



State Legislation Zoning Code Text Amendment

City Council Meeting of January 7, 2025

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Project Description

- State Legislation Zoning Code text amendment ensures City Code remains in compliance with State law
- Amendments address Density Bonus, Zoning and General Plan Consistency, Shared Parking, and Accessory Dwelling Units
- Proposed modifications to City's ADU Ordinance to limit development of ADUs in specified cases



History

- October 2021, Governor signed Senate Bill 9 which allowed properties zoned for single-family development to be subdivided and developed with a total of four primary units.
 - October 2023, Governor signed State legislation related to housing regulations and shared parking, (AB 1287, AB 323, AB 821, AB 894).
 - October 2024, Governor signed State legislation related to Accessory Dwelling Units regulations (AB 976, AB 2533 and SB 1211).
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Proposed Amendments: Accessory Dwelling Units (ADUs)

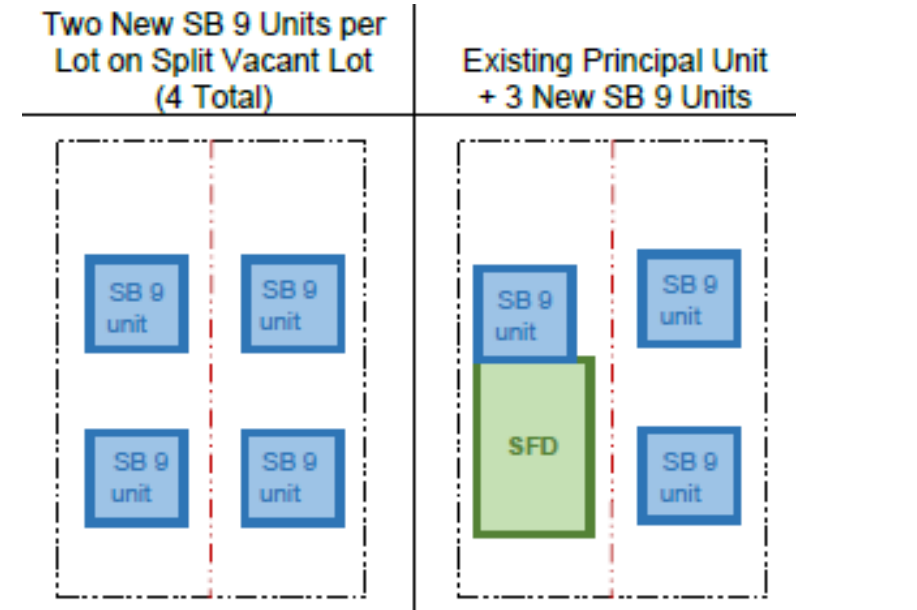
- ✓ Assembly Bill 976 – Permanently eliminates owner-occupancy requirements for ADUs
- ✓ Assembly Bill 2533 – Permits of unpermitted ADUs may not be denied for units constructed before January 1, 2020, unless correcting the violation is necessary to protect public health and safety
- ✓ Senate Bill 1211:
 - ✓ Expands number of detached ADUs on multifamily properties with existing development from two to a maximum of eight ADUs
 - ✓ Removes requirement to replace uncovered parking space if space is used to create ADU

Proposed Amendments: Accessory Dwelling Units

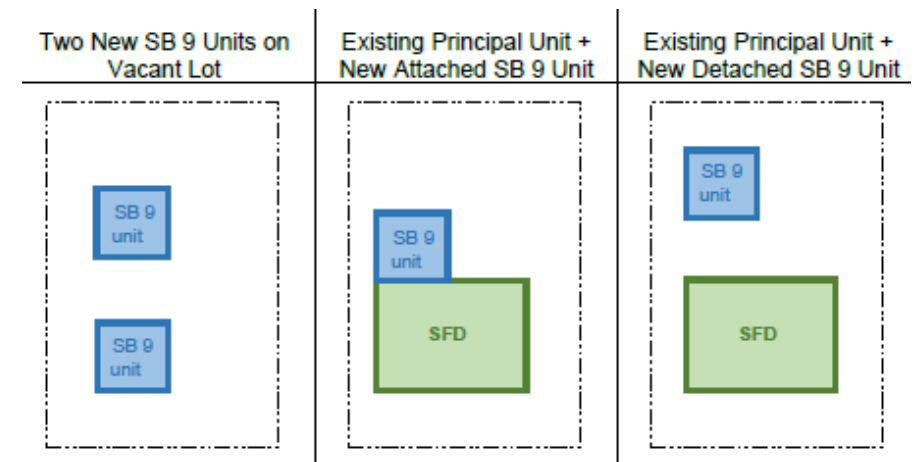
✓ Senate Bill 9 – Effective since January 1, 2022

✓ Facilitates residential development on single-family lots by allowing:

- Lot splits into two smaller lots (Urban Lot Split)
- Construction of up to two units per lot (Two Unit Development)



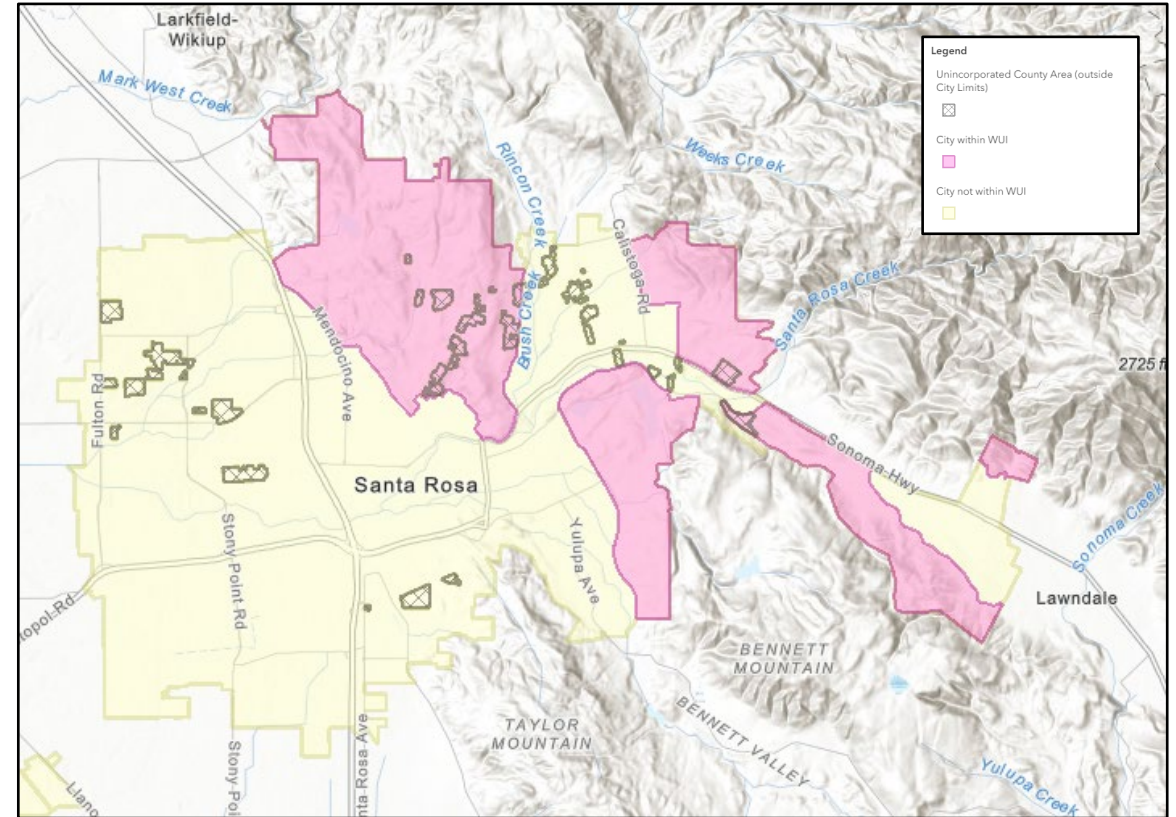
Urban Lot Split



Two Unit Development

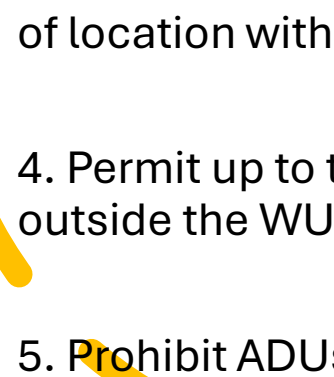
Proposed Amendments: Accessory Dwelling Units

- ✓ Provides local agencies the flexibility to limit or prohibit ADUs and JADUs on properties which invoke both provisions of SB 9
- ✓ Staff recommends no ADUs or JADUs on properties that have subdivided and developed under SB 9 *unless* property is outside of WUI *and* along street meeting minimum width





Proposed Amendments: Accessory Dwelling Units

1. (Staff's Recommendation) Permit up to one ADU and one JADU on properties developed under both provisions of SB 9, but only outside the WUI and in cases when minimum street width requirements are met.
 2. (Status Quo) Permit up to two ADUs and one JADU on properties developed under both provisions of SB 9, regardless of location within the WUI or street width.
 3. Limit the number of ADUs and JADUs on properties developed under both provisions of SB 9, regardless of location within the WUI or street width.
 4. Permit up to two ADUs and one JADU on properties developed under both provisions of SB 9, but only outside the WUI and in cases when minimum street width requirements are met.
 5. Prohibit ADUs and JADUs citywide on properties developed under both provisions of SB 9.
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Proposed Amendments: Density Bonus Law

- ✓ Assembly Bill 1287:
 - ✓ Allows projects that meet the State's 50 percent density bonus provisions to qualify for an additional 50 percent density bonus, up to a combined maximum of 100 percent over the base density
 - ✓ Revises definition of "Maximum Allowable Residential Density" and "100 Percent Affordable Housing"

- ✓ Assembly 323:
 - ✓ Modifies the definition of a "*Qualified Nonprofit Housing Corporation*"

Miscellaneous Amendments

Shared Parking - Assembly Bill 894

- ✓ Shared parking must be allowed if parking is underutilized
 - ✓ 20 percent or more of parking spaces are not occupied during the period in which shared parking is proposed

- ✓ Subject to Minor Conditional Use Permit approval – arrangement formalized through recorded agreement

General Plan and Zoning Consistency - Assembly Bill 821

Application received for project when Zoning is inconsistent with General Plan

- Amend the zoning within 180 days; or
- Process application based on General Plan standards

California Environmental Quality Act

- 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.
- Accessory Dwelling Unit and Junior Accessory Dwelling Unit amendments are statutorily exempt pursuant to Section 15282(h) and Government Code 66333.



Public Noticing

- 1/8 page in Press Democrat
 - City webpage and email subscribers
 - Letter received from California Housing Defense Fund
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Recommendation

- It is recommended by the Planning Commission and the Planning and Economic Development Department that the Council introduce an ordinance 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).

Contact

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