

CITY OF SANTA ROSA  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
STAFF REPORT FOR PLANNING COMMISSION  
**February 8, 2018**

**PROJECT TITLE**

Resilient City Development Measures

**APPLICANT**

N/A

**ADDRESS/LOCATION**

Citywide

**PROPERTY OWNER**

N/A

**ASSESSOR'S PARCEL NUMBER**

N/A

**FILE NUMBER**

REZ17-013

**APPLICATION DATE**

N/A

**APPLICATION COMPLETION DATE**

N/A

**REQUESTED ENTITLEMENTS**

Zoning Code Text Amendment

**FURTHER ACTIONS REQUIRED**

City Council approval

**PROJECT SITE ZONING**

N/A

**GENERAL PLAN DESIGNATION**

N/A

**PROJECT PLANNER**

Jessica Jones

**RECOMMENDATION**

Recommend approval to City Council

Agenda Item # 8.2  
For Planning Commission Meeting of: February 8, 2018

CITY OF SANTA ROSA  
PLANNING COMMISSION

TO: CHAIR CISCO AND MEMBERS OF THE COMMISSION  
FROM: JESSICA JONES, SUPERVISING PLANNER  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
SUBJECT: RESILIENT CITY DEVELOPMENT MEASURES

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, recommend to the City Council adoption of a Zoning Code Text Amendment to add Chapter 20-16, Resilient City Development Measures, to address housing needs and economic development within the City following the Tubbs and Nuns fires of October 2017.

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EXECUTIVE SUMMARY

Beginning on the evening of October 8, 2017, and continuing for days thereafter, a series of wildfire events damaged or destroyed thousands of residential and commercial structures within the City of Santa Rosa. On October 9, 2017, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City, which proclamation was ratified by the City Council on October 13, 2017. Prior to the wildfires, the Council had identified "housing for all" as a priority due to the City's ongoing, unmet housing needs. As a result of both the devastation of the wildfires and the previously existing significant shortage of housing, the Council has stated the need for immediate measures to address both housing and the rebuilding of uses such as lodging and childcare facilities Citywide. The proposed Resilient City Development Measures were prepared to facilitate these priorities.

BACKGROUND

In October 2016, the Council accepted the Housing Action Plan, which was prepared to address the City's ongoing unmet housing needs and to implement the City's General Plan Housing Element.

## RESILIENT CITY DEVELOPMENT MEASURES

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In June 2017, the Council adopted the City's current top priorities, which include implantation of a comprehensive housing strategy, "Housing for All", and include increasing housing Citywide.

On 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 City of Santa Rosa.

On October 9, 2017, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City of Santa Rosa.

On October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties.

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.

On October 13, 2017, the Council adopted Resolution No. RES-2017-201 ratifying the City Manager's proclamation of the existence of a local emergency.

On October 24, 2017, the 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. The Council also 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.

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

The Council has 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.

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.

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.

PRIOR CITY COUNCIL REVIEW

See Background section above.

ANALYSIS

The proposed Zoning Code Chapter 20-16, Resilient City Development Measures, which would apply to properties Citywide, were developed to address housing needs and economic development within the City following the Tubbs and Nuns fires of October 2017. As drafted, the proposed measures would be in place for a period of three years from the effective date of the ordinance, unless otherwise amended by subsequent action of the Council.

The proposed Zoning Code chapter includes eight specific measures, the details of which are summarized below:

1. Temporary Housing

The purpose of the Temporary Housing section is to allow for habitation of temporary structures, such as, but not limited to, trailers, recreational vehicles, manufactured homes, tiny homes, and other similar structures. As drafted, temporary housing would be allowed on any residential or non-residential parcel within the City, with the approval of a Temporary Use Permit.

The City has received numerous requests since the Fires from both individuals seeking to place temporary housing units on lots outside of the fire impacted areas, as well as from groups who are interested in providing multi-unit or group temporary housing facilities on properties outside of the fire impacted areas. The Resilient City (-RC) Combining District, which was adopted through an urgency ordinance on October 24, 2017, addressed temporary housing, but only on sites located within the fire impacted areas.

Absent a specific Zoning Code section that deals with temporary housing outside of -RC Combining District, applicants have been directed to apply for a Temporary Use Permit, which is limited to 12 months. There is also no specific development requirements or submittal requirements provided in the Temporary Use Permit section of the Zoning Code that would be applicable to temporary housing.

The proposed Zoning Code Section 20-16.030, Temporary Housing, provides direction to applicants on what information is needed with the application filing, including specifics regarding operations for multi-family temporary housing. Development standards are also provided, including the number of units allowed on a site, length of stay, lighting and site power requirements, on-site management, sanitation facilities, parking, and water and wastewater services. This section also includes information on site cleanup following the termination of the use, and notification to surrounding property owners prior to approval of such a use.

2. Temporary Structures

Similar to temporary housing, City staff has received numerous requests for other types of temporary structures, such as classrooms and offices, to be located outside of the fire impacted areas. While the Temporary Use Permit section of the Zoning Code does allow for such temporary structures, it limits them to 12-months.

Due to the immediate need in the community as a result of the Fires, the proposed Resilient City Development Measures would allow the location of temporary structures, for classrooms, offices or other similar uses, on any residential or non-residential parcel, with the approval of a Temporary Use Permit, for a period of three years. Similar to the temporary housing section above, there is a provision for extending the use through two one-year time extensions, as well as a requirement for notification to surrounding property owners prior to approval of the use.

3. Accessory Dwelling Units

The Zoning Code requires that residential accessory dwelling units (ADUs) be constructed either on a site with an existing main residential unit, or, if it is constructed at the same time, the main unit must be completed prior to the completion of the ADU.

The -RC Combining District includes provisions for allowing the construction of ADUs on a residential lot prior to the construction of a single-family residence. The reason for establishing this provision in the fire impacted areas was the fact that, because ADUs are smaller, they would be quicker and less expensive to construct than the main house, and would allow a property owner to get back on their property sooner. It might also provide an opportunity for the contractor working on the main house to live on site.

Due to the severe housing shortage that existed prior to the Fires, which was exacerbated with the Fires, staff has developed similar language to the -RC Combining District, which would apply Citywide. The idea is that allowing ADUs to be constructed prior to the completion of a main residence would encourage more people to construct them, and could result in the development of more of these types of units.

The proposal also includes clarifying language regarding applications for the legalization of existing ADUs that were constructed without the benefit of permits. Specifically, that such structures would be subject to the same fees required for the construction of a new ADU.

4. Reduced Review Authority for Certain Uses

As a way to help incentivize various forms of housing and other types of uses that

have been identified as a need following the Fires, the proposed Resilient City Development Measures include a section for reduced review authority for specific land uses. The proposal would change the permitting requirements from either a Minor Use Permit to permitted by right (no use permit required), or from Conditional Use Permit to Minor Use Permit.

Minor Use Permits are reviewed by the Zoning Administrator and can take 3 to 4 months to process. Conditional Use Permits are reviewed by the Planning Commission and can take 8 to 12 months to process. Uses that are permitted by right are required to obtain a Zoning Clearance, which is administered by staff and generally done “over the counter”.

By reducing the permit requirements, and thereby the review authority, these land uses could be processed and established in a much more efficient and time sensitive way.

The following uses, which currently require the approval of a Minor Use Permit in the zones identified, would be allowed by right:

- a. “Agricultural Employee Housing – 7 or more residents” within the Medium Density Multi-Family Residential, Multi-Family Residential, and Transit Village-Residential Districts and associated multi-family residential Planned Development Districts.
- b. “Community Care Facility – 7 or more clients” within the Medium Density Multi-Family Residential, Multi-Family Residential, Transit Village-Residential, Office Commercial, General Commercial, Downtown Commercial and Transit Village-Mixed Districts and associated multi-family residential and non-residential Planned Development Districts.
- c. “Child Day Care – large family day care home” within the Rural Residential, Single-Family Residential, Medium Density Multi-Family Residential, Multi-Family Residential, Mobile Home Park, Transit Village-Residential, Office Commercial, Neighborhood Commercial, General Commercial, Downtown Commercial, Community Shopping Center, Transit Village-Mixed, Open Space-Recreation, and Open Space-Conservation Districts and associated residential and non-residential Planned Development Districts.
- d. Duplexes (two-unit) within the Rural Residential and Single-Family Residential Districts and associated single-family and rural residential Planned Development Districts.
- e. “Mobile Home Park” within the Mobile Home Park District.
- f. “Multi-Family Dwelling” within the General Commercial and Downtown Commercial Districts and associated residential and non-residential Planned

Development Districts.

- g. “Residential Component of a Mixed-Use Project” within the Rural Residential, Single-Family Residential, Medium Density Multi-Family Residential, Multi-Family Residential, Transit Village-Residential, Office Commercial, General Commercial and Downtown Commercial Districts and associated multi-family residential and non-residential Planned Development Districts.
- h. “Single-Family Dwelling” within the single-family and rural residential Planned Development Districts.

The following uses, which currently require the approval of a Conditional Use Permit in the zones identified, would be allowed with the approval of a Minor Use Permit in those zones:

- a. “Child Day Care Center (15 or more clients)” within the Rural Residential, Single-Family Residential, Medium Density Multi-Family Residential, Multi-Family Residential Districts and associated residential Planned Development Districts.
- b. “Community Care Facility – 6 or fewer clients” within the Public Institutional District and associated non-residential Planned Development Districts.
- c. “Community Care Facility – 7 or more clients” within the Public Institutional District and associated non-residential Planned Development Districts.
- d. “Emergency Shelter” within the Rural Residential, Single-Family Residential, Medium Density Multi-Family Residential, Multi-Family Residential, Mobile Home Park, Transit Village-Residential, Business Park, Light Industrial, General Industrial, Open Space-Recreation, Open Space-Conservation, and Public Institutional Districts and associated residential and non-residential Planned Development Districts.
- e. “Emergency Shelter – 50 or fewer beds” within the Office Commercial, Neighborhood Commercial, Motor Vehicle Sales, Downtown Commercial, Community Shopping Center, and Transit Village-Mixed Districts and associated non-residential Planned Development Districts.
- f. “Emergency Shelter – 51 or more beds” within the Office Commercial, Neighborhood Commercial, General Commercial, Motor Vehicle Sales, Downtown Commercial, Community Shopping Center, and Transit Village-Mixed Districts and associated non-residential Planned Development Districts.
- g. “Mobile Home Park” within the Rural Residential, Single-Family Residential, Medium Density Multi-Family Residential, Multi-Family Residential and

associated residential Planned Development Districts.

- h. “Mobile Home/Manufactured Housing” within the Business Park and associated non-residential Planned Development Districts.
- i. “Multi-Family Dwelling” within the Office Commercial, Business Park, and Open Space-Recreation Districts and associated non-residential Planned Development Districts.
- j. “Single-Family Dwelling” within the Business Park and associated non-residential Planned Development Districts.
- k. “Single-Family Dwelling – Attached Only” within the Office Commercial, General Commercial, and Open Space-Recreation Districts and associated non-residential Planned Development Districts.
- l. “Single room occupancy facility” within the Rural Residential, Single-Family Residential, Medium Density Multi-Family Residential, Multi-Family Residential, Transit Village-Residential, General Commercial, and Downtown Commercial, Community Shopping Center and associated residential and non-residential Planned Development Districts.
- m. “Small lot residential project” within the Single-Family Residential, Medium Density Multi-Family Residential, Multi-Family Residential, and Transit Village-Residential Districts and associated residential Planned Development Districts.

5. Modifications to the Design Review Process

a. **Design Review for Child Care, Lodging and Residential Development**

The proposed Resilient City Development Measures include modifications to the Design Review process for new development and major remodels of the following uses:

- Child day care
- Lodging – bed & breakfast inn (B&B)
- Lodging – hotel or motel
- Mixed-use development (that includes a residential component)
- Multi-family residential
- Single-room occupancy facility

The proposal would reduce the permit requirement from Major Design Review, which requires approval by the Design Review Board, to Minor Design Review, which would be acted on by the Zoning Administrator, regardless of the size or location of the project. Such a change would reduce the processing time for



these projects from 8 to 12 months, down to 3 to 4 months.

For any project that involves 10,000 square-feet or more in total floor area, or is within a visually sensitive location, which is defined by the Zoning Code as sites within the Downtown Commercial Zoning District, or within the Gateway, Historic or Scenic Road Combining Zoning District, conceptual review by the Design Review Board would be required. Such a review would add approximately one month to the process time, and would ensure that the Design Review Board would have an opportunity to provide comments on such projects prior to the Zoning Administrator taking action.

b. **Final Design Review**

The proposal would also delegate Final Design Review for all projects requiring review by the Design Review Board to staff, following Preliminary Design Review approval by the Board.

Typically, any changes that are necessary to a project between Preliminary approval and Final Design Review are limited, and the Board provides a detailed list of what needs to be completed by the applicant, which City staff is able to follow. The reason for the delegation to staff is to reduce the time it normally takes for a project to return to the Board, thereby allowing projects to proceed in a more expeditious manner.

6. Changes to an Approved Residential, Lodging or Child Care Facility Project

The Zoning Code currently requires that any change to an approved project be acted on by the Zoning Administrator, unless the change is not consistent with the Zoning Code, involves a feature of the project that was the basis for a finding in an environmental document, involves a feature of the project that was the basis for a condition of approval, or results in an expansion of the project. If any one of the aforementioned conditions exist, then the changes are required to be reviewed and approved by the original review authority for the project.

The proposed Resilient City Development Measures would reduce the review authority for changes to approved residential, lodging and child care facilities from the Zoning Administrator to the Director of Planning and Economic Development, if the project meets the above noted standards. Notification to surrounding property owners would be required prior to approval by the Director.

As with the current requirement, any project that does not meet the standards would still require action by the original review authority.

### ENVIRONMENTAL IMPACT

Adoption of the proposed 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. (*Surfrider Foundation v. California Coastal Com.* (1994) 26 Cal.App.4th 151 [if a project involves various activities, and each falls within one or more exemption(s), then the entire project is exempt].)

- 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, for a period of three years, 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 amendments would not in and of themselves 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 ordinance, which would be in place for a period of three years from the effective date, would address housing needs and economic development within the City following the Tubbs and Nuns fires of October 2017. The proposal would allow temporary housing and other temporary structures through the Temporary Use Permit process, would allow accessory dwelling units to be constructed and occupied prior to the completion of a main residence, 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 (Temporary Use Permit or 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 15282(h), which exempts adoption of an ordinance regarding second units in a single family or multifamily residential zone to implement the provisions of Government Code sections 65852.1 and 65852.2 and Public Resources Code section 21080.17. The proposal would allow accessory dwelling units to be constructed and occupied prior to the completion of a main residence on the same site, thereby incentivizing additional, smaller units within the City. Such a change would implement the City's Housing Action Plan and would be consistent with the provisions of Government Code Section 65852.2, both of which seek to incentivize the development of accessory dwelling units to provide smaller and more affordable residential units.
- 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 ordinance, which would be in place for a period of three years from the effective date, 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 allow temporary housing and other temporary structures through the Temporary Use Permit process, would allow accessory dwelling units to be constructed and occupied prior to the completion of a main residence, 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.

#### BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

The proposed modifications to the Design Review process will be considered by the Design Review Board at their meeting on February 1, 2018. Because the meeting will be held after the writing of this report, a verbal report of the Design Review Board's comments will be provided during the presentation to the Planning Commission on February 8, 2018.

#### NOTIFICATION

Pursuant to Zoning Code Section 20-66.020(D), Alternative to Mailing, if the number of property owners to whom notice would be mailed would exceed 1,000, the City may, as an alternative to mailing and on-site posting, provide notice by placing an advertisement of at least one-eighth page in at least one newspaper of general circulation 10 days prior to the hearing. The proposed Zoning Code Chapter 20-16, Resilient City Development Measures, would affect properties Citywide, therefore, a one-eighth page advertisement was placed in the Press Democrat. The notice was also emailed to the City's Community Advisory Board, was sent out through the City's various social media sites, and the notice was posted at City Hall. Finally, a project website was created, which provides a summary of the ordinance, as well as a copy of the draft ordinance, and the proposal was included in the Planning and

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Economic Development Departments Blueprint newsletter.

ISSUES

Not applicable.

ATTACHMENTS

Resolution 1

CONTACT

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