

ORDINANCE NO. ORD-2025-001

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO MODIFY ZONING CODE CHAPTER 20-31 (DENSITY BONUS AND OTHER INCENTIVES), SECTION 20-12.020 (ZONING CODE RULES OF INTERPRETATION), SECTION 20-36.050 (ADJUSTMENTS TO PARKING REQUIREMENTS), AND SECTION 20-42.130 (ACCESSORY DWELLING UNITS); FILE NUMBER REZ24-004

WHEREAS, in October 2023, the Governor of California signed State legislation related to housing regulations, specifically AB 1287, AB 323, AB 821, and AB 894, all of which require amendments to the City's Zoning Code; and

WHEREAS, these amendments include refinements to the density bonus law as outlined in AB 1287, allowing projects that meet the State's 50 percent density bonus provisions to qualify for an additional 50 percent density bonus and revising definitions of "Maximum Allowable Residential Density" and "100 Percent Affordable Housing"; and AB 323, which requires developers to sell inclusionary or density bonus affordable units to income-eligible purchasers or, after 180 days, to a qualified non-profit housing corporation; and

WHEREAS, these amendments address AB 821, which ensures zoning and general plan consistency, and AB 894, which mandates shared parking plans if parking is underutilized, with 20 percent of spaces vacant during the time parking will be shared; and

WHEREAS, in October 2024, the Governor of California signed State legislation related to Accessory Dwelling Units, specifically AB 2533 and SB 1211, both of which also require amendments to the City's Zoning Code; and

WHEREAS, these housing laws have been enacted through statewide mandates to increase housing supply and therefore apply to all jurisdictions, requiring amendments to local zoning codes to ensure consistency with State law; and

WHEREAS, the City of Santa Rosa has a responsibility to update its Zoning Code on a regular basis to maintain consistency with State housing law; and

WHEREAS, on December 12, 2024, the Planning Commission of the City of Santa Rosa held a duly noticed public hearing and recommended that the City Council adopt Zoning Code Text Amendments to incorporate the necessary changes to State law and address potential public safety issues arising from increased residential density in Wildland Urban Interface (WUI) areas or along streets with limited width; and

WHEREAS, on January 7, 2025, the Council of the City of Santa Rosa held a duly noticed public hearing on the proposed Zoning Code Text Amendment; and

WHEREAS, the Council has received, reviewed, and given due consideration to the records and reports provided, along with oral and other evidence presented at the public hearing by the public and City staff.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council of the City of Santa Rosa finds, pursuant to City Code Section 20-64-050 (Findings), based on evidence and records presented, that:

- A. The proposed amendments are consistent with the goals and policies of the Santa Rosa General Plan 2035, and all applicable Specific Plans, in that the amendments further existing policies to create additional housing opportunities, provide for a more efficient use of parking, and to ensure compatibility between new development with existing neighborhoods. In addition, these changes are primarily required for State law consistency.
- B. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the amendments will increase housing and shared parking opportunities while allowing for the application of local and state regulations to ensure the safety and health of public and the environment.
- C. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code in that the necessary changes have been made throughout applicable sections of the Zoning Code to ensure clarity and eliminate conflicting requirements.
- D. The proposed amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) in that the amendments do not have the potential to cause a significant effect on the environment and are not subject to CEQA review. Each of the proposed amendments is necessary to conform the Code to State law, and any conceivable impact of the proposed amendments would be speculative in the absence of specific development proposals. Accessory Dwelling Unit amendments are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h), which exempts the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions the Government Code. In addition, Government Code Section 66333 exempts the adoption of an ordinance to provide for the creation of Junior Accessory Dwelling Units.

Section 2. Amend subsection D. 2. of Section 20-12.020, Rules of interpretation, of the Santa Rosa City Code to read and provide as follows:

“2. Development Agreements, the General Plan or Specific Plans. In the event of any conflict between the requirements of this Zoning Code and standards adopted as part of any Development Agreement, the General Plan or a Specific Plan, the requirements of the Development Agreement, the General Plan, or a Specific Plan shall control.”

Section 3. Renumber existing subsection C of Santa Rosa City Code Section 20-36.050 as subsection D.

Section 4. Add a new subsection C to Section 20-36.050 of the Santa Rosa City Code to read and provide as follows:

“C. Shared underutilized parking. Underutilized parking for any land use may be shared through a shared parking agreement in accordance with California Government Code Section 65863.1. A shared parking agreement shall be allowed through a Minor Conditional Use Permit approval. Underutilized parking is when 20 percent or more of a development’s parking spaces are not occupied during the period in which shared parking is proposed.

A reduction in spaces shall be allowed if a parking analysis prepared by professionals in the planning or parking fields determines the number of spaces that can be shared will fulfill parking requirements. Shared parking arrangements shall be formalized through an agreement recorded against the parcels that are part of the agreement.”

Section 5. Add “Affordable Housing (100% affordable)” to Section 20-31.020, Definitions, of the Santa Rosa City Code to appear within the section in alphabetical order and to read and provide as follows:

“**Affordable Housing (100% affordable).** One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager’s unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code.”

Section 6. Amend “Maximum Allowable Density” definition in Section 20-31.020, Definitions, of the Santa Rosa City Code to read and provide as follows:

“**Maximum Allowable Density.** The maximum number of dwelling units under the zoning ordinance, specific plan, or land use element of the general plan, or if a range of density is permitted, the maximum number of units allowed by the specific zoning range, specific plan or land use element of the general plan applicable to the project. Where a Housing Development is permitted in a Land Use Designation that does not provide a residential density allowance, the bonus shall be calculated in reference to the residential density allowance designated in the Zoning Code. For a Housing Development located in a General Plan Land Use Designation and Zoning District without a defined residential density limit, the Maximum Allowed Density shall be imputed by the Housing Development plan, submitted by the Applicant and subject to approval by the Director, which demonstrates the maximum number of dwelling units, without the inclusion of Density Bonus Units or associated Incentives, Concessions, waivers, and reductions, that can be developed on the site in substantial conformance with General Plan policies, and applicable Development Standards and Design Guidelines.”

Section 7. Add “Qualified Nonprofit Housing Corporation” to Santa Rosa City Code Section 20-31.020, Definitions, to appear within the section in alphabetical order and to read and provide as follows:

“Qualified Nonprofit Housing Corporation. For purposes of this section, a qualified nonprofit housing corporation means a nonprofit corporation that meets all of the following requirements:

- (1) The nonprofit corporation has a determination letter from the Internal Revenue Service affirming its tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code and is not a private foundation as that term is defined in Section 509 of the Internal review Code.
- (2) The nonprofit corporation is based in California.
- (3) All of the board members of the nonprofit have their primary residence in California.
- (4) The primary activity of the nonprofit corporation is the development and preservation of affordable home ownership housing in California.”

Section 8. Amend subsection C of Section 20-31.010 of the Santa Rosa City Code to read and provide as follows:

“C. Review authority. A request for a Density Bonus will be reviewed by the Director, or the same review authority as the Housing Development's other entitlements, if applicable. The reviewing authority shall not grant the Density Bonus and requested Incentive(s) or Concession(s) unless the findings in Section 20-31.090.B (Available Incentives and Concessions) are made.”

Section 9. Amend the first paragraph of Section 20-31.060 State Density Bonus, of the Santa Rosa City Code to read and provide as follows:

“The City will allow a Housing Development a 50 percent maximum Density Bonus and Concessions or Incentives meeting all the applicable eligibility requirements of this chapter. In the event that the minimum requirements for granting a Density Bonus or the number of applicable Concessions or Incentives as set forth in California Government Code Section 65915 are amended after the adoption of this chapter by the City, then the lowest minimum requirements shall apply. For projects that meet maximum allowances of density bonus units (50%), additional bonus units (up to 50%) may be permitted up to 100% density bonus, as described in Section 20-31.060 (H) below.”

Section 10. Add subsection H to Section 20-31.060, State Density Bonus, of the Santa Rosa City Code, to read and provide as follows:

“H. Additional Density Bonus

This subsection outlines the eligibility requirements for an additional State Density Bonus. An eligible project may qualify for an additional State Density Bonus of up to, but not greater than 100 percent above the maximum residential density permitted in the applicable Land Use Designation pursuant to the provisions in this section.

1. The project must propose to construct sufficient very low-income, low-income, or moderate-income units to achieve a 50% base density bonus. The very low and low-income units can

either be for-sale or rental units.

2. After committing to the required minimum base bonus, the applicant can commit to constructing additional very-low income or moderate-income units as part of the project and receive an additional density bonus at specified percentages. These additional very low-income or moderate-income units may be offered as for sale or rental units.

<i>Table 3-2 Additional Density Bonus for Very Low Income Units</i>	
% (Additional) Very Low-Income Units	Percentage (Additional) Density Bonus
5%	20%
6%	23.75%
7%	27.5%
8%	31.25%
9%	35%
10%	38.75%

<i>Table 3-3 Additional Density Bonus for Moderate Income Units</i>	
5%	20%
6%	22.5%
7%	25%
8%	27.5%
9%	30%
10%	32.5%
11%	35%
12%	38.75%
13%	42.5%
14%	46.25%
15%	50%”

Section 11. Retitle Section 20-31.070 of the Santa Rosa City Code from Supplemental Density Bonus to Supplemental Local Density Bonus.

Section 12. Renumber Table 3.2 Maximum Supplemental Density Bonus to Table 3.4 Maximum Supplemental Density Bonus in Section 20-31.070 of the Santa Rosa City Code.

Section 13. Renumber Table 3.3 Eligibility Points Schedule for Supplemental Density Bonuses to Table 3.5 Eligibility Points Schedule for Supplemental Density Bonuses in Section 20-31.070 of the Santa Rosa City Code.

Section 14. Renumber Table 3.4 Community Benefits and Eligibility Points to Table 3.6 Community Benefits and Eligibility Points in Section 20-31.070 of the Santa Rosa City Code.

Section 15. Amend subsection A of Section 20-42.130 of the Santa Rosa City Code to read and provide as follows:

“A. Purpose. The provisions of this section are intended to set standards, in compliance with California Government Code Sections 66310, 66311, and 66312, for the development of accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that such housing remains compatible with the existing neighborhood.”

Section 16. Amend subsection C.3. of Section 20-42.130 of the Santa Rosa City Code to read and provide as follows:

“3. A permit shall not be denied for an unpermitted accessory dwelling unit or junior accessory dwelling unit that was constructed before January 1, 2020, because, among other conditions, the unit is in violation of building standards or state or local standards applicable to accessory dwelling units, unless the Department finds that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure as identified in Health and Safety Code Section 17920.3 (Substandard Buildings).”

Section 17. Amend subsection E.3.c of Section 20-42.130 of the Santa Rosa City Code in its entirety to read and provide as follows:

“c. Internal conversion. An accessory dwelling unit created entirely by the internal conversion of an existing or proposed single-family dwelling shall not occupy more than 45 percent of the existing habitable space of the residence, excluding the garage, nor shall it exceed 1,200 square feet except that 850 square feet total floor area must be allowed for studio or one-bedroom ADUs, and 1,000 square feet total floor area must be allowed for more than one-bedroom ADUs. An accessory dwelling unit created entirely by the internal conversion of a detached accessory structure shall not exceed a maximum of 1,200 square feet.

- (1) An automatic fire sprinkler system shall be installed throughout all buildings that undergo any combination of substantial remodel, addition or both that exceed 50 percent of the existing total floor area.”

Section 18. Amend subsection E.10 of Section 20-42.130 of the Santa Rosa City Code in its entirety to read and provide as follows:

“10. Number per lot.

- a. A maximum of one detached or attached accessory dwelling unit, one accessory dwelling unit within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure, and one junior accessory dwelling unit shall be permitted on any single-family lot zoned for single-family uses.
- b. The number of accessory dwelling units allowed within a multifamily dwelling are limited to not more than 25 percent of the existing number of multifamily dwelling

units on the property, except that at least one accessory dwelling unit shall be allowed. These accessory dwelling units shall be allowed within the portions of dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

- c. No more than two detached or attached ADUs are permitted on any multifamily lot developed with an existing or a proposed multifamily dwelling.
- d. No more than eight detached ADUs are permitted on any multifamily lot with an existing multifamily dwelling provided that the number of detached ADUs does not exceed the existing number of multifamily units on the lot.
- e. A maximum of one ADU per lot is allowed when both provisions of Senate Bill 9 - Government Code Sections 65852.21 (Two-unit development) and 66411.7 (Urban lot split) are invoked, provided the two following requirements are met.
 - (2) The parcel is located outside of the City's Wildland Urban Interface (WUI).
 - (3) The street to access the parcel is at least 36 feet wide, with parking provided on both sides or at least 30 feet wide, with parking limited to one side of the street.

No ADUs are permitted on lots created and developed as allowed by SB 9 which do not meet requirements 1 and 2 above.”

Section 19. Amend subsection E.11.i of Section 20-42.130 of the Santa Rosa City Code to read and provide as follows:

“i. No replacement off-street parking spaces are required when an accessory dwelling unit is created through the conversion or demolition, of a garage, carport or covered parking structure or uncovered parking space.”

Section 20. Amend subsection F of Section 20-42.130 of the Santa Rosa City Code to read and provide as follows:

“Junior accessory dwelling unit. The following provisions are intended to set standards, in compliance with California Government Code Section 66333–66339, for the development of junior accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that such housing remains compatible with the existing neighborhood. It is not the intent of this section to override lawful use restrictions as set forth in Conditions, Covenants and Restrictions.”

Section 21. Add subsection F.1.d. to Section 20-42.130 of the Santa Rosa City Code to read and provide as follows:

“d. A maximum of one JADU per lot is allowed when both provisions of Senate Bill 9 - Government Code Sections 65852.21 (Two-unit development) and 66411.7 (Urban lot split) are invoked, provided the two following requirements are met.

- (1) The parcel is located outside of the City's Wildland Urban Interface (WUI).

(2) The street to access the parcel is at least 36 feet wide, with parking provided on both sides or at least 30 feet wide, with parking limited to one side of the street.

No JADUs are permitted on lots created and developed as allowed by SB 9 which do not meet requirements 1 and 2 above.”

Section 22. Amend Section 20-70.020, Definitions of specialized terms and phrases to add the following definition to appear within the section in alphabetical order:

“Livable space. A space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.”

Section 23. 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 24. 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 of January 7th, 2025.

IN COUNCIL DULY PASSED this 28th day of January, 2025.

AYES: (6) Mayor Stapp, Vice Mayor Alvarez, Council Members Bañuelos, Fleming, MacDonald, Okrepkie

NOES: (0)

ABSENT: (1) Council Member Rogers

ABSTAIN/RECUSE: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney