

ORDINANCE NO. ORD-2018-006

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – ADDING 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 3000 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, 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 in the City; and

WHEREAS, the Santa Rosa Zoning Code includes provisions for development of new temporary housing and structures, and accessory dwelling units; however, it does not address streamlining and expedition of such development; and

WHEREAS, the proposed Zoning Code Amendment to add Chapter 20-16, Resilient City Development Measures, to Title 20 (Zoning) is consistent with the goals and policies of all elements of the General Plan and any applicable specific plan, in that Chapter 20-16, which will be in place for a period of three years from the effective date, 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; 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 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 the Zoning Code, for a period of three years, to provide less stringent regulations to help incentivize the development of new housing within the City following the Nuns and Tubbs fires of October 2017;
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 and it would continue to require consistency with all elements of the Zoning Code.

Section 2. 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.

20-16.010 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 May 11, 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, with five (5) or more units on a single residential or non-residential property, at least one facility manager shall be on-site between the hours of 8 a.m. and 5 p.m.
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. Water and Wastewater Services. Water and wastewater service shall be available on the site proposed for temporary housing structures unless an alternative source is approved by Santa Rosa Water and complies with any applicable provisions of 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.
 - 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.
 - c. Water and wastewater connection/demand fees shall be waived for any temporary housing units under this ordinance but not beyond the duration of such temporary use. In the event of any such fee waiver, Santa Rosa Water will require an agreement from owner of the underlying property to assure termination of the connections at the expiration of the temporary use.
 7. Electrical Service. Electrical services shall be available on the site proposed for temporary housing structures unless an alternate source is approved by the Planning and Economic Development Director, and is in accordance with any applicable provisions of the California Building Code. 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. Rental requirements. Temporary housing shall not be used for rentals with terms of less than 30 days.

- F. 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).
- G. 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).
- H. Duration of use. The duration of a temporary housing use shall be determined by the Director, but shall not extend beyond five (5) years from the date of approval of the Temporary Use Permit. 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.
- I. 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 structures shall be as provided in Section 20-52.040.H (Post Approval Procedures).
- F. Duration of use. The duration of a temporary structures use shall be determined by the Director, but shall not extend beyond five (5) years from the date of approval of the Temporary Use Permit. 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.”

Section 3. 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, for a period of three years, to provide less stringent regulations to help incentivize the development of new housing 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, and would allow accessory dwelling units to be constructed and occupied prior to the completion of a main residence.

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.

- 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, and would allow accessory dwelling units to be constructed and occupied prior to the completion of a main residence.

Section 4. 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 5. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED this 10th day of April, 2018.

AYES: (6) Vice Mayor Rogers, Council Members Combs, Olivares, Sawyer,
Schwedhelm, Tibbetts

NOES: (1) Mayor Coursey

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney