

ORDINANCE NO. _____

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE BY MODIFYING ZONING CODE SECTIONS 20-20.020, 20-22.030, 20-23.030, 20-24.030, 20-26.030, 20-36.040, 20-42.050, 20-64.020, 20-70.020 - FILE NUMBER REZ19-011

WHEREAS, on January 1, 2019, Assembly Bill 2162, intended to help address California's need for supportive and emergency housing, went into effect, requiring a streamlined and ministerial review process for supportive housing with specific qualifications; and

WHEREAS, on January 1, 2019, Assembly Bill 3194, intended to limit local governments' authority to reject or restrict housing development projects that comply with applicable objective general plan, zoning, and subdivision standards, went into effect; and

WHEREAS, on January 1, 2020, Senate Bill 234, intended to help address California's need for family daycare within residential areas, went into effect, requiring that all large family daycare homes be permitted by right in all residential zoning districts; and

WHEREAS, the City of Santa Rosa has a responsibility to update the City Code to remain consistent with State law; and

WHEREAS, on November 14, 2019, the Planning Commission recommended approval of the proposed State Legislation Zoning Code Text Amendments to the Council; and

WHEREAS, on January 14, 2020, the Council held a duly noticed public hearing on the proposed State Legislation Zoning Code Text Amendments at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, after this public hearing, the City Council of the City of Santa Rosa believes that amending the Santa Rosa Zoning Code, as follows, is required for public convenience, necessity and general welfare;

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

Section 1. The Council of the City of Santa Rosa 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 more clear, effective and inclusive.

The Council further finds and determines that:

- A. The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan; and

- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that it would amend the City Code to provide for increased public noticing for projects that may affect them; and
- C. The proposed amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) in that the amendments do not have the potential to cause a significant effect on the environment and are not subject to CEQA review. The amendments are necessary to conform the Code to State law, and any conceivable impact of the proposed amendments would be speculative in the absence of specific development proposals; and
- D. The proposed amendment is internally consistent with other applicable provisions of the Zoning Code.

Section 2. Amend Santa Rosa Zoning Code Section 20-20.020 adding sub-section C. to read and provide as follows:

“C. Housing Projects. There is no requirement to rezone a site for consistency with the General Plan if a proposed housing project is consistent with objective General Plan standards and criteria. The housing project is required to comply with the objective standards and criteria of the zoning district which implements the subject General Plan land use, as shown in Table 2-1, Zoning Districts.”

Section 3. Replace Table 2-2 of Santa Rosa Zoning Code Section 20-22.030 to read and provide as follows:

TABLE 2-2 Allowed Land Uses and Permit Requirements for Residential Zoning Districts*	P Permitted Use, Zoning Clearance required		MUP Minor Conditional Use Permit required		CUP Conditional Use Permit required		S See Specific Use Regulations for permit requirement		— Use not allowed	
	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations		
LAND USE (1)	RR	R-1	R-2	R-3	MH	TV-R				
AGRICULTURAL & OPEN SPACE USES										
Agricultural accessory structure	P	—	—	—	—	—				
Animal keeping—Livestock, including aviaries	S	—	—	—	—	—	20-42.040			
Crop production, horticulture, orchard, vineyard	P	MUP	—	—	—	—				
Initial crop processing	MUP	MUP	—	—	—	—				
Plant nursery	CUP	—	—	—	—	—				
RECREATION, EDUCATION & PUBLIC ASSEMBLY USES										
Community garden (5)	P	P	P	P	P	P				
Equestrian facility	CUP	—	—	—	—	—				
Golf course/country club, public or quasi-public	CUP	CUP	—	—	—	—				
Health/fitness facility—Quasi-public	MUP	MUP	MUP	MUP	MUP	MUP				
Library/museum	MUP	MUP	MUP	MUP	MUP	P				
Meeting facility, public or private	MUP	MUP	MUP	MUP	MUP	MUP				

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	MUP	Minor Conditional Use Permit required						
	CUP	Conditional Use Permit required						
	S	See Specific Use Regulations for permit requirement						
	—	Use not allowed						
		PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
LAND USE (1)	RR	R-1	R-2	R-3	MH	TV-R		
Park/playground, public or quasi-public	MUP	MUP	MUP	MUP	MUP	MUP	P	
Private residential recreation facility	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
School, public or private	MUP	MUP	MUP	MUP	MUP	MUP	MUP	
Studio—Art, dance, martial arts, music, etc.	—	—	—	—	—	—	MUP	

RESIDENTIAL USES (See Section 20-28.080, Senior Housing (-SH) combining district, for specific requirements regarding proposed senior housing developments)

Accessory dwelling unit	S	S	S	S	—	S	20-42.130
Agricultural employee housing—6 or fewer residents	P	P	P	P	P	P	
Agricultural employee housing—7 or more residents	MUP	MUP	MUP	MUP	MUP	MUP	
Animal keeping—Domestic, exotic	S	S	S	S	S	S	20-42.040
Cannabis—Personal cultivation	P	P	P	P	P	P	20-46
Community care facility—6 or fewer clients	P	P	P	P	P	P	20-42.060
Community care facility—7 or more clients	MUP	MUP	MUP	MUP	MUP	MUP	20-42.060
Emergency shelter	CUP	CUP	CUP	CUP	CUP	CUP	
Home occupation	S	S	S	S	S	S	20-42.070
Junior accessory dwelling unit	S	S	S	S	—	S	20-42.130
Live/work	—	—	—	—	—	P(3)	20-42.080
Mobile home park	CUP	CUP	CUP	CUP	CUP	—	20-42.100
Mobile home/manufactured housing unit	P	P	P	P	P	P	20-42.094
Multi-family dwellings	MUP	MUP	P	P	—	P	
Organizational house (dormitory, sorority, monastery, etc.)	MUP	MUP	CUP	CUP	—	CUP	
Residential accessory structures and uses	P	P	P	P	P	P	20-42.030
Residential component of a mixed use project	MUP	MUP	MUP	MUP	MUP	P	20-42.090
Rooming or boarding house	P	P	P	P	—	P	

RR	Rural Residential	R-3	Multi-Family Residential
R-1	Single-Family Residential	MH	Mobile Home Park
R-2	Medium Density Multi-Family Residential	TV-R	Transit Village-Residential

Notes:

- (1) See Division 7 for land use definitions.
- (2) Single-family dwellings allowed only as attached units.
- (3) A building permit is required to verify occupancy standards.
- (4) 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. A new 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 2161, 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.
- (5) A community garden is allowed on the same property as an existing permitted meeting facility provided that the establishment of the garden does not trigger a grading permit or affect the operation and design of the meeting facility.

TABLE 2-2 Allowed Land Uses and Permit Requirements for Residential Zoning Districts*	P	Permitted Use, Zoning Clearance required					
	MUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	See Specific Use Regulations for permit requirement					
	—	Use not allowed					
	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
LAND USE (1)	RR	R-1	R-2	R-3	MH	TV-R	

RESIDENTIAL USES (continued)

Rooming or boarding, accessory	P	P	P	P	—	P	
Single-family dwelling	P	P	P(2)	P(2)	—	P(2)	
Small lot residential project	—	CUP	CUP(2)	CUP(2)	—	CUP(2)	20-42.140
Supportive housing	P	P	P	P	P	P	
Transitional housing	P(4)	P(4)	P	P	P	P	
Work/live	—	—	—	—	—	MUP	20-42.060

RETAIL TRADE

Accessory retail uses	—	—	—	—	MUP	P	20-42.024
Alcoholic beverage sales	—	—	—	—	—	CUP	20-42.034
Artisan shop	—	—	—	—	—	MUP	
General retail—up to 20,000 sf of floor area	—	—	—	—	—	P	
Specialty food store—10,000 sf or less	—	—	—	—	—	P	
Neighborhood center	MUP	MUP	MUP	MUP	MUP	P	
Outdoor display and sales	—	—	—	—	—	MUP	20-42.110
Pharmacy	—	—	—	—	—	P	
Produce stand	MUP	—	—	—	—	MUP	
Restaurant, café, coffee shop—Counter ordering	—	—	—	—	—	P	
Restaurant, café, coffee shop—Outdoor dining	—	—	—	—	—	MUP	20-42.110, 20-42.160
Restaurant, café, coffee shop—Serving alcohol (no bar)	—	—	—	—	—	MUP	
Restaurant, café, coffee shop—Table service	—	—	—	—	—	P	
Second hand store	—	—	—	—	—	MUP	

SERVICES—BUSINESS, FINANCIAL, PROFESSIONAL

ATM	—	—	—	—	—	P	20-42.044
Medical service—Health care facility—6 or fewer patients	P	P	P	P	P	P	20-42.060
Medical service—Health care facility—7 or more patients	MUP	MUP	MUP	MUP	MUP	MUP	20-42.060
Medical service—Integrated medical health center	—	—	MUP	MUP	—	MUP	

SERVICES—GENERAL

Accessory service uses	—	—	—	—	MUP	MUP	20-42.024
Adult day care	MUP	MUP	MUP	MUP	MUP	MUP	
Child day care—Large family day care home	P	P	P	P	P	P	20-42.050
Child day care—Small family day care home	P	P	P	P	P	P	
Child day care center (15 or more clients)	CUP	CUP	CUP	CUP	—	MUP	20-42.050
Extended hours of operation (11:00 p.m. to 6:00 a.m.)	—	—	—	—	—	CUP	
Lodging—Bed & breakfast inn (B&B)	MUP	MUP	—	—	—	—	
Personal services	—	—	—	—	—	MUP	
Public safety facility	MUP	MUP	MUP	MUP	MUP	MUP	

TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE

TABLE 2-2 Allowed Land Uses and Permit Requirements for Residential Zoning Districts*	P	Permitted Use, Zoning Clearance required					
	MUP	Minor Conditional Use Permit required					
	CUP	Conditional Use Permit required					
	S	See Specific Use Regulations for permit requirement					
	—	Use not allowed					
	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
LAND USE (1)	RR	R-1	R-2	R-3	MH	TV-R	
Telecommunications antenna	S	S	S	S	S	S	20-44
Utility facility	CUP	CUP	CUP	CUP	CUP	CUP	
Utility infrastructure	P	P	P	P	P	P	

Key to Zoning District Symbols

RR	Rural Residential	R-3	Multi-Family Residential
R-1	Single-Family Residential	MH	Mobile Home Park
R-2	Medium Density Multi-Family Residential	TV-R	Transit Village-Residential

Notes:

- (1) See Division 7 for land use definitions.
- (2) Single-family dwellings allowed only as attached units.
- (3) A building permit is required to verify occupancy standards.
- (4) 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. **A new** 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 2161, 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.

(5) A community garden is allowed on the same property as an existing permitted meeting facility provided that the establishment of the garden does not trigger a grading permit or affect the operation and design of the meeting facility.

* The land use and permit requirements set forth in this Table shall be waived for all land uses approved under the provisions of Chapter 20-16, Resilient City Development Measures.”

Section 4. Amend Table 2-6 of Santa Rosa Zoning Code Section 20-23.030 to add a row and footnote under RESIDENTIAL USES as follows:

Supportive housing <u>(11)</u>	P	P	P	—	P	P	P	
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(11) Supportive housing is allowed only when the proposed use meets each of the requirements of Assembly Bill 2161, as specified in Government Code Section 65651.

Section 5. Amend Table 2-10 Santa Rosa Zoning Code Section 20-24.030 to add a row and footnote under RESIDENTIAL USES as follows:

Supportive housing <u>(8)</u>	P	—	—	
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(8) Supportive housing is allowed only when the proposed use meets each of the requirements of Assembly Bill 2161, as specified in Government Code Section 65651.

Section 6. Amend Table 2-12 of Santa Rosa Zoning Code Section 20-26.030 to add a row and footnote under RESIDENTIAL USES as follows:

Supportive housing <u>(3)</u>	P	—	—	
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(3) Supportive housing is allowed only when the proposed use meets each of the requirements of

Assembly Bill 2161, as specified in Government Code Section 65651.

Section 7. Amend Table 3-4 of Santa Rosa Zoning Code Section 20-36.040 to replace the description of one row under RESIDENTIAL USES (2) as follows:

Supportive housing	No minimum parking requirements for units occupied by supportive housing residents within one-half a mile of a public transit stop. Otherwise, subject to the same parking requirements as other residential uses.
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Section 8. Amend Santa Rosa Zoning Code Section 20-42.050 to read and provide as follows:

“Child day care centers shall comply with the requirements of this Section, where allowed by Division 2 (Zoning Districts and Allowable Land Uses). Small and large family day care homes are permitted by right in all residential zoning districts.

A. Purpose. The availability and affordability of quality, licensed child care is beneficial to the well-being of parents and children within this community. The purpose of regulating child day care facilities within the City shall be to:

1. Facilitate and encourage the establishment of licensed child day care, by streamlining the permit process and making fees as economical as possible;
2. Specify standards to avoid any adverse effects of such facilities upon surrounding properties; and
3. Avoid the over-concentration of child care facilities in any neighborhood.

B. Application requirements. The following shall be included in each application for a child day care facility Minor Conditional Use Permit or Conditional Use Permit:

1. The application shall indicate the number of children to be cared for, including the applicant’s children under 10 years of age; the number of employees; hours of operation and outdoor playtime; and State license number. The application and site plan shall clearly show compliance with applicable standards.
2. A site plan (8-1/2" x 11") showing: location and dimensions of existing residence and other structures, including: fencing; outdoor play structures and equipment; distance to property line; parking areas and number of spaces both on-site and off-site spaces contiguous to property lines; access and traffic circulation.
3. An accurate traffic circulation plan showing parking, circulation and drop-off areas.

C. Conditions of approval. The operation of a child day care center, in compliance with a Minor Conditional Use Permit or Conditional Use Permit as required by Division 2, may be conditioned or limited by the permit, except as may be prohibited by State law applicable to a chartered city, in any manner deemed necessary by the review authority to ensure the preservation of the health, safety and general welfare of the community and the neighborhood where the center is proposed. The scope of permit review and approval shall be limited as required by State law to the following.

1. Noise. The operation of any child care center shall comply with all provisions of the City noise ordinance. The review authority may require conditions of approval to reduce noise

impacts including: solid fencing or other sound attenuating devices; restrictions on outside play hours; location of play areas; and placement of outdoor play equipment.

2. Traffic circulation. The traffic circulation plan for all child day care facilities shall be designed to diminish traffic safety problems. A residence on a regional street (as shown on the General Plan Circulation Map) shall provide a drop-off/pickup area designed to prevent vehicles from backing onto the arterial roadway. The care provider may be required to submit a plan of staggered drop-off and pickup time ranges to reduce congestion in neighborhoods already identified as having traffic congestion problems.

D. Required findings for approval. No Conditional Use Permit for a child day care center shall be granted unless the review authority first makes all of the following findings, in addition to those required by Section [20-52.050](#) (Conditional Use Permits and Minor Conditional Use Permits):

1. The facility complies with all applicable requirements of this Section; and
2. The facility complies with all applicable building and fire code provisions adopted by the State and administered by the City Fire Marshal, and California Department of Social Services licensing requirements.

E. Notification of proposed action. Not less than 10 working days prior to the date on which the decision will be made on the application, the City shall provide public notice in compliance with Section [20-52.050](#) (Conditional Use Permits and Conditional Minor Conditional Use Permits) to the applicant, and all owners of property within a 600-foot radius of the exterior boundaries of the proposed parcel. The notice shall state that no hearing on the application shall be held prior to the decision, unless requested by the applicant or owners of property described above.”

Section 9. Amend Santa Rosa Zoning Code Section 20-64.020 to replace sub-section A. to read and provide as follows:

“A. Applicability.

1. General Plan. A General Plan amendment may include revisions to text or diagrams.
2. Zoning Code. A Zoning Code amendment may modify any procedure, provision, regulation, requirement, or standard applicable to land use or development within the City.
3. Zoning Map. A Zoning Map amendment has the effect of rezoning property and/or moving a boundary between two zoning districts.

a. A Zoning Code Map Amendment for housing projects is not required for consistency with the General Plan provided the proposed housing project is consistent with objective General Plan standards and criteria of the zoning consistent with the General Plan land use, as shown in Table 2-1, Zoning Districts.”

Section 10. Amend a portion of Santa Rosa Zoning Code Section 20-70.020, replacing the Definition for “Day Care” to read and provide as follows:

“**Day Care.** Facilities that provide non-medical care and supervision of minor children for periods of less than 24 hours. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

- 1. Child Day Care Center.** Commercial or non-profit child day care facilities designed and approved to accommodate 15 or more children. Includes infant centers, preschools, sick-child centers, and school-age day care facilities. These may be operated in conjunction with a school or church facility, or as an independent land use.
- 2. Large Family Day Care Home.** As provided by [Health and Safety Code](#) Section 1597.465, a home that regularly provides care, protection, and supervision for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home.
- 3. Small Family Day Care Home.** As provided by [Health and Safety Code](#) Section 1597.44, a home that provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.
- 4. Adult Day Care Facility.** A day care facility providing care and supervision for adult clients.”

Section 11. Amend a portion of Santa Rosa Zoning Code Section 20-70.020, adding the Definition for “Public Transit Stop” to read and provide as follows:

“Public Transit Stop. A location containing a train station or bus stop.”

Section 12. Environmental Determination. The Council finds that the adoption and implementation of this ordinance is exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 13. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 14. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on January 14, 2020.

IN COUNCIL DULY PASSED AND ADOPTED this 28th day of January, 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Acting City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney