Agenda Item #16.2
For Council Meeting of November 12, 2024

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: GABE OSBURN, DIRECTOR, PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: RESILIENT CITY MUNICIPAL CODE TEXT AND ZONING MAP AMENDMENTS

AGENDA ACTION: INTRODUCTION OF THREE ORDINANCES

RECOMMENDATION

It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council introduce three separate ordinances: 1) amending Title 20 of the Santa Rosa City Code to add Chapter 20-35 Resilient City Measures, Remove Chapter 20-16 Resilient City Development Measures, implement multiple sections of Chapter 20-16 into applicable Zoning Code sections, update multiple sections of the Zoning Code, and remove Section 20-28.100 Resilient City (-RC) Combining District; 2) adopting a Zoning Map Amendment to reclassify 8,383 parcels to remove the Resilient City (-RC) Combining District in order to expand and implement Santa Rosa resiliency initiatives; and 3) amending Title 19 - Subdivisions of the Santa Rosa City Code to add the first and second Tubbs/Nuns Fire tentative map extensions.

EXECUTIVE SUMMARY

The Resilient City (-RC) Combining District, Zoning Code Section 20-28.100, was adopted by the City Council on October 24, 2017 to facilitate and expedite the rebuild process in those areas of the City that were most severely impacted by the 2017 Tubbs and Nuns wildfires (Fires), with subsequent amendments adopted in 2018, 2019 and 2020 to address technical issues, impacts related to the Glass Fire, and to extend the life of the Ordinance. The Resilient City Development Measures, Zoning Code Chapter 20-16, was adopted by Council on April 10, 2018 to address housing needs and economic development within the City following the 2017 fires, with subsequent amendments adopted in 2019, 2020 and 2021 to address technical updates, impacts related to the COVID-19 pandemic, and to extend the life of the Ordinance. Both Ordinances are set to expire on December 31, 2024. This Zoning Code Text Amendment would delete both the -RC Combining District and the Resilient City Development Measures sections of the Municipal Code and incorporate components of each, which have been determined through an outreach process and should be

retained, into various sections of the City Code based on topical area. The proposed amendments include eliminating the -RC Combining District and creating a new Zoning Code section that would incorporate the purpose and intent of the district so that it can be utilized on any property Citywide following a natural disaster. As such, the Zoning Code Map Amendment would remove the -RC zoning designation from those properties in the City that it was added to in 2017. Additionally, Title 19, Subdivision, would be amended to memorialize the two one-time tentative map extensions that were adopted within the Resilient City Development Measures.

BACKGROUND

On October 8, 2017, and continuing for days thereafter, a series of wildfire events, identified as the Tubbs and Nuns Fires, 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.

On October 9, 2017, the City Manager, in their capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Santa Rosa.

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.

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.

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.

On October 24, 2017, the 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, which included language that the Ordinance would be in effect for three years from the date of declaration of local emergency, until October 9, 2020. The Council also 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.

On December 5, 2017, the Council held a study session to discuss the Resilient City ordinance and how to streamline and expedite housing and other needed uses Citywide.

On April 10, 2018, the Council adopted Ordinance No. ORD-2018-006, adding Zoning Code 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, and including language that the Ordinance would be in effect for three years, until May 11, 2021.

On May 22, 2018, the Council adopted Ordinance No. ORD-2018-012, adding Zoning Code Sections 20-16.060 through 20-16.110 related to reduced review authority for certain uses, modifications to the Design Review process, changes to an approved residential, lodging or childcare facility project, Zoning Administrator meetings, appeal fees and a requirement for an annual review.

On June 26, 2018, the Council adopted Ordinance No. ORD-2018-015, amending Zoning Code Section 20-28.100, the -RC District, to allow projection into public and private easements to assist with the rebuilding process for areas affected by the fires.

On October 2, 2018, the Council adopted Ordinance No. ORD-2018-019, adding Zoning Code Section 20-16.030, to address waiving of Capital Facilities, Housing, and Park Impact Fees for temporary housing.

On January 8, 2019, the Council adopted Ordinance No. ORD-2019-001, adding Zoning Code Section 20-16.120, to allow a one-time automatic 12-month extension for approved tentative subdivision maps and associated entitlements that were active as of October 9, 2017.

On June 25, 2019, the Council adopted Ordinance No. ORD-2019-006, amending Zoning Code Section 20-28.100, -RC Combining District, to exempt construction activities associated with rebuilding from adherence to the City’s Noise Ordinance and establish specific construction hours that may be modified by the City Manager as needed.

On October 1, 2019, the Council adopted Ordinance No. ORD-2019-013, amending Zoning Code Section 20-28.100, -RC Combining District, to add Mobile Home Park closure procedures for those severely impacted by the fires.

On February 25, 2020, the Council adopted Ordinance No. ORD-2020-002, amending Zoning 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.

On September 15, 2020, the Council adopted Ordinance No. ORD-2020-011, amending Zoning Code Section 20-28.100, -RC Combining District, extending the expiration date of the Ordinance for a period of three years, to October 9, 2023.

On September 27, 2020, the Glass Fire burned multiple properties within the Santa Rosa City limits. The City Manager, in their capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Santa Rosa.

On September 28, 2020, the Governor of the State of California proclaimed a State of Emergency for the Glass Fire.

On September 29, 2020, the Council adopted Resolution No. RES-2020-157 ratifying the City Manager's proclamation of the existence of a local emergency.

On October 27, 2020, the Council adopted Ordinance No. ORD-2020-012, amending Zoning Code Section 20-28.100, -RC Combining District, to add recognition of new recovery needs as a result of the Glass Fire, rezoning impacted properties, and extending the expiration date of the Ordinance to December 31, 2023.

On December 1, 2020, the Council adopted Ordinance No. ORD-2020-017, amending Zoning Code Chapter 20-16, Resilient City Development Measures, to address housing needs and economic development within the City following community emergency events including fires and the COVID-19 pandemic. The amendments specifically included expanding opportunities for mobile food vending, large family daycares and childcare centers, extending time limits for temporary uses, consolidating and streamlining review processes for certain land use entitlements, providing flexibility for nonconforming uses, and extending the expiration date of the Ordinance to December 31, 2023.

On November 9, 2021, the Council adopted Ordinance No. ORD-2021-012, amending Zoning Code Chapter 20-16, Resilient City Development Measures, to incorporate Zoning Code interpretations to address technical corrections.

On February 14, 2023, the Council adopted Resolution No. RES-2023-034, amending the General Plan to update the Housing Element for the period of 2023-2031 including affirmatively furthering fair housing and compliance with State housing element law. The Housing Element includes Program H-37 which includes language to evaluate and continue the housing streamlining processes that are within the Resilient City Development Measures.

Between April 2023 and August 2023 City staff from all departments met to provide comprehensive review and feedback on both Ordinances.

In July 2023, outreach was conducted with developers who have utilized the reduced review authority sections of Zoning Code Chapter 20-16, to receive feedback and suggestions on codification of these sections into the Code, with no sunset date.

Between July 18, 2023 and August 18, 2023, a survey was open to the general public requesting feedback on both the Resilient City Development Measures and the -RC Combining District.

On July 20, 2023, staff received comments from the Design Review Board related to the sections of both the Resilient City Development Measures and the -RC Combining District that pertain to Design Review.

On September 13, 2023, staff received comments from the Cultural Heritage Board related to proposed Zoning Code text amendments, which would be similar to the streamlined processing that was developed in the -RC Combining District for Hillside Development and Design Review, that would pertain to properties in the City's Preservation Districts, or a single historically designated property, that is impacted by a natural disaster or other disasters out of their control.

On November 28, 2023, the Council adopted ORD-2023-015, amending Zoning Code Chapter 20-16, Resilient City Development Measures, and Zoning Code Section 20-28.100, Resilient City Combining District, extending the expiration date of the ordinances from December 31, 2023, to December 31, 2024.

On May 7, 2024, the Council adopted the annual City Council Goals & Objectives which outlined goals for increasing housing, reducing homelessness, promoting economic development, and adopting/codifying the Resilient City Development Measures.

Between July 8 to August 8, 2024, the Public Draft of the proposed Zoning Code Text Amendment was open to the general public for comments and questions.

On August 15, 2024, staff received comments from the Design Review Board on the Resilient City Public Draft sections related to Design Review and Landmark Alteration.

On September 12, 2024, the Planning Commission held a public hearing to consider the proposed Municipal Code text and Zoning Map amendments to recommend to the City Council the adoption of the proposed amendments.

ANALYSIS

The proposed changes to City Code Titles 19 and 20 and the Zoning Map would apply to properties Citywide. These amendments were developed as a comprehensive update to Chapter 20-16, Resilient City Development Measures, and Section 20-28.100, Resilient City Combining District and have been drafted to address potential future hazards and various housing and economic needs within the City. It should be noted that, with a few exceptions, the proposed amendments are to incorporate sections of both Zoning Code Chapter 20-16 and Section 20-28.100, into appropriate sections of the Zoning and Municipal Codes, they do not include proposed new regulation.

The proposed changes to the City Code can be categorized into four groups which include: 1) Resilient City Standards, 2) Process Streamlining, 3) Economic Vitality, and 4) Zoning Code Consistency. A comprehensive summary of the proposed changes are included in Attachment 1 to this Staff Report and as Redline Text in Attachment 2.

1. Resilient City Standards:

   This proposed Zoning Code Chapter 20-35 consists of provisions that were previously included in Zoning Code Section 20-28.100 and were designed to strengthen the City's ability to respond to future hazards. The amendments address the following topics:

   - Rebuilding damaged structures
   - Landscaping in hazard impacted areas
   - Land use approvals including Hillside Development, Design Review, Landmark Alteration Permits and Creekside Development
   - Temporary Housing
     Temporary Storage

2. Process Streamlining:

   The Resilient City Development Measures, Zoning Code Chapter 20-16, include provisions to streamline the review and approval process for various land uses in specified areas of the City. The regulations included in that chapter are proposed to be incorporated in appropriate sections of the Zoning Code through amendments that address the following subjects:

   - Day Care Facilities
   - Residential Small Lot Subdivisions
   - Single Room Occupancy Facilities
   - Emergency Shelters
   - Design Review for Duplex and Half-Plex Units
   - Streamlined Design Review
   - Changes to an Approved Project

3. Economic Vitality:

   The proposed amendments incorporate several items included in the Resilient City Development Measures to address economic development following community emergency events. Staff is recommending that amendments addressing the following topics be incorporated into City Code Title 19, Subdivisions, and Title 20, Zoning:

   - Mobile Food Facilities

- Temporary Use Permit
- Tentative Map Extensions

4. Zoning Code Consistency:

   The above-mentioned amendments require that numerous sections of the Zoning Code be amended to provide clarity and retain consistency within the Code. The following sections are proposed to be modified as a part of these amendments:

   - Landscaping, Parking, and Setbacks
   - Specific Land Use Section Changes
   - Land Use Tables
   - Definitions

COMMUNITY OUTREACH

In July 2023, Staff contacted local developers for feedback on the Streamlined Design Review process. Email responses included the following comments:

- Establish lower application and impact fees or allow deferred fees.
- Continue providing the streamlined process.
- Establish new minimum review time or deadline policies.
- Ensure Design Review Board members keep their review within their purview.
- Provide additional methods of design review through the use of updated.
- Objective Design Standards so projects can go submit as a Building Permit rather than an entitlement.
- Simplify the CEQA process for projects in Priority Development Areas.
- Limit the ability to appeal projects that have provisions that cannot be denied under State law.
- Provide additional funding and tax incentives for larger projects.

Between July 18, 2023 and August 18, 2023, a survey was open to the community requesting feedback on both the Resilient City Development Measures and the -RC Combining District. The survey asked for feedback on 19 questions and an additional 6 questions for demographic data. The results from this survey were one of many key components to addressing how to incorporate these two ordinances into the Zoning Code without an expiration date. Results from the community survey are included in Attachment 5 to this Staff Report.

In October 2023, Staff met with the Tiny Home Industry Association. They commented that Tiny Homes on Wheels should be allowed as accessory dwelling units (ADUs) in Santa Rosa. This was in response to the temporary housing possibly being restricted to properties that have been impacted by a hazard and those displaced by a hazard.

From July 8, 2024, to August 8, 2024, a draft of the proposed Resilient City amendments was open to the public for feedback and comment. Only one public comment was received which focused on the following topics:

- Allow temporary housing on damaged property.
- Allow extensions for temporary housing.
- Increase length of temporary housing approval beyond three years.
- Allow a greater density than the General Plan for temporary housing.
- Remove the parking requirement for temporary housing.
- Abolish parking minimums Citywide.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

Adoption of this text amendment for Chapter 20-35, Resilient City Standards, and changes to the Emergency Shelter use are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding repairs and replacement work after a state-declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster in 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 amendments are statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15183, Projects consistent with a Community Plan General Plan, or Zoning. Specifically, the following proposed amendments are consistent with the Santa Rosa General Plan 2035 and the General Plan 2035 Environmental Impact Report (November 3, 2009, SCH No. 2008092114):

- Land uses with reduced permitting requirements in Priority Development Areas, Planned Developments, and elsewhere Citywide will comply with density standards required in the General Plan, intensity of use standards listed within the General Plan and Zoning Code will remain consistent. In addition, any projects that require discretionary review under these proposed amendments will be reviewed in compliance with CEQA for parcel specific circumstances. Additionally, these amendments meet the Goals and Policies of the General Plan as identified in the findings section of this report, above.

- Density for Temporary Housing is consistent with the allowable densities within the General Plan.

- Reducing permit requirements for Child Dare Care Centers is consistent with the General Plan Goals and Policies for Youth and Families in that the General Plan indicates the need to:
  - Expand child care services to meet the existing and future needs of Santa Rosa (YF-B).
  - Endorse the development of new child care facilities in all areas of the city, including residential neighborhoods, employment centers, and school sites. Promote development of new child care facilities during review of development projects at sites designated Community Shopping Center on the Land Use Diagram. (YF-B-1).

- Mobile Food Facilities proposed amendments for changes in standards and allowable zoning locations is consisted with the general Plan Goals and Policies for Land Use and Livability and Economic Vitality in that the General Plan indicates the need to:

  - Provide a range of commercial services that are easily accessible and attractive, that satisfies the needs of people who live and work in Santa Rosa and that also attracts a regional clientele (LUL-I-1).
  - Allow limited support retail and business services – such as cafes, delis, and dry-cleaners – where the land use classification on the General Plan Land Use Diagram is Office or Business Park. (LUL-J-3).
  - Survey the business community periodically to determine its evaluation of city services and to seek suggestions for improvement (EV-A-3).

- New land uses such as Commissary, Half-Plex, Duplex, Single-Family Attached, and Emergency Shelter 10 or less beds, are modeled from existing land uses that are currently within the Zoning Code land use tables and are within the scope of the General Plan and General Plan EIR.

Adoption of the following proposed amendments and rezoning are 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."

- Title 19 proposed an amendment to memorialize a process available to projects that used the one-time tentative map extensions and will not be used for future projects and will not create an effect on the environment.

- The proposed amendment to remove the -RC combining district from the Zoning Code and to no longer be applicable as a zoning overlay the Zoning of each parcel returns to the base zoning it had before the creation of the -RC combining district thus creating no significant changes or effects on the environment.

- Changes to housing classification types for Single Family and Multifamily do not change any land use standards, or permitting requirements, or result in the direct construction of any project thus will not create a significant effect on the environment.

- Zoning Code consistency, clarifications, structure, and naming conventions are required to implement the various proposed amendments and are minor changes that do not result in an effect on the environment.

- Day Care Facilities that are exempt from discretionary review are subject to Zoning Code standards to address any noise and traffic impacts. Further, these facilities are only permitted by-right in non-residential zoning districts where commercial land uses are anticipated and were analyzed in the General Plan Environmental Impact Report.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On July 20, 2023, staff received comments from the Design Review Board (DRB) related to the sections of both the Resilient City Development Measures and the -RC Combining District that pertain to Design Review. Several Board members expressed that the Modifications to the Design Review Process should no longer remain, and larger projects should return to the DRB.

On September 13, 2023, staff received comments from the Cultural Heritage Board (CHB) related to proposed Zoning Code text amendments, that would pertain to properties in the City's Preservation Districts, or a single historically designated property, impacted by a hazard. Comments from members of the CHB included providing streamlining measures for Landmark Alteration by allowing Director-level or Zoning Administrator review of projects following Concept Review by the CHB to ensure consistency with the Secretary of Interior Standards, CHB members also suggested a standard that requires the Director to conduct a study of damages that may occur from a Hazard to propose changes to the boundaries of Preservation Districts.

On August 15, 2024, staff received comments from the DRB related to the draft amendments on the topics of Design Review and Landmark Alteration. At this time, the Cultural Heritage Board did not have enough members to reach quorum and therefore the DRB provided comments on these processes proposed. Various DRB members provided the following comments:

- Remove the ability to consolidate and elevate project entitlements to the Council if it could result in a Major Design Review entitlement circumventing the DRB.

  This comment has been addressed by removing the suggested text from the proposed amendment.

- Members stated that they understand the need for “Streamlined Design Review” but feel it may not be necessary and these projects and the City lose out on the professional review from seven design individuals appointed by Council for their expertise.

- Members expressed that the Design Review Board is not a hindrance to the process of receiving approval.

- Members agreed with the addition of the Design Review Board member to be part of the “Streamlined Design Review” process during the Zoning Administrator Public Hearing.

- Members provided comments that they understand and agree with the need for rebuilding measures for properties affected by hazards.

On September 12, 2024, the Planning Commission held a public hearing to consider the proposed Municipal Code text and Zoning Map amendments. Commissioners did not request any changes to the proposed amendments and voted 6-0 (with one Commissioner absent) to recommend to the City Council the adoption of the proposed amendments.

NOTIFICATION

Pursuant to Zoning Code Section 20-66.020(D), Alternative to Mailing, if the number of property owners to whom notice would be mailed would exceed 1,000, the City may, as an alternative to mailing and on-site posting, provide notice by placing an advertisement of one-eighth page in at least one newspaper of general circulation 10 days prior to the hearing. The proposed City Code text amendments and Zoning Code map amendments, would affect properties Citywide, therefore, a one-eighth page advertisement was placed in the Press Democrat. The notice was also sent out via GovDelivery email, through the City’s various social media sites, and was posted at City Hall and the City website. Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

PUBLIC COMMENT

Comments and responses received from the community survey are available in Attachment 7 to this staff report.

Several public comments were focused on providing additional flexibility and opportunities for temporary housing. A comment was received to abolish parking minimums Citywide.

ISSUES

No issues have been identified at this time.

ATTACHMENTS

Attachment 1: Summary of Changes to City Code
Attachment 2: Redline City Code Text Amendments
Attachment 3: Zoning Code Chapter 20-16, Resilient City Development Measures
Attachment 4: Zoning Code Section 20-28.100 Resilient City (-RC) Combining District
Attachment 5: Modifications to Design Review Developer Feedback
Attachment 6: Public Survey Results
Attachment 7: Public Comment
Attachment 8: Resilient City (-RC) Combining District Parcels

Ordinance 1: Title 20 Text Amendment Recommendation
Ordinance 2: Zoning Map Amendment Recommendation
Ordinance 3: Title 19 Text Amendment Recommendation

PRESENTER

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