

ORDINANCE NO. ORD-2019-009

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING A ZONING CODE TEXT AMENDMENT RELATED TO THE SOUTHEAST GREENWAY GENERAL PLAN AMENDMENT AND REZONING PROJECT - FILE NUMBERS ST14-003, GPAM19-002 AND REZ19-007

WHEREAS, in 2009, the Southeast Greenway Campaign was formed, which is a community group established to develop an urban Greenway on approximately 57 acres of land owned by the California Department of Transportation (Caltrans) and planned for a future extension of State Highway 12; and

WHEREAS, on October 18, 2011, the Santa Rosa City Council adopted Resolution No. 27995 which included Council Goal 4, Strategic Objective 4: “Acknowledge Southeast Greenway community planning projects”; and

WHEREAS, on April 16, 2013, the Council adopted Resolution No. 28266 reaffirming Council Goal 4, Strategic Objective 3: “Support Efforts of Southeast Greenway Campaign by Monitoring and Providing Information”; and

WHEREAS, on June 17, 2014, the City of Santa Rosa joined the Southeast Greenway Community Partnership by signing a Mutual Letter of Intent. At that time, the Partnership consisted of the City of Santa Rosa, the Sonoma County Water Agency, Sonoma County Regional Parks, the Southeast Greenway Campaign, and LandPaths. As outlined the Mutual Letter of Intent, the initial vision was that the highway land between Summerfield Road and Spring Lake Regional Park would be transferred to the Sonoma County Water Agency and operated/maintained by Sonoma County Regional Parks. The remaining land would be transferred to the City of Santa Rosa and would be operated and maintained by City of Santa Rosa’s Recreation and Parks Department with support from community members and nonprofits; and

WHEREAS, on August 20, 2014, the California Transportation Commission adopted a resolution to rescind the freeway adoption due to lack of operational need, local support and funding, allowing the land to be transferred or sold; and

WHEREAS, in late 2014, the Sonoma Land Trust joined the Southeast Greenway Community Partnership and is contributing expertise and effort toward facilitating the future transfer of the Caltrans land to public ownership; and

WHEREAS, on July 7, 2015, the Council adopted Resolution No. 28666 approving a Memorandum of Understanding (MOU) between Caltrans, Sonoma Land Trust, and the Southeast Greenway Community Partnership. The MOU documents how the Partnership, Sonoma Land Trust, and Caltrans will collaborate and work together toward development of an agreement that will transfer the highway land to public ownership; and

WHEREAS, the MOU states that the City of Santa Rosa would develop an Existing Conditions, Opportunities and Constraints Report to document existing conditions on the

property and opportunities and constraints resulting from existing adopted plans. This report was completed and presented to the City Council on October 6, 2015; and

WHEREAS, on October 6, 2015, the Council considered the information contained in the Existing Conditions, Opportunities and Constraints Report and adopted Resolution No. 28696, initiating a General Plan Amendment and Rezoning of the site, along with development of an Environmental Impact Report (EIR); and

WHEREAS, on June 14, 2016, the Council approved a Professional Services Agreement with PlaceWorks, Inc. for preparation of the General Plan Amendment, Rezoning, and EIR for the 57-acre site; and

WHEREAS, on August 6, 2016, the first community workshop was held, with participants envisioning desired uses on the site; and

WHEREAS, on October 8, 2016, the second community workshop was held for participants to consider and provide feedback regarding draft guiding principles and three land use and circulation alternatives; and

WHEREAS, on November 1, 2016, a joint meeting of the Planning Commission and City Council was held to review the draft guiding principles, land use and circulation concept alternatives, and results from the public outreach effort. At the meeting, the Council and Commission directed staff to create a single draft land use and circulation concept alternative; and

WHEREAS, on March 28, 2017, a second joint meeting of the Planning Commission and City Council was held to receive feedback on the single preferred land use and circulation alternative and proposed General Plan amendment; and

WHEREAS, on April 24, 2017, a Notice of Preparation (NOP) of an Environmental Impact Report was mailed to properties within 500 feet of the project area, and was distributed for a 30-day public review period, ending on May 23, 2017, to State agencies and other local and regional agencies, departments and individuals that requested notification; and

WHEREAS, on May 15, 2017, a Scoping Meeting was held at the Bennett Valley Senior Center to gather comments and guidance on the scope and content of the EIR from the community, interested public agencies, and organizations; and

WHEREAS, a notice of availability of the 2017 Draft EIR was provided and the 2017 Draft EIR was made available to the public for review and comment for a period of 45 days beginning on August 21, 2017 and ending on October 4, 2017; and

WHEREAS, on September 14, 2017 the Planning Commission held a noticed public hearing regarding the Southeast Greenway General Plan Amendment and Rezoning project (Project) and 2017 Draft EIR at which time all persons wishing to be heard were invited to speak or submit written comment; and

WHEREAS, during the public review period for the 2017 Draft EIR, the City received public comments requesting additional traffic analysis to address future conditions without the Farmers Lane Extension (if the roadway extension is not completed prior to the Southeast Greenway project). Following the October 4, 2017 closing of the public review period, staff and the consultant team began work on preparing the additional traffic analysis; and

WHEREAS, on October 8, 2017, and continuing for days thereafter, a series of wildfires 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. Due to the impact on City staff resources related to the fires, as well as staff's work on the Council's existing priorities, most notably implementation of the City's Housing Action Plan, work on the Southeast Greenway project was put on hold; and

WHEREAS, in November 2018, with much of the policy work related to the wildfires complete and significant progress made towards the Housing Action Plan initiatives, staff redirected time toward completion of the Project, and finalization of the updated traffic analysis; and

WHEREAS, a Revised Draft Environmental Impact Report (Revised Draft EIR) was prepared and sent to the State Clearinghouse for review by State agencies. The Revised Draft EIR was prepared to evaluate a new traffic scenario and any subsequent residual impacts in response to written and verbal comment made during the 45-day public review period for the 2017 Draft EIR. The written and verbal comments requested that additional traffic analysis be conducted to address potential impacts should the Southeast Greenway project be constructed prior to the extension of Farmers Lane. In compliance with Section 15088.5(f) of the CEQA Guidelines, the Draft EIR was revised to include the new traffic scenario and changes to the traffic noise evaluation; and

WHEREAS, a notice of availability of the Revised Draft EIR was provided and the Revised Draft EIR was made available to the public for review and comment for a period of 45 days beginning on January 28, 2019 and ending on March 13, 2019; and

WHEREAS, on February 14, 2019 the Planning Commission held a noticed public hearing regarding the Revised Draft EIR at which time all persons wishing to be heard were invited to speak or submit written comment; and

WHEREAS, on May 23, 2019 at a public meeting of the Planning Commission, the Commission unanimously recommended that the City Council adopt an ordinance approving a Zoning Code Text Amendment related to the Southeast Greenway General Plan Amendment and Rezoning Project; and

WHEREAS, the Council has considered the Final Environmental Impact Report (EIR) and, by separate resolutions, certified the Final EIR, made findings of fact, a statement of overriding considerations and adopted a mitigation and monitoring program for the Southeast Greenway General Plan Amendment and Rezoning Project; and

WHEREAS, adoption of the Southeast Greenway General Plan Amendment and Rezoning Project will further General Plan land use, transportation and open space goals and objectives that support intensification of land uses around public services, improved multi-modal connectivity and circulation, and enhancement of the physical environment; and

WHEREAS, based on the evidence presented and the records and files herein, and pursuant to City Code Sections 20-64.020(A)(2) (Zoning Code) and 20-64.050 (Findings), the Council of the City of Santa Rosa finds and determines:

- A. The proposed Zoning Code text amendment is consistent with the goals and policies of all elements of the General Plan in that it provides the Zoning regulations necessary to implement the Southeast Greenway illustrative map included in the Environmental Impact Report and the General Plan 2035 Land Use and Livability Element, which was developed in consultation with the community, the Planning Commission and the City Council;
- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as it identifies specific uses within the Open Space Recreation (OSR), General Commercial (CG) and Neighborhood Commercial (CN) Zoning Districts that do not fit with the vision for this area, and provides a note stating that those specific uses are not allowed within the Southeast Greenway area. The proposed text amendment would ensure consistency with the proposed changes to the General Plan, including the Illustrative Map that was developed out of the community engagement process;
- C. The proposed Southeast Greenway General Plan Amendment and Rezoning project has been reviewed in compliance with the California Environmental Quality Act (CEQA); and
- D. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

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 for implementation of the Southeast Greenway General Plan Amendment and Rezoning Project.

Section 2. Amend Section 20-23.030, Table 2-6, to add the following note to the Neighborhood Commercial (CN) and General Commercial (CG) Zoning Districts for the identified land uses:

“(11) Not permitted in the Southeast Greenway area.”

Note (11) shall be added to the Neighborhood Commercial (CN) Zoning District for the following land uses:

- Gas station

- General retail – More than 20,000 square feet, up to 50,000 square feet
- Grocery store, large – 20,000 square feet and greater
- Medical service – Hospital

Note (11) shall be added to the General Commercial (CG) Zoning District for the following land uses:

- Auto and vehicle sales and rental
- Auto parts sales (no installation services)
- Building and landscape materials sales – Outdoor
- Drive-through retail sales
- Gas station
- General retail – More than 20,000 square feet, up to 50,000 sf
- General retail – More than 50,000 square feet of floor area
- Grocery store, large – 20,000 square feet and greater
- Night club
- Medical service – Hospital
- Vehicle services – Minor maintenance/repair
- Warehouse retail

Section 3. Amend Section 20-26.030, Table 2-12, to add the following note to the Open Space-Recreation (OSR) Zoning District for the identified land uses:

“(3) Not permitted in the Southeast Greenway area.”

Note (3) shall be added to the Open Space-Recreation (OSR) Zoning District the following land uses:

- Caretaker unit
- Child day care – Small family day care home
- Child day care – Large family day care home
- Community care facility—6 or fewer clients
- Golf course/country club (public or quasi-public)
- Home occupation
- Mobile home/manufactured housing unit
- Multi-family dwellings
- Office – Accessory
- Office – Government
- Residential accessory structures and uses
- Second dwelling unit
- Single-family dwelling
- Single-family dwelling, attached
- Transitional housing

Section 4. Environmental Determination. The Council finds that the Final Environmental Impact Report prepared for the Southeast Greenway General Plan Amendment and Rezoning Project, certified by this Council by Resolution No. RES-2019-093 adequately describes and analyzes the amendments to the Santa Rosa Zoning Code set forth herein, and that no further environmental review is required.

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. Effective Date. 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 July 9, 2019.

IN COUNCIL DULY PASSED AND ADOPTED this 16th day of July, 2019.

AYES: (5) Mayor Schwedhelm, Vice Mayor Rogers, Council Members Fleming, Olivares, Tibbetts

NOES: (0)

ABSENT: (1) Council Member Combs

ABSTAIN: (1) Council Member Sawyer

ATTEST: _____
Acting City Clerk

APPROVED: _____
Vice Mayor

APPROVED AS TO FORM:

City Attorney