

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA RECOMMENDING TO CITY COUNCIL APPROVAL OF AN ORDINANCE ADDING ZONING CODE CHAPTER 20-16, RESILIENT CITY DEVELOPMENT MEASURES, 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, after a public hearing on February 8, 2018, the Planning Commission of the City of Santa Rosa finds that amending the Santa Rosa Zoning Code, as follows, is required for public convenience, necessity and general welfare:

- I. Add Zoning Code Chapter 20-16, Resilient City Development Measures, to read and provide as follows:

**Chapter 20-16**

**RESILIENT CITY DEVELOPMENT MEASURES**

**Sections:**

- 20-16.010 Purpose.**
- 20-16.020 Application of this Chapter.**
- 20-16.030 Temporary Housing.**
- 20-16.040 Temporary Structures.**
- 20-16.050 Accessory Dwelling Units.**
- 20-16.060 Reduced Review Authority for Certain Uses.**
- 20.16-070 Modifications to the Design Review Process.**
- 20.16-080 Changes to an Approved Residential, Lodging or Childcare Facility Project.**

**20-16.010 Purpose.**

The Resilient City Development Measures are intended to address housing needs and economic development within the City following the Tubbs and Nuns fires of October 2017.

**20-16.020 Application of this Chapter.**

Notwithstanding any other provisions of the City Code, the following provisions shall control and prevail for a period of three (3) years from the effective date of this ordinance, until \_\_\_\_\_, 2021, unless otherwise amended by subsequent action of the Council.

**20-16.030 Temporary Housing.**

- A. Temporary housing. Temporary structures for habitation, including, but not limited to, trailers, recreational vehicles, manufactured homes, tiny homes, converted storage containers and similar configurations are permitted on residential and non-residential parcels with the approval of a Temporary Use Permit, in any zoning district.
  
- B. Application filing and processing.
  - 1. General. Applications for temporary housing shall be filed and processed in compliance with Chapter 20-50 (Permit Application Filing and Processing). A Temporary Use Permit application shall include all information and materials required by the Conditional Use Permit application and Section 20-50.050 (Application Preparation and Filing), and the following additional information. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection E (Findings and decision), below.
  
  - 2. Multiple Temporary Units. For proposals that include group quarters or multiple temporary housing units on a single residential or non-residential parcel, the application shall also include details of the operations of the use, including, but not limited to, a description of the following:
    - a. Number of proposed beds/occupants.
    - b. Cooking facilities.
    - c. Sanitation facilities and management thereof.
    - d. Power source and associated noise mitigation.
    - e. Site lighting.
    - f. Site security and management, including the number of staff on site at any given time.
    - g. Location of proposed parking.
    - h. On-going site maintenance.
    - i. Duration of temporary housing.
    - j. Clean-up/returning the site to its original condition following termination of the use.
  
- C. Development standards.
  - 1. Number of units permitted. The number of temporary housing units, either individual, single-family units or multi-bed/multi-tenant units, permitted on a parcel shall be determined through the Temporary Use Permit process.
  
  - 2. Lighting. Adequate external lighting shall be provided for security purposes in compliance with Section 20-30.080.

3. On-site management. For proposals that include group quarters or multiple temporary housing units on a single residential or non-residential property, at least one facility manager shall be on-site at all hours.
4. Sanitation facilities. The number of bathrooms and showers required on site shall be determined through the building permit process, and shall be consistent with the California Building Code.
5. Parking. Each temporary housing unit shall provide the number of automobile and bicycle parking spaces required by Table 1-1, except where a greater or lesser number of spaces is required through conditions of approval.

**TABLE 1-1 – AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY HOUSING TYPE**

Temporary Housing Type	Number of Parking Spaces Required	
	Vehicle	Bicycle
One single-family temporary housing unit	1 space per temporary housing unit	None required
Multiple temporary housing units	1 space per temporary housing unit, plus 1 space per on-site staff person	1 space per 4 temporary housing units
Group quarters (including multiple beds in a single temporary unit to be occupied by individuals)	1 space for each 100 sq ft of common sleeping area, plus 1 space per on-site staff person	1 space per temporary housing unit

6. Services. Water, wastewater and electrical service shall be available on the site proposed for temporary housing structures unless an alternative source is approved by Santa Rosa Water or the Planning and Economic Development Department, and in accordance with the California Building Code.
  - a. Water – To protect the public water system, the appropriate approved backflow device shall be required. Initial testing certification of backflow devices is required and shall be performed by an entity as determined by the Director of Santa Rosa Water. Permit and connection fees shall be waived.
  - b. Wastewater – To protect public health, connection to the wastewater system is required. The Director of Santa Rosa Water will determine the appropriate connection requirement. Permit and connection fees shall be waived.

- c. Electrical Service – All temporary or permanent electrical service shall be located on the subject site.
- D. Building permit. A building permit is required for all temporary housing.
- E. Findings and decision. A Temporary Use Permit for temporary housing may be approved by the Director pursuant to Section 20-52.040.G (Findings and Decision).
- F. Post approval procedures. Post approval procedures for a Temporary Use Permit for temporary housing shall be as provided by Section 20-52.040.H (Post Approval Procedures).
- G. Duration of use. The duration of a temporary housing use shall be determined by the Director, but shall not extend beyond three (3) years from the effective date of this ordinance. It shall be the responsibility of the property owner to ensure that temporary housing units are vacated in accordance with law on or before expiration of the temporary use permit.
- H. Notification. At least ten (10) calendar days prior to taking action on any Temporary Use Permit application for temporary housing, 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.

**20-16.040 Temporary Structures.**

- A. Temporary structures. Temporary structures for classrooms, offices or other similar uses, including, but not limited to, use of trailers, mobile homes, converted storage containers or other similar configurations, are permitted on residential and non-residential parcels with the approval of a Temporary Use Permit, in any zoning district.
- B. Application filing and processing. Applications for temporary structures shall be filed and processed in compliance with Chapter 20-50 (Permit Application Filing and Processing). A Temporary Use Permit application shall include all information and materials required by the Conditional Use Permit application and Section 20-50.050 (Application Preparation and Filing). It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection D (Findings and decision), below.
- C. Building permit. A building permit is required for all temporary structures.
- D. Findings and decision. A Temporary Use Permit for temporary structures may be approved by the Director pursuant to Section 20-52.040.G (Findings and Decision).
- E. Post approval procedures. Post approval procedures for a Temporary Use Permit for temporary housing shall be as provided in Section 20-52.040.H (Post Approval

Procedures).

- F. Duration of use. The duration of a temporary housing use shall be determined by the Director, but shall not extend beyond three (3) years from the effective date of this ordinance. It shall be the responsibility of the property owner to ensure that temporary structures are vacated in accordance with law on or before expiration of the temporary use permit.
- G. Notification. At least ten (10) calendar days prior to taking action on any Temporary Use Permit application for temporary non-residential structures, 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.

**20-16.050 Accessory Dwelling Units.**

Except as identified herein, accessory dwelling units shall comply with the requirements of Section 20-42.130 (Accessory Dwelling Units), where allowed by Division 2 (Zoning Districts and Allowable Land Uses).

- A. Issuance of certificate of occupancy. Notwithstanding other provisions of this Zoning Code, an accessory dwelling unit within any residential zoning district may be constructed and occupied prior to the construction of a single-family dwelling on the same parcel, provided that a building permit for the single-family dwelling shall be submitted, and diligently pursued to completion.
- B. Existing accessory dwelling units constructed without permits. Applications to legalize an existing accessory dwelling unit that was constructed without the benefit of permits shall be subject to the same fees required for construction of a new accessory dwelling unit.

**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), Transit Village-Mixed (TV-M), Open Space-Recreation (OSR), and Open Space-Conservation (OSC) 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 Intuition (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 Intuition (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), Open Space-Recreation (OSR), Open Space-Conservation (OSC), 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), Business Park (BP), and Open Space-Recreation (OSR) Districts and associated non-residential Planned Development Districts.
10. “Single-Family Dwelling” is hereby 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), General Commercial (GC), and Open Space-Recreation (OSR) 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 and 2, 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, regardless of size or location, including visually sensitive locations as defined by Section 20-52.030 (Design Review), Table 5-2 (Design Review Authority and Notice Requirements), is hereby delegated to the Zoning Administrator, through the Minor Design Review

process, on sites zoned for such uses.

2. Prior to submittal of 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).
- 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.
- II. 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.”

WHEREAS, the project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Planning Commission has determined that the proposed Zoning Code amendment is exempt from 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.

WHEREAS, the Planning Commission, pursuant to City Code Section 20-64.050 (Findings), hereby finds and determines:

- A. The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan;
- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;
- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
- D. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends to the City Council the approval and adoption of the Zoning Code text amendment as contained herein.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 8th day of February 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_

CHAIR

ATTEST: \_\_\_\_\_

EXECUTIVE SECRETARY