

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO AMEND CITY
ZONING CODE CHAPTER 20-31, DENSITY BONUS AND OTHER DEVELOPER
INCENTIVES TO BE CONSISTENT WITH STATE GOVERNMENT CODE SECTION 65915,
DENSITY BONUSES AND OTHER INCENTIVES - FILE NUMBER REZ21-003

WHEREAS, in 2016 the City Council accepted the Housing Action Plan to address local ongoing unmet housing needs and to implement the City's General Plan Housing Element. Program #1 of the Plan directs development of a Zoning Code Text Amendment to address inconsistencies between Zoning Code Chapter 20-31 and recent changes to State Density Bonus law; and

WHEREAS, since the last amendment to Santa Rosa Code Chapter 20-31, Density Bonus and Other Developer Incentives, was adopted on January 8, 2019, State Density Bonus Law, California Government Code Section 65915, was amended by AB 2345 (Gonzalez, September 28, 2020) thus making Chapter 20-31 inconsistent with State law; and

WHEREAS, on January 1, 2021 AB 2345 (Gonzales), amendments to the State Density Bonus Law, took effect and triggered the need for Zoning Code Amendments for consistency with state law; and

WHEREAS, on August 12, 2021, the Planning Commission of the City of Santa Rosa held a public hearing to consider the proposed ordinance and, after hearing public testimony finds that amending the Santa Rosa Zoning Code is required to maintain consistency with State Density Bonus Law as amended by AB 2345 (Gonzales) with the following changes that took effect on January 1, 2021:

- A. The maximum density bonus increased from 35% to 50% above the maximum general plan land use density and the unit set-aside percentage at which developers can earn density bonus is reduced.
- B. One-hundred percent lower income housing development is allowed a 100% density bonus, consisting of 80% lower income units and 20% moderate income units, four concessions or incentives, and an automatic 33-foot height increase.
- C. Developers receiving four incentives are limited to one development standard waiver unless the City authorizes more.
- D. Maximum parking ratios for certain projects within ½ mile of a major transit stop are reduced further.
- E. Adjustment to the supplemental density bonus to accommodate increased State maximum density bonus and still maintain the 100% maximum density bonus housing development may earn with a supplemental density bonus.
- F. Clarification of certain terms including "unobstructed access" to a major transit stop; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the Zoning Code Amendments at which all those wishing to be heard were allowed to speak or present written comments and other materials; and

WHEREAS, the Planning Commission has considered the Amendments, the staff reports, oral and written, the testimony, written comments, and other materials presented at the public hearing; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Santa Rosa, pursuant to City Code Section 20-64.050 (Findings), hereby finds and determines:

- A. The proposed Zoning Code amendments are consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that it maintains consistency with State Density Bonus Law and the supplemental density bonus provisions promote infill affordable housing development within the City's Priority Development Areas, and within General Plan land use designations that have been identified as appropriate for higher density housing; and
- B. 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 to maintain consistency with State Density Bonus Law, and provide an incentive through a supplemental density bonus toward the production of affordable housing to meet the City's housing needs; and
- C. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code; and
- D. The City adopted a negative declaration for the current Density Bonus Ordinance on January 8, 2019. Pursuant to California Government Code Section 15162, the proposed Density Bonus Ordinance amendment will not require subsequent environmental review for the following reasons.
 - a. The amendments to the State Density Bonus provision of the ordinance, which are required to comply with the new State Density Bonus Law, as amended by AB 2345, and the amendments to the Supplemental Density Bonus provisions to compliment State Density Bonus Law will not increase total density that may be achieved by housing development eligible for a supplemental density bonus. Also, all density bonus projects subject to the amended Density Bonus Ordinance will continue to be constrained by infrastructure capacity as well as public service (e.g., fire protection) health and safety standards. Therefore, the amendment will not result in new development that will, directly or indirectly, increase cumulative residential development beyond what was previously evaluated by the negative declaration.
 - b. There is no new significant environmental effect associated with the City's Density Bonus Ordinance in that the amended ordinance does not change any supplemental density bonus provision that could expand cumulative residential development in the

City beyond which is analyzed by negative declaration. It will not expand nor intensify local development allowed by the current supplemental density bonus program. Furthermore, the amended ordinance does not contain any local density bonus provision that will expand cumulative residential development beyond which is allowed by the State Density Bonus law.

BE IT FURTHER RESOLVED that the Planning Commission recommends to the City Council the approval and adoption of the Zoning Code text amendment attached hereto as Attachment 1 and incorporated herein.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 12th day of August 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____

CHAIR

ATTEST: _____

EXECUTIVE SECRETARY

Attachment 1: Zoning Code Chapter 20-31 Density Bonus and Other Developer Incentives

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