction or major remodel of automobile dealerships on sites zoned for vehicle sales regardless of total floor area.		■		Public Meeting Notice Notice of Action (see Section <a href="#">20-66.060</a> )
Projects that involve 10,000 square feet or more in total floor area and major telecommunication facilities. (1) (2)			■	Public Hearing Notice Notice of Action (see Section <a href="#">20-66.060</a> )
Sign applications, including Sign Programs for multi-tenant projects.	■			Notice of Action (see Section <a href="#">20-66.060</a> )

**Notes:**

- (1) Visually sensitive locations and projects include the following.
  - a. Sites within the CMU (Core Mixed Use) zoning district, -G (Gateway), -H (Historic), or -SR (Scenic Resources) combining districts;
  - b. Hillside sites, infill sites, and major intersections;
  - c. Multi-family residential projects of 50 units or more, any three-story residential project, or an industrial or commercial project adjacent to residential; or
  - d. Other project that the Director determines may have significant visual impact.
- (2) Each project in an identified visually sensitive area shall require a visual analysis in compliance with Section [20-50.100](#) (Visual analysis).

D. Design Review process. The stages of Design Review established by this chapter are as follows:

1. Conceptual Design Review. Conceptual Design Review is highly advised and

provides the applicant with the review authority's tentative reaction to the general design concept of a proposed project. The review shall not include a formal decision on the application by the review authority. This review is optional, except within an -H combining district (see Section 20- 58.060).

2. Design Review. Design Review is a formal review to provide the applicant with specific responses to the proposed design.

a. The Design Review Board or Zoning Administrator shall adopt a formal resolution approving the design.

E. Application requirements. An application for Design Review approval shall be filed in compliance with Chapter [20-50](#) (Permit Application Filing and Processing). The application shall be accompanied by the information identified in the Department handout for Design Review approval applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection J (Findings and decision), below.

F. Project review. The review authority shall consider the location, design, site plan configuration, and the overall effect of the proposed project upon surrounding properties and the City in general. Review shall be conducted by comparing the proposed project to the General Plan, any applicable specific plan, applicable Zoning Code standards and requirements, consistency of the project with the City's Design Guidelines, architectural criteria for special areas, and other applicable City requirements (e.g., City policy statements and development plans).

G. Review with other entitlements. Final Design Review approval for projects that also require the approval of a discretionary permit (e.g., Conditional Use Permit, Variance, etc.) shall be acted upon following land use approval by the review authority in compliance with Table 5-1 (Review Authority).

H. Public notice and hearing.

1. Major Design Review—Public notice and hearing required. The Board shall conduct a public hearing on an application for Design Review before a decision on the application. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter [20-66](#) (Public Hearings). The review authority may approve, approve with conditions, or disapprove a Design Review application based on the findings required by Subsection I (Findings and decision), below.

2. Minor Design Review—Public notice required. Before a decision on a Minor Design Review, the Department shall provide notice in compliance with Chapter [20-66](#) (Public Hearings).

a. Public notice. The notice shall state that the Zoning Administrator will decide whether to approve or disapprove the Minor Design Review application on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

b. Hearing. When a hearing is requested, notice of the hearing shall be provided in compliance with Chapter [20-66](#), and the Zoning Administrator shall conduct the public hearing before a decision on the application in compliance

with Chapter [20-66](#).

I. Findings and decision. Design Review approval shall require that the review authority first find all of the following:

1. The design and layout of the proposed development is of superior quality, and is consistent with the General Plan, any applicable specific plan, applicable Zoning Code standards and requirements, the City's Design Guidelines, architectural criteria for special areas, and other applicable City requirements (e.g., City policy statements and development plans);
2. The design is appropriate for the use and location of the proposed development and achieves the goals, review criteria and findings for approval as set forth in the framework of Design Review (Design Guidelines, Introduction, subsection C);
3. The design and layout of the proposed development will not interfere with the use and enjoyment of neighboring existing or future developments;
4. The architectural design of the proposed development is compatible with the character of the surrounding neighborhood;
5. The design of the proposed development will provide a desirable environment for its occupants, visiting public, and its neighbors through the appropriate use of materials, texture, and color, and would remain aesthetically appealing and be appropriately maintained;
6. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity; and
7. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

J. Time limit on approval. Design Review approvals shall be granted for the same period of time as other discretionary permit approvals, but in no case for more than a 24-month period.

1. If construction in compliance with the Design Review approval has not been commenced within the approval period, the approval shall expire and be deemed automatically void.
2. Upon request of the applicant, an extension of time may be granted by the same review authority which originally granted the Design Review approval.
3. The extension shall not exceed 24 additional months.

K. Modifications. Upon request of the applicant, the review authority may authorize modifications of any application previously approved by the review authority in compliance with Section 20-54.060 (Changes to an Approved Project).

L. Installation of landscaping and irrigation.

1. Before issuance of a Building Permit for the subject project, final landscape and irrigation plans, where required, shall be approved by the Director as being consistent with the final Design Review decision on the project.
2. The landscape materials and irrigation equipment shown in the approved final landscape and irrigation plans shall be installed before final building inspection except

where the Director has approved an extension of time for completion and has obtained from the applicant an agreement and adequate security, in compliance with Section 20-54.040 (Performance Guarantees).

M. Conditions of approval. In granting Design Review approval, the review authority may impose any conditions of approval deemed reasonable and necessary to ensure that the project would comply with the findings required by Subsection I. (Findings and decision), above.

N. Post approval procedures. The procedures relating to appeals, project changes, issuance of a Building Permit, performance guarantees, and revocation in Division 6 (Zoning Code Administration), and those in Chapter 20-54 (Permit Implementation, Time Limits, and Extensions), shall apply following Design Review approval.”

Section 40. Amend the following definitions to City Code Section 20-70.020 Definitions of specialized terms and phrases, to read and provide as follows:

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

**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:

- alfalfa cubing
- corn shelling
- cotton ginning
- custom grist mills
- custom milling of flour, feed and grain
- dairies
- drying of corn, rice, hay, fruits and vegetables
- grain cleaning and custom grinding
- hay baling and cubing
- hemp cultivation
- pre-cooling and packaging of fresh or farm-dried fruits and vegetables
- sorting, grading and packing of fruits and vegetables
- tree nut hulling and shelling

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

- antique stores
- art galleries, retail
- art supplies, including framing services
- auction rooms



- bicycles
- books, magazines, and newspapers
- cameras and photographic supplies
- clothing, shoes, and accessories
- collectibles (cards, coins, comics, stamps, etc.)
- convenience stores
- department stores
- drug stores and pharmacies
- dry goods
- fabrics and sewing supplies
- florists and houseplant stores (indoor sales only—outdoor sales are “Building and Landscape Materials Sales”)
- hardware stores
- hobby materials
- industrial hemp derived products
- jewelry
- luggage and leather goods
- musical instruments, parts and accessories
- optics (prescription glasses, sunglasses, etc.)
- orthopedic supplies
- recreation equipment, bicycle and kayak rentals
- religious goods
- small wares
- specialty shops, including specialty food shops such as seafood or meat markets, retail bakeries, and similar uses
- sporting goods and equipment
- stationery
- toys and games
- variety stores

See also “Furniture, Furnishings, Appliance/Equipment Store.”

**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.

**1. Clothing and Fabric Product Manufacturing.** An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see “Personal Services”). See also, “Manufacturing/Processing—Heavy—Textile and Leather Product Manufacturing.”

**2. Electronics, Equipment, and Appliance Manufacturing.** An establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

- appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- computers, computer components, peripherals
- electrical transmission and distribution equipment
- electronic components and accessories, semiconductors, integrated circuits, related devices
- electrical welding apparatus
- lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- industrial controls
- instruments for measurement, testing, analysis and control, associated sensors and accessories
- miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- radio and television receiving equipment
- surgical, medical and dental instruments, equipment, and supplies
- storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards
- watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see “Business Support Services”), or research and development facilities separate from manufacturing (see “Research and Development”).

**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).
- fats and oil product manufacturing
- fruit and vegetable canning, preserving, related processing
- grain mill products and by-products
- meat, poultry, and seafood canning, curing, byproduct processing
- soft drink production
- miscellaneous food item preparation from raw products

Does not include: bakeries (see “Restaurant, Café, Coffee Shop”— 1. “Counter Ordering”); beer brewing (see “Brewery”); or wine production (see “Winery”).

**4. Handcraft Industries, Small-Scale Manufacturing.** Establishments manufacturing and/or assembling small products primarily by hand, including jewelry, pottery and other ceramics, as well as small glass and metal art and craft products, and taxidermists. Also includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; jewelry; musical instruments; pens, pencils, and other office and artists’ materials; sporting and athletic goods; toys; etc.

**5. Metal Products Fabrication, Machine and Welding Shops.** An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:

- blacksmith and welding shops
- plating, stripping, and coating shops
- sheet metal shops
- machine shops and boiler shops

**6. Paper Product Manufacturing.** An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see “Manufacturing/Processing—Heavy—Pulp and Pulp Product Manufacturing”).

**7. Photo/Film Processing Lab.** A facility that provides high volume and/or custom processing services for photographic negative film, transparencies, and/or prints, where the processed products are delivered to off-site retail outlets for customer pick-up. Does not include small-scale photo processing machines accessory to other retail businesses.

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

**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 the meal and may contain or include an incidental bar.

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

A restaurant may include ancillary catering services.

**Supportive Housing.** Housing that is occupied by a target population, such as low income persons with mental disabilities, substance abuse or chronic health conditions or as defined in California Assembly Bill 2162. Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills. There is typically no limit on the length of stay, and the housing is linked to on-site or off-site services.”

Section 41. Add the following definitions to City Code Section 20-70.020 Definitions of specialized terms and phrases, to read and provide as follows:

“**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.

**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.”

Section 42. Delete City Code Chapter 20-15 Aggressive Economic Development Measures.

Section 43. Amend the title of City Code Chapter 20-39 to Objective Design Standards for By-Right Housing

Section 44. 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.

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Section 45. Effective Date. This ordinance shall take effect on the 31<sup>st</sup> day following its adoption.

This ordinance was introduced by the Santa Rosa City Council on October 26, 2021.

IN COUNCIL DULY PASSED AND ADOPTED this \_\_\_day of \_\_\_\_\_, 2021.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney