

ORDINANCE NO. ORD-2023-001

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA PREZONING THE PROPERTIES LOCATED AT 4646 BADGER ROAD AND 999 MIDDLE RINCON ROAD, ALSO IDENTIFIED AS ASSESSOR'S PARCEL NOS. 182-120-034 AND 182-120-035, RESPECTIVELY, TO THE R-1-6 (SINGLE-FAMILY RESIDENTIAL) ZONING DISTRICT; FILE NO. ANX21-001

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

Section 1. The Council finds, based on the evidence and records presented, that the R-1-6 (Single-family Residential) zoning district is appropriate for Assessor's Parcel Numbers 182-120-034 and 182-120-035. The Council further finds and determines that:

The proposed rezoning is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that the R-1-6 (Single-Family Residential) zoning district is an implementing zoning district for Low-Density Residential land use designation. General Plan Policy LUL-A-2 encourages annexation of unincorporated land adjacent to City limits and within the Urban Growth Boundary, when the proposal is timely and only if adequate services are available. Because the properties proposed for rezoning are surrounded by properties within City limits, City staff has determined the proposed rezoning and subsequent annexation of the subject properties is a logical extension of the City limits and services; and

The proposed rezoning would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that rezoning to the R-1-6 (Single-Family Residential) zoning district is consistent with the General Plan land use designations of Low-Density Residential, which allows single-family residential uses. This land use designation was considered in the General Plan 2035, which was adopted by Council in 2009. Additionally, both parcels are currently developed with single-family dwelling units and residential accessory structures and no further development is being proposed at this time; and

The site is physically suitable (including absence of physical constraints, access, compatibility with adjoining land uses, and provision of utilities) for the requested zoning classification and anticipated land uses/development in that no development is being proposed at this time.

Section 2. All conditions required by law have been satisfied and all findings with relation thereto have been made. Title 20 of the Santa Rosa Code is amended by amending the "Zoning Map of the City of Santa Rosa," as described in Section 20-20.020, so as to change the classification of Assessor's Parcel Nos. 182-120-034 (4646 Badger Road) and 182-120-035 (999 Middle Rincon Road) to the R-1-6 (Single-family Residential) zoning district.

Section 3. In addition to any other conditions that are deemed appropriate or necessary, any development approval for this property shall be expressly conditioned to require the applicant to fulfill the following conditions:

1. Comply with all applicable federal, state, and local codes. Failure to comply may result in issuance of a citation and/or revocation of approval.
2. Fire Department access shall be maintained to all structures.
3. Properties shall comply with City Weed and Rubbish Abatement Ordinance requirements.
4. Addressing shall be clearly visible from the street for identification of the properties.
5. The Applicant shall obtain a Septic Tank Destruction Permit from the Well and Septic Division of the Permit and Resource Management Division (Permit Sonoma) prior to disconnecting the existing structure(s). The existing septic tank(s) shall be destroyed in accordance with the requirements of the County of Sonoma's Onsite Wastewater Treatment System Manual.

Section 4. Environmental Determination. The proposed Rezoning amendment has been reviewed in compliance with the California Environmental Quality Act (CEQA) and qualifies for the following streamlining provisions and exemptions:

- CEQA Guidelines Section 15301, Existing Facilities, in that the project consists of two existing single-family residences with accessory structures in a residential zone, and the continued use of these residences and accessory structures does not involve any expansion of the existing use.
- CEQA Guidelines Section 15304(f), Minor Alterations to Land, in that the project will include minor trenching and backfilling for sewer and water extensions.
- CEQA Guidelines Section 15319(a), Annexations of Existing Facilities, in that the project is a pre-zoning for annexation of existing single-family residences developed to the density allowed under the proposed pre-zoning classification, and the extension of utility services to the existing residences would have the capacity to serve only the existing single-family residences.
- CEQA Guidelines Section 15183 in that no new development is being proposed and the proposed pre-zoning is consistent with the General Plan Land Use. The Low-Density Residential designation was reviewed as part of the Santa Rosa General Plan 2035 Environment Impact Report (EIR), adopted by City Council Resolution No. 27509, dated November 3, 2009, and the proposed pre-zoning to the R-1-6 (Single-Family Residential) zoning district is consistent with the Low-Density land use designation, which allows 2 to 8 units per acre. The 2009 EIR looked at land use consistency and compatibility, housing, transportation and circulation, air quality and climate change, noise, biological sources, utility and service systems, hydrology and water quality, public services, cultural resources, visual resources, open space and agriculture, geology, energy, and parks and recreation. The rezoning of the existing uses are consistent with the General Plan density and there are no project specific impacts peculiar to the project or the site that were not already analyzed in the EIR or would require additional analysis.

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 January 24, 2023.

IN COUNCIL DULY PASSED AND ADOPTED this 14th day of February, 2023.

AYES: (5) Mayor N. Rogers, Vice Mayor MacDonald, Council Members Alvarez, Fleming, C. Rogers

NOES: (0)

ABSENT: (1) Council Member Stapp

ABSTAIN: (1) Council Member Okrepkie

ATTEST: _____ APPROVED: _____
Deputy City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney