

ORDINANCE NO. _____

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – ADDING SECTIONS 20-16.060 THROUGH 20-16.090 TO CHAPTER 20-16, RESILIENT CITY DEVELOPMENT MEASURES, TO ADDRESS HOUSING NEEDS AND ECONOMIC DEVELOPMENT WITHIN THE CITY OF SANTA ROSA FOLLOWING THE TUBBS AND NUNS FIRES OF OCTOBER 2017 - FILE NUMBER REZ17-013

WHEREAS, beginning on the evening of October 8, 2017, and continuing for days thereafter, a series of wildfire events, identified as the Tubbs and Nuns Fires (Fires) burned over 90,000 acres in Sonoma County and damaged or destroyed approximately 3,000 homes and 100 commercial structures within the boundaries of the City of Santa Rosa; and

WHEREAS, on October 9, 2017, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Santa Rosa; and

WHEREAS, on October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties; and

WHEREAS, on October 10, 2017, President Donald J. Trump declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires, beginning on October 8, 2017; and

WHEREAS, on October 13, 2017 the City Council adopted Resolution No. RES-2017-201 ratifying the City Manager’s proclamation of the existence of a local emergency; and

WHEREAS, the Council recognizes the urgent need to rebuild and repopulate those areas affected by the Fires and has identified several measures by which the process could be expedited and facilitated; and

WHEREAS, on October 24, 2017, the City Council adopted Ordinance No. ORD-2017-018, an urgency ordinance amending the Zoning Code to add Section 20-28.100, Resilient City (-RC) Combining District, to facilitate rebuilding and implementation of resiliency initiatives to those parts of the City most severely impacted by the Fires, and adopted Ordinance No. ORD-2017-019, an urgency ordinance adding the -RC Combining District to the base District of those parcels impacted by the Fires; and

WHEREAS, on December 5, 2017, the City Council held a study session to discuss the Resilient City ordinance and how to streamline and expedite housing and other needed uses Citywide; and

WHEREAS, on February 8, 2018, the Planning Commission voted unanimously to recommend that the Council adopt the Zoning Code Text Amendment to add Chapter 20-16, Resilient City Development Measures, with minor changes to the proposed text; and

WHEREAS, on April 3, 2018, the City Council held a public hearing to discuss the proposed Zoning Code Chapter 20-16, Resilient City Development Measures, and continued proposed Sections 20-16.060 (Reduced Review Authority for Certain Uses), 20-16.070 (Modifications to the Design Review Process), and 20-16.080 (Changes to an Approved Residential, Lodging or Childcare Facility Project) to the April 24, 2018 Council meeting, with direction to staff to provide specific criteria for those projects that would receive reduced review authority, to require that Zoning Administrator meetings for affected projects be held in the evening, to include Emergency Shelters in the list of uses for reduced review authority, with the exception of the Open Space zoning districts, and to require monthly reports to the Council on implementation of the ordinance; and

WHEREAS, on April 10, 2018, the City Council adopted an ordinance adding Chapter 20-16, Resilient City Development Measures, and specifically Sections 20-16.010 through 20-16.050, related to temporary housing, temporary structures and accessory dwelling units, to address housing needs and economic development within the City following the Tubbs and Nuns fires of October 2017; and

WHEREAS, the City Council previously found that the City of Santa Rosa is experiencing a housing crisis, and that, prior to the Fires, there existed a severe lack of rental housing that is affordable to lower and moderate income residents; and

WHEREAS, the housing units destroyed by the Fires increased the rental housing shortage by several orders of magnitude, and also severely reduced the number of owner-occupied housing units, as well as child care and lodging facilities in the City; and

WHEREAS, the Santa Rosa Zoning Code includes provisions for development of new housing, childcare and lodging; however, it does not address streamlining and expedition of such development; and

WHEREAS, the proposed Zoning Code Amendment to add Sections 20-16.060 through 20-16.090 to Chapter 20-16, Resilient City Development Measures, is consistent with the goals and policies of all elements of the General Plan and any applicable specific plan, in that the additional sections will not allow density beyond what is currently provided in the General Plan, and will continue to require consistency with the requirements of the Zoning Code. While the review authority for certain uses would be reduced, those uses that would have the potential for causing impacts to adjacent land uses will continue to require an entitlement permit, which will allow for consideration of compatibility and consistency with surrounding uses; and

WHEREAS, the proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that it will provide a means by which to encourage and facilitate the development of new housing, lodging and childcare facilities Citywide following the Fires and the pre-existing housing shortage.

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

Section 1. The Council finds, based on evidence and records presented, that amending Title 20 (Zoning) of the Santa Rosa City Code, as follows, is required to address housing needs and economic development within the City of Santa Rosa following the Tubbs and Nuns fires of October 2017.

The Council further finds and determines that:

1. The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that it would not allow density beyond what is currently provided in the General Plan or any applicable specific plan, nor would it allow new uses to be established in areas inconsistent with the General Plan;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that it would amend Chapter 20-16 of the Zoning Code to provide less stringent regulations to help incentivize the development of new housing, child day care facilities and lodging facilities within the City following the Nuns and Tubbs fires of October 2017. While the review authority for certain uses would be reduced, those uses that would have the potential for causing impacts to adjacent land uses would continue to require an entitlement permit (Minor Use Permit), which would allow for consideration of compatibility and consistency with surrounding uses;
3. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA); and
4. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code as it would continue to require consistency with all elements of the Zoning Code.

Section 2. Add the following sections to Zoning Code Chapter 20-16, Resilient City Development Measures, to read and provide as follows:

“20-16.060 Reduced Review Authority for Certain Uses.

- A. Notwithstanding any other provision of this Code, the following uses shall be allowed by right within the zones identified and described herein and shall therefore not require any prior use permit:
 1. “Agricultural Employee Housing – 7 or more residents” is hereby a permitted use within the Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), and Transit Village-Residential (TV-R) Districts and associated multi-family residential Planned Development Districts, without requirements of a use permit.

2. “Community Care Facility – 7 or more clients” is hereby a permitted use within the Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Transit Village-Residential (TV-R), Office Commercial (CO), General Commercial (CG), Downtown Commercial (CD) and Transit Village-Mixed (TV-M) Districts and associated multi-family residential and non-residential Planned Development Districts, without requirements of a use permit.
3. “Child Day Care – large family day care home” is hereby a permitted use within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Mobile Home Park (MH), Transit Village-Residential (TV-R), Office Commercial (CO), Neighborhood Commercial (CN), General Commercial (CG), Downtown Commercial (CD), Community Shopping Center (CSC), and Transit Village-Mixed (TV-M) Districts and associated residential and non-residential Planned Development Districts, without requirements of a use permit.
4. Duplexes (two-unit), which are defined in Section 20-70.020 (Definitions of Specialized Words and Phrases) as “multi-family dwellings” are hereby permitted uses within the Rural Residential (RR), Single-Family Residential (R-1) Districts and associated single-family and rural residential Planned Development Districts, without requirements of a use permit.

All other “multi-family dwellings”, including triplexes, fourplexes and apartments shall require the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1) Districts and associated single-family and rural residential Planned Development Districts.

5. “Mobile Home Park” is hereby a permitted use within the Mobile Home Park (MH) District, without requirements of a use permit.
6. “Multi-Family Dwelling” is hereby a permitted use within the General Commercial (CG) and Downtown Commercial (CD) Districts and associated residential and non-residential Planned Development Districts, without requirements of a use permit.
7. “Residential Component of a Mixed-Use Project” is hereby a permitted use within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Transit Village-Residential (TV-R), Office Commercial (CO), General Commercial (CG) and Downtown Commercial (CD) Districts and associated multi-family residential and non-residential Planned Development Districts, without requirements of a use permit.
8. “Single-Family Dwelling” is hereby a permitted use within the single-family and rural residential Planned Development Districts, without requirements of a use

permit.

- B. Notwithstanding any other provision of this Code, the following uses shall be allowed with the approval of a Minor Use Permit within the zones identified and described herein:
1. “Child Day Care Center (15 or more clients)” is hereby permitted with the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3) Districts and associated residential Planned Development Districts.
 2. “Community Care Facility – 6 or fewer clients” is hereby permitted with the approval of a Minor Use Permit within the Public Institutional (PI) District and associated non-residential Planned Development Districts.
 3. “Community Care Facility – 7 or more clients” is hereby permitted with the approval of a Minor Use Permit within the Public Institutional (PI) District and associated non-residential Planned Development Districts.
 4. “Emergency Shelter” is hereby permitted with the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Mobile Home Park (MH), Transit Village-Residential (TV-R), Business Park (BP), Light Industrial (IL), General Industrial (IG), and Public Institutional (PI) Districts and associated residential and non-residential Planned Development Districts.
 5. “Emergency Shelter – 50 or fewer beds” is hereby permitted with the approval of a Minor Use Permit within the Office Commercial (CO), Neighborhood Commercial (CN), Motor Vehicle Sales (CV), Downtown Commercial (CD), Community Shopping Center (CSC), and Transit Village-Mixed (TV-M) Districts and associated non-residential Planned Development Districts.
 6. “Emergency Shelter – 51 or more beds” is hereby permitted with the approval of a Minor Use Permit within the Office Commercial (CO), Neighborhood Commercial (CN), General Commercial (CG), Motor Vehicle Sales (CV), Downtown Commercial (CD), Community Shopping Center (CSC), and Transit Village-Mixed (TV-M) Districts and associated non-residential Planned Development Districts.
 7. “Mobile Home Park” is hereby permitted with the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3) and associated residential Planned Development Districts.

8. “Mobile Home/Manufactured Housing” is hereby permitted with the approval of a Minor Use Permit within the Business Park (BP) and associated non-residential Planned Development Districts.
9. “Multi-Family Dwelling” is hereby permitted with the approval of a Minor Use Permit within the Office Commercial (CO), and Business Park (BP) Districts and associated non-residential Planned Development Districts.
10. “Single-Family Dwelling” is here by permitted with the approval of a Minor Use Permit within the Business Park (BP) and associated non-residential Planned Development Districts.
11. “Single-Family Dwelling – Attached Only” is hereby permitted with the approval of a Minor Use Permit within the Office Commercial (CO), and General Commercial (GC) Districts and associated non-residential Planned Development Districts.
12. “Single room occupancy facility” is hereby permitted with the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Transit Village-Residential (TV-R), General Commercial (GC), Downtown Commercial (CD), and Community Shopping Center (CSC) Districts and associated residential and non-residential Planned Development Districts.
13. “Small lot residential project” is hereby permitted with the approval of a Minor Use Permit within the Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), and Transit Village-Residential (TV-R) Districts and associated residential Planned Development Districts.

20-16.070 Modifications to the Design Review Process.

- A. Design Review for Child Care, Lodging and Residential Development. Subsections 1 through 4, below, apply to the following uses: “child care day care”, “lodging – bed & breakfast inn (B&B)”, “lodging – hotel or motel”, “mixed-use development (that includes a residential component)”, “multi-family residential”, and “single-room occupancy facility”.
 1. Subject to the provisions of subsection A.2 below, Design Review approval for new development and major remodels, with the exception of projects located within the Historic (-H) Combining District, that meet the following criteria, are hereby delegated to the Zoning Administrator, through the Minor Design Review process, on sites zoned for such uses:
 - a. Projects that propose on-site affordable housing pursuant to City Code Chapter 21-02 (Housing Allocation Plan), and restricted by a recorded

regulatory agreement; or

- b. Projects that are located within one of the City's Priority Development Areas.
2. Prior to submittal of an application for Design Review by the Zoning Administrator, Concept Design Review by the Design Review Board shall be required for new development and major remodels that involve 10,000 square-feet or more in total floor area, or are within a visually sensitive location as defined by Section 20-52.030 (Design Review), Table 5-2 (Design Review Authority and Notice Requirements), subject to City the requirements of Section 20-50.040 (Concept Review).
 3. Pre-application neighborhood meeting. Prior to submittal of an application for Design Review by the Zoning Administrator, a pre-application neighborhood meeting shall be required in compliance with Section 20-50.050(D) (Pre-Application Neighborhood Meeting Required).
 4. Review authority referral. The Zoning Administrator may defer any decision and refer the request to the Design Review Board, pursuant to Section 20-50.020 (Authority for Land Use and Zoning Decisions).
 5. Projects located within the Historic (-H) Combining District. Any project located within the -H Combining District shall comply with the requirements of Section 20-58.060(C)(3), Design Review.
- B. Final Design Review for all projects requiring review by the Design Review Board is hereby delegated to the Director of Planning and Economic Development, following Preliminary Design Review approval by the Design Review Board.

20-16.080 Changes to an Approved Residential, Lodging or Child Care Facility Project.

Development or a new land use related to single or multi-family residential projects, residential small lot subdivisions, lodging or child care facilities, authorized through a permit or approval granted in compliance with Chapter 20-52 (Permit Review Procedures) of this Zoning Code shall be established only as approved by the review authority and subject to any conditions of approval, except where changes to the project are approved as follows.

- A. Application. An applicant shall request desired changes in writing, and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction or establishment and operation of the approved single or multi-family residential, residential small lot subdivision, lodging or child care facilities.
- B. Planning and Economic Development Director action. The Director of Planning and Economic Development may authorize one or more changes to an approved site plan,

architecture, or the nature of the approved single or multi-family residential, residential small lot subdivision, lodging or child care land use where the Director first finds that the changes:

1. Are consistent with all applicable provisions of this Zoning Code;
2. Do not involve a feature of the project that was a basis for findings in a negative declaration or environmental impact report for the project;
3. Do not involve a feature of the project that was specifically addressed or was a basis for conditions of approval for the project or that was a specific consideration by the review authority (i.e., the Commission or Council) in the project approval; and
4. Do not result in an expansion of the single or multi-family residential, residential small lot subdivision, lodging or child care land use and/or activity.

The Director may choose to refer any requested change to the original review authority for review and final action.

- C. Notification. At least ten (10) calendar days prior to taking action on any proposed changes to an approved single or multi-family residential, residential small lot subdivision, lodging or child care facility project, the Director of Planning and Economic Development shall notify, by mail, all persons or entities as set forth in Section 20.66.020(C)(1). No public hearing shall be required.
- D. Changes approved by original review authority. A proposed change that does not comply with the criteria in Subsection B, above, shall only be approved by the original review authority for the project through a new permit application processed in compliance with this Zoning Code.

20-16.090 Zoning Administrator Meetings.

Except as identified herein, the day and time of Zoning Administrator meetings shall be determined by the Director.

- A. Meetings. Zoning Administrator meetings for projects submitted pursuant to this Chapter, shall be held, as needed, at or after 5:00 p.m., at City Hall.”

Section 3. Add a note to Zoning Code Section 20-22.030, Table 2-2, Section 20-23.030, Table 2-6, Section 20-24.030, Table 2-10, and Section 20-26.030, Table 2-12, related to allowed land uses and permit requirements, to read and provide as follows:

“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. Environmental Determination. The Council finds that the adoption and implementation of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemptions set forth in the Public Resources Code and CEQA Guidelines.

- Adoption of the ordinance is exempt under the “common sense exemption” set forth in CEQA Guidelines Section 15061(b)(3), which provides that CEQA applies only to projects having the potential to cause 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.” The proposed project would amend the City’s Zoning Code, adding Sections 20-16.060 through 20-16.090 to Chapter 20-16, Resilient City Development Measures, to provide less stringent regulations to help incentivize the development of new housing, child day care facilities and lodging facilities within the City following the Nuns and Tubbs fires of October 2017. The proposed Zoning Code amendment would not in and of itself allow the development of any new structures or alteration of lands; rather, any future projects utilizing the proposed regulations would require their own entitlement permit and CEQA review process.
- Adoption of the ordinance is exempt under CEQA Guidelines section 15183, which provides that “projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”

The proposed addition of Sections 20-16.060 through 20-16.090 to Chapter 20-16, Resilient City Development Measures, would address housing needs and economic development within the City following the Tubbs and Nuns fires of October 2017. The proposal would reduce the review authority for certain residential and child care uses, and would reduce the Design Review process for residential, child care and lodging uses.

Each of the proposed measures is consistent with the Santa Rosa General Plan, Zoning Code and any applicable specific plan. The proposal would not allow density beyond what is currently provided in the General Plan, and would continue to require consistency with the requirements of the Zoning Code. While the review authority for certain uses would be reduced, those uses that would have the potential for causing impacts to adjacent land uses would continue to require an entitlement permit (Minor Use Permit), which would allow for consideration of compatibility and consistency with surrounding uses.

- Adoption of the ordinance is exempt under CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act,

commencing with Section 8550 of the Government Code, and Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency. The proposed addition of Sections 20-16.060 through 20-16.090 to Chapter 20-16, Resilient City Development Measures, would address housing needs and economic development within the City following the Tubbs and Nuns fires of October 2017. A state of emergency was proclaimed by the Governor on October 9, 2017. The proposal would reduce the review authority for certain residential and child care uses, and would reduce the Design Review process for residential, child care and lodging uses.

Section 5. 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 6. 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 May 1, 2018.

IN COUNCIL DULY PASSED AND ADOPTED this ____ day of _____, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney