

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
RECOMMENDING TO THE CITY COUNCIL ADOPTION OF ZONING CODE  
AMENDMENTS TO TITLE 20 OF THE SANTA ROSA CITY CODE TO EXTEND AND  
MODIFY CHAPTER 20-16, RESILIENT CITY DEVELOPMENT MEASURES,  
FILE NUMBER REZ20-007

WHEREAS, On October 9, 2017, Governor Jerry Brown declared a State of Emergency for Sonoma and other counties because of multiple wildfires including the Tubbs and Nuns Fires; and

WHEREAS, on April 10, 2018, the City Council adopted an urgency ordinance adding Chapter 20-16, Resilient City Development Measures; specifically, Sections 20-16.010 through 20-16.050, related to temporary housing, temporary structures and accessory dwelling units, which expires on May 11, 2021; and

WHEREAS, on May 22, 2018, the City Council approved an amendment to Title 20 of the Santa Rosa City Code to add Chapter 20-16, Resilient City Development Measures, Sections 20-16.060 through 20-16.110, reducing review authority for certain uses, modifying the Design Review process for residential, lodging or childcare facility projects; including modifications to Zoning Administrator meetings, appeal fees, and adding a requirement for an annual review; and

WHEREAS, on October 2, 2018, the City Council adopted an amendment to Title 20 of the Santa Rosa City Code Chapter 20-16, Resilient City Development Measures, adding Section 20-16.030(E) to address waiving of capital facilities, housing, and park impact fees for temporary housing; and

WHEREAS on January 8, 2019, the City Council approved an amendment to Title 20 of the Santa Rosa City Code Chapter 20-16, Resilient City Development Measures, adding Section 20-16.120 to Chapter 20-16, Resilient City Development Measures, to allow an automatic, 12-month extension for approved tentative subdivision maps and associated entitlements that were active as of October 9, 2017; and

WHEREAS on February 25, 2020, the City Council adopted an amendment to Title 20 of the Santa Rosa City Code Chapter 20-16, Resilient City Development Measures, to allow a second automatic 12-month extension for tentative maps and associated entitlements that benefitted from the first automatic, 12-month extension; and

WHEREAS on March 4, 2020, Governor Gavin Newsom declared a statewide State of Emergency related to the COVID-19 pandemic; and

WHEREAS on March 17, 2020, the Sonoma County Public Health Officer issued a Shelter in Place Order directing all individuals living in the County to shelter at their place of

residence with certain exceptions, as amended; and

WHEREAS on August 11, 2020, the City Council adopted an amendment to Title 20 of the Santa Rosa City Code Chapter 20-16, Resilient City Development Measures, adding Section 20-16.070A(1)(b), to define the appeal body for certain land use projects; and

WHEREAS on August 16, 2020 Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to an Extreme Heat Event; and

WHEREAS on August 18, 2020, Governor Gavin Newsom declared a State of Emergency due to the fires collectively known as the LNU Complex Fire; and

WHEREAS on September 28, 2020, Governor Gavin Newsom declared a State of Emergency for Sonoma and other counties due to the Glass Fire; and

WHEREAS, the City Council recognizes that there remains a need for residential and commercial rebuilding and economic recovery assistance, exacerbated by the economic impact of the 2020 LNU Complex and Glass Fires, and the COVID-19 pandemic, warranting the extension and modification of the Resilient City Development Measures as set forth within Exhibit A and incorporated herein; and

WHEREAS, after a duly noticed public hearing on October 22, 2020, the Planning Commission of the City of Santa Rosa finds that amending the Santa Rosa Zoning Code, as set forth within Exhibit A and incorporated herein, is necessary and appropriate for public convenience, necessity, and general welfare; and

WHEREAS, the amendment 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 because 1) adoption of the ordinance is exempt under the “general rule” 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; 2) 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; 3) 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;” and 4) Section 15269(c) regarding specific actions necessary to mitigate or prevent an emergency. A State of Emergency for Sonoma County was declared by the Governor on October 9, 2017, March 4, 2020, August 16, 2020, August 18, 2020, and September 28, 2020; and

WHEREAS, the Planning Commission, pursuant to City Code Section 20-64.050,

Findings, hereby finds and determines:

- A. The proposed amendments are consistent with the goals and policies of the Santa Rosa General Plan, and all applicable Specific Plans because the amendments further the goals of providing housing, economic vitality, support of childcare facilities, and overall resiliency. 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; and
- B. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because the amendments strive to improve livability within the City and address vital housing and economic recovery needs in response to multiple fire-related and COVID-19 pandemic-related emergencies; and
- C. The proposed 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 because:
  - a. Adoption of the ordinance is exempt under the “general rule” 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 temporary ordinance addresses housing need and economic development in response to continued recovery from the 2017 and 2020 Fires, and the COVID-19 pandemic and would not result in any activity that may have a significant effect on the environment.
  - b. 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 continue to 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. This change implements the City’s Housing Action Plan and is 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.
  - c. 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.”

- d. Furthermore, the proposed temporary Zoning Code amendments are exempt from the provisions of CEQA pursuant to Section 15269(c) regarding specific actions necessary to mitigate or prevent an emergency. A State of Emergency for Sonoma County was declared by the Governor on October 9, 2017, March 4, 2020, August 16, 2020, August 18, 2020, and September 28, 2020. The proposed ordinance addresses housing needs and economic development within the City following the 2017 and 2020 Fires, and the COVID-19 pandemic. The ordinance 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 allow extensions for certain Temporary Use Permits, would reduce the review authority for certain residential and child care uses, would expand mobile food vending opportunities, and would reduce the Design Review process for certain residential, child care, and lodging uses; and
- D. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code because this ordinance is temporary and represents recovery needs of the community. The proposal 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Santa Rosa recommends that the City Council adopt an ordinance to extend and modify City Code Chapter 20-16, Resilient City Development Measures as set forth in Exhibit A and incorporated herein.

REGULARY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 22<sup>nd</sup> day of October 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

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

Exhibit A: Amendments to City Code Chapter 20-16, Resilient City Development Measures

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