

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: AMY NICHOLSON, SENIOR PLANNER  
PLANNING AND ECONOMIC DEVELOPMENT  
SUBJECT: STATE LEGISLATION ZONING CODE TEXT AMENDMENT

AGENDA ACTION: ORDINANCE INTRODUCTION

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RECOMMENDATION

It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council introduce an ordinance amending 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, as outlined in the attached ordinance.

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EXECUTIVE SUMMARY

The purpose of the State Legislation Zoning Code text amendment is to ensure the City Code remains in compliance with any State laws which preempt local regulations. In 2018 and 2019, the State of California adopted three legislative bills, Assembly Bill 2162, Assembly Bill 3194, and Senate Bill 234, that impact how local governments process housing development entitlements and regulate large family day care homes. The text amendment includes modifications to the City's Zoning Code related to Large Family Day Care Homes, Supportive Housing, and eliminates the requirement for rezoning for General Plan consistency for housing projects.

PROJECT BACKGROUND

**Assembly Bill 2162**

California Assembly Bill 2162 (AB2162), which went into effect on January 1, 2019, was adopted to address shortages in Supportive and Emergency Housing. AB2162 requires that specified Supportive Housing developments undergo a streamlined and ministerial review and are not subject to discretionary review (e.g.: Conditional Use Permit, Design Review and/or Landmark Alteration Permit).

For a project to be eligible for the streamlined and ministerial AB2162 process it is required to meet specific criteria, including, but not limited to, the following:

- Units within the development are subject to a recorded affordability restriction for 55 years;
- One hundred percent of the units within the development, excluding managers' units, are dedicated to lower-income households and are receiving public funding to ensure affordability of the housing to lower-income Californians;
- A specified number of units are designated as supportive housing;
- Nonresidential floor areas are used for onsite supportive services in specified amounts;
- Units within the development, excluding managers' units, include at least one bathroom and a kitchen or other cooking facilities.

Additional information on AB 2162 can be found in Attachment 1 to this report.

### **Assembly Bill 3194**

California Assembly Bill 3194 (AB 3194), which went into effect on January 1, 2018, is intended to limit local governments' authority to reject or restrict housing development projects that comply with applicable objective general plan, zoning, and subdivision standards. Specifically, AB 3194 prohibits a city or county from requiring a rezoning for housing projects to achieve general plan consistency.

Additional information on AB 3194 can be found in Attachment 2 to this report.

### **Senate Bill 234**

California Senate Bill 234 (SB 234), which went into effect on January 1, 2020, is intended to help address California's need for family day cares within residential areas. SB 234 recognizes the importance of quality day care for the benefit of children and parents, and for these day care homes to be located within residential neighborhoods. This bill requires that large family day care homes be permitted by right in all residential zoning districts.

Additional information on SB 234 can be found in Attachment 3 to this report.

### **PROJECT HISTORY**

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.

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.

On January 1, 2020, Senate Bill 234, intended to help address California's need for family day care homes within residential areas, went into effect, requiring that large family day care homes be permitted by right in all residential zoning districts.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

1. Zoning Code Amendments

The attached Zoning Code amendments include the proposed changes and additions identified in red text and underline and strikeout format. The following is a brief outline of the proposed amendments:

- 20-20.020 (Zoning Map and Zoning Districts)
  - Add a subsection that specifies a Zoning Code Map Amendment is not required for consistency with the General Plan if the proposed housing project is consistent with objective General Plan standards and criteria. The proposed housing development is required to comply with the objective standards and criteria of the zoning consistent with the General Plan land use.
- 20-22.030 (Table 2-2, Allowed Land Uses and Permit Requirements for Residential Zoning Districts)
  - Allow Supportive Housing as a Permitted Use when a new building would be constructed in all residential zoning districts.
  - Allow Child Day care – Large Family Day care Home as a Permitted Use in all residential zoning districts.
- 20-23.030 (Table 2-6, Allowed Land Uses and Permit Requirements for Commercial Zoning Districts)
  - Allow Supportive Housing as a Permitted Use in the Office Commercial (CO), Neighborhood Commercial (CN), General Commercial (CG), Downtown Commercial (CD), Community Shopping Center (CSC), and Transit Village Mixed (TV-M) zoning districts.

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- 20-24.030 (Table 2-10, Allowed Land Uses and Permit Requirements for Industrial Zoning Districts)
  - Allow Supportive Housing as a Permitted Use in the Business Park (BP) zoning district.
- 20-26.030 (Table 2-12, Allowed Land Uses and Permit Requirements for Special Purpose Zoning Districts)
  - Allow Supportive Housing as a Permitted Use in the Open Space and Recreation (OSR) zoning district.
- 20-36.040 (Automobile and Bicycle Parking)
  - Amend parking requirements for supportive housing to state that no minimum number of parking spaces are required if supportive housing units are within one-half mile of a transit stop.
  - Clarify parking requirements for supportive and transitional housing as one vehicle space for every four beds.
- 20-42.050 (Day care Facilities)
  - Remove references to Large Family Day care Homes requiring a Minor Conditional Use Permit and any associated local regulations.
- 20-64.020 (Amendments)
  - Add a subsection that specifies a Zoning Code Map Amendment is not required for consistency with the General Plan if the proposed housing project is consistent with objective General Plan standards and criteria. The proposed housing development is required to comply with the objective standards and criteria of the zoning consistent with the General Plan land use.
- 20-70.020 (Definitions of Specialized Terms and Phrases)
  - Add a new definition for Public Transit Stop and amend the existing definitions of Large Family Day care Home and Small Family Day care Home.

### FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

### ENVIRONMENTAL IMPACT

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. Each of the proposed amendments is 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.

### BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On November 18, 2019, the Planning Commission held a public hearing regarding the proposed text amendment. Following comments in support of the proposed amendments, the Commission voted to approve the resolution recommending approval to the Council by a vote of 6-1-0.

### NOTIFICATION

Noticing of the City Council public hearing was completed in compliance with Zoning Code Section 20-66.020(D), Alternative to Mailing, by providing notice by placing an advertisement of at least one-eighth page in at least one newspaper of general circulation 10 days prior. Notice was also posted to the Departments' website, at two City Hall locations, and was distributed by email.

### ATTACHMENTS

- Attachment 1 – Government Code for Assembly Bill 2162
- Attachment 2 – Government Code for Assembly Bill 3194
- Attachment 3 – Government Code for Senate Bill 234
- Attachment 4 – Zoning Code Text Changes
- Ordinance

### CONTACT

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