ORDINANCE NO. ORD-2025-003

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLES 10, 17, 19, 20 AND 21 OF THE MUNICIPAL CODE TO ADDRESS STREAMLINING AND PROCESS IMPROVEMENTS FOR THE LANDMARK ALTERATION PERMIT PROCESS, AND CONSOLIDATION OF THE DUTIES AND COMPOSITION OF THE CULTURAL HERITAGE BOARD AND DESIGN REVIEW BOARD INTO A SINGLE DESIGN REVIEW AND PRESERVATION BOARD

WHEREAS, the City of Santa Rosa desires to streamline the Landmark Alteration (LMA) Permit process, which was last updated in 2004, and consolidate the Cultural Heritage Board and Design Review Board into a single Design Review and Preservation Board, in order to provide an improved and more streamlined process, enhance the City's historic preservation efforts, and better allocate City resources; and

WHEREAS, on May 22, 2018, the City Council adopted Ordinance No. ORD-2018-012, adding Zoning Code Sections 20-16.060 through 20-16.110 related to, among other things, reduced review authority for certain uses and to provide for modifications and streamlining of the Design Review process; and

WHEREAS, since May of 2018, City staff have been monitoring the reduced review authority and streamlined Design Review process to understand its impact on development, and how it might be expanded to other entitlement processes. As part of this consideration, staff received positive feedback on the streamlined process from developers through multiple roundtable meetings in 2022; and

WHEREAS, on January 30, 2024, the City Council held a study session to receive information, ask questions, and provide direction to City staff related to the City's draft Development Related Cost of Service Fee Study. During the presentation, existing subsidies for development related permit fees were identified, including for LMA Permits. However, the direction provided for reductions in the proposed new permit fees did not include reductions for LMA Permits; and

WHEREAS, on March 5, 2024, the City Council adopted Resolution No. RES-2024-033, adopting new development related permit fees. As part of the resolution, Council adopted reductions to certain permit application fees, including appeals, affordable housing, downtown housing development of four units or greater, daycare facilities and grocery stores in designated "food deserts". Reduction in fees for LMA Permits was not included in that list; and

WHEREAS, on July 1, 2024, the new development permit fee schedule went into effect, which included significant increases in LMA Permit fees; and

WHEREAS, on July 17, 2024, during a regular meeting of the Cultural Heritage Board, five members of the Board, including the Chair, announced that they would be resigning due to concerns related to the increased LMA Permit fees and the fact that the Board had not been consulted about the proposed fee increases prior to Council taking action. Since that time, five

Board members have provided written resignations to the City Clerk's Office. With only two remaining members, the Cultural Heritage Board is currently lacking a quorum to conduct business; and

WHEREAS, the City has been reviewing its various boards, commissions and committees to determine if there could be consolidation to address City resources and redundancy amongst decision making bodies; and

WHEREAS, between January 2019 and July 2024, staff found that the Cultural Heritage Board held 36 regular meetings, 7 joint meetings with the Design Review Board, and canceled 99 of their regular meetings, either due to lack of items or a lack of a quorum of the Board. In that same 5.5 year time period, the Cultural Heritage Board took action on a total of 15 Major LMA Permits and provided comments on 16 Concept LMA items; and

WHEREAS, on October 30, 2024, a project website was posted that included background information on the proposed amendments, links to the draft amendments to the Municipal Code, and City staff contact information; and

WHEREAS, in October and November 2024, notices were sent to those who have subscribed to the Cultural Heritage Board and Design Review Board mailing lists, and information was provided through the Press Democrat newspaper and all of the City of Santa Rosa's social media sites, to notify the public about the proposed amendments and to solicit feedback on the draft amendments; and

WHEREAS, on November 7, 2024, the Design Review Board held a Study Session and provided comments on the proposed amendments, which included general support of the proposed streamlining of the LMA Permit process, and made suggestions regarding requirements for qualifications of the proposed Design Review and Preservation Board; and

WHEREAS, on December 12, 2024, the Planning Commission of the City of Santa Rosa held a duly noticed public hearing and recommended to the City Council adoption of Municipal Code Text Amendments to address streamlining and process improvements for the Landmark Alteration Permit process and consolidation of the duties and composition of the Cultural Heritage Board and Design Review Board into a single Design Review and Preservation Board.

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 all elements of the General Plan, and all applicable specific plans. The Santa Rosa General Plan addresses issues related to the physical development and growth of Santa Rosa and guides the City's planning and zoning functions. Element 11 of the 2035 General Plan is Historic Preservation. This element presents an overview of the prehistory and history of Santa Rosa and establishes goals and policies for identifying and preserving significant

prehistoric and historic resources. Resources include buildings and neighborhoods of historic architectural significance, places of special historic or archaeological interest, and other features that have special value to the community. Goal HP-B calls for preserving Santa Rosa's historic structures and neighborhoods, and policy HP-B-1 states the following: "Ensure that alterations to historic buildings and their surrounding settings are compatible with the character of the structure and the neighborhood. Ensure that specific rehabilitation projects follow the Secretary of Interior's Standards for Rehabilitation to a reasonable extent, taking into consideration economic and technical feasibility."

There are two references in the 2035 General Plan to the Cultural Heritage Board, one related to the creation of the Board through the 1988 Historic and Cultural Preservation Ordinance (Municipal Code Chapter 17-22), and one in policy HP-B-3, which states: "Establish priorities and pursue designating new landmarks and historic preservation districts, following study by the Cultural Heritage Board, to preserve historic areas." While policy HP-B-3 should be amended to change the name of the Board, because the City is in the process of comprehensively updating the General Plan, which is anticipated to be considered by the City Council in early 2025, and because a change to the Board reference is minor and would not create an inconsistency for the purposes of processing LMA Permits, it is found that no changes are necessary to the current General Plan.

The proposed amendments to the Municipal Code are found to be consistent with the 2035 General Plan. Specifically, the City would continue to ensure that proposed alterations and restorations of structures in the City's Preservation Districts and of designated local landmarks are done in a way that is compatible with the character of the structure and the surrounding neighborhood. With the streamlined process, the City will continue to require that projects follow the Secretary of Interior's Standards for Treatment of Historic Properties, while ensuring that consideration is being made to the economic and technical feasibility of the changes. Further, because the consolidation of the Cultural Heritage Board and Design Review Board into a single Design Review and Preservation Board will combine the duties and composition, rather than eliminating them, and will do so in a manner that will enhance the City's preservation efforts and create a more resource efficient process, the proposed change will remain consistent with the General Plan.

B. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the amendments are intended to provide a more streamlined process, enhance the City's historic preservation efforts, and better allocate City resources, while ensuring consistency of any proposed change to a historic resource with the Secretary of the Interior's Standards for the Treatment of Historic Properties. All development allowed under the provisions of these amendments are required to comply with existing local and state regulations.

C. The proposed amendments are internally consistent with other applicable provisions of the Zoning and Municipal Codes. Specifically, as part of the proposed amendments, all changes related to streamlining of the LMA Permit process have been incorporated into all sections of the Zoning and Municipal Codes that address historic preservation and the

LMA Permit process. In addition, Municipal Code Chapter 17-22, Historic and Cultural Preservation, which was adopted by the City Council in 1988 and last updated by the Council in 1996, and was not consistent with Zoning Code Chapter 20-58, Historic and Cultural Preservation (adopted by the Council in 2004), will be eliminated and replaced with references as to where to find the regulations, procedures and review authority information related to historic and cultural preservation. Further, all existing references to the "Cultural Heritage Board" or "CHB" and the "Desing Review Board" or "DRB" throughout both the Zoning and Municipal Codes will be changed to "Design Review and Preservation Board" or "DRPB".

D. The proposed amendments have been reviewed in compliance with the California Environmental Quality Act (CEQA). The proposed amendments to the Municipal Code have been reviewed in compliance with CEQA and it has determined that the proposed action is exempt from CEQA pursuant to CEQA Guidelines section 15331 in that the amendments apply to projects for the maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources and specifically require consistency with the Secretary of Interior's Standards for the Treatment of Historic Properties. The proposed action is also exempt from CEQA under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that these amendments or their implementation would have a significant effect on the environment, and is further exempt pursuant to CEQA Guidelines Section 15308 as a regulatory process involving procedures to ensure the maintenance, restoration, enhancement or protection of the environment. Specifically, while the proposed amendments identify projects that are exempt from requiring an LMA Permit, create an LMA Director Level process, and reduce the review authority of certain projects from Major LMA to Minor or Director Level, all levels, including exempt projects, are required to maintain consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties. In addition, any proposed changes to a property located within the City's Preservation Districts, or any change to a designated landmark, would remain subject to the City's LMA Permit process, unless explicitly exempt, and would continue to require its own CEQA review for any proposed changes to a historic or potentially historic structure.

Section 2. Amend Santa Rosa City Code Section 10-35.090, Revolving Door Prohibition, to read and provide as follows:

"§ 10-35.090. Revolving door prohibition.

No former member of the City Council, former member of the Planning Commission, Board of Public Utilities, Design Review and Preservation Board or Housing Authority, or former City employee may serve as a lobbyist with respect to matters before the City within one year of leaving office or employment with the City."

Section 3. Replace Santa Rosa City Code Chapter 17-22, Historic and Cultural Preservation, in its entirety, to read and provide as follows:

"CHAPTER 17-22
HISTORIC AND CULTURAL PRESERVATION

§ 17-22.010. Historic and Cultural Preservation and Review Authority.

The regulations and review procedures related to historic and cultural preservation within the City of Santa Rosa is located in Title 20, Zoning, Chapter 20-58, Historic and Cultural Preservation. The appointment, responsibilities, and other aspects of the Design Review and Preservation Board, which shall serve as the City of Santa Rosa's historic and cultural preservation review authority, is located within Title 20, Zoning, Chapter 20-60, Administrative Responsibility, Section 20-60.060 (Design Review and Preservation Board)."

Section 4. Amend Santa Rosa City Code Section 19-69.090, No Approval Prior to Design Review Board Approval, to read and provide as follows:

"§ 19-69.090 No approval prior to Design Review and Preservation Board approval.

No approval or conditional approval of a vesting tentative map creating any of the developments described in Section 19-69.060B(18) shall be given by the Planning Commission prior to final approval of its design plans by the Design Review Preservation Board."

Section 5. Amend Santa Rosa City Code Section 20-10.040, Responsibility for Administration, to read and provide as follows:

"§ 20-10.040 Responsibility for administration.

This Zoning Code shall be administered by: the City Council, hereafter referred to as the "Council"; Planning Commission, hereafter referred to as the "Commission"; Design Review and Preservation Board, hereafter referred to as the "DRPB"; Director of the Department of Planning and Economic Development, hereafter referred to as the "Director"; the Zoning Administrator; and the Department of Planning and Economic Development, hereafter referred to as the "Department" in compliance with Title 20 of the City Code and Chapter 20-60 (Administrative Responsibility) of this Zoning Code."

Section 6. Amend Santa Rosa City Code Section 20-12.030(D)(2) to read and provide as follows:

"2. Distributed to the Council, Commission, Director, DRPB, City Manager, City Attorney, City Clerk, and affected Department staff."

Section 7. Amend Santa Rosa City Code Section 20-26.060(A)(3) to read and provide as follows:

"3. Design Review and Preservation Board review and recommendation. Prior to a hearing by the Commission on a rezoning to the PD zoning district, the proposed Policy Statement and Development Plan shall be reviewed by the:

a. Design Review and Preservation Board (DRPB), who shall recommend to the Commission whether the project will comply with the findings required by Subsection A.4.b and the City's Design Guidelines; and

b. The Community Development Advisory Committee (DAC), in the case of a Policy Statement and Development Plan that involves the proposed subdivision of the site.

The comments and recommendations of the DRPB and/or DAC, as applicable, shall be forwarded to the Commission."

Section 8. Amend Santa Rosa City Code Section 20-38.030(B) to read and provide as follows:

"B. Sign Permit review authority. The Director shall review all Sign Permit applications, except within the Historic (- H) overlay zone, where Sign Permit review may be by the DRPB in compliance with Chapter 20-58 (Historic and Cultural Preservation) at the determination of the Director. The review authority may require conditions of approval as are reasonably necessary to achieve the purposes of this Chapter. This shall not apply to Wayfinding Signage, see section 20-38.080, Standards for Wayfinding Signs."

Section 9. Amend Santa Rosa City Code Section 20-44.020(A) to read and provide as follows:

"A. Design Review required. Design Review is required for all telecommunication facilities, except those listed by this Chapter as exempt. The review authority conducting Design Review for minor facilities is the Zoning Administrator and the review authority conducting Design Review for major facilities is the Design Review and Preservation Board."

Section 10. Amend Santa Rosa City Code Section 20-50.020, Table 5-1, Review Authority, to read and provide as follows:

Table 5-1 - Review Authority

	Role of Review Authority					
Type of Action	**Director**	**Zoning Administrator**	**DRPB**	**Subdivision Committee**	**Planning Commission**	**City Council**
Administrative and Amendment Decisions						
Development Agreement	Recommend				Recommend	Decision
Interpretation		Decision			Appeal (1)	Appeal
General Plan Amendment	Recommend				Recommend	Decision
Request for Reasonable Accommodation		Decision			Appeal	

Table 5-1 - Review Authority						
	Role of Review Authority					
Type of Action	Director	Zoning Administrator	DRPB	Subdivision Committee	Planning Commission	City Council
Zoning Code Amendment					Recommend	Decision
Zoning Map Amendment					Recommend	Decision
Concept Review						
Landmark Alteration Concept Review			Comment			
Design Review Concept Review			Comment			
Land Use Permits/Development Decisions						
Conditional Use Permit	Recommend				Decision	Appeal
Minor Conditional Use Permit	Recommend	Decision			Appeal	
Design Review—DRPB	Recommend		Decision			Appeal
Design Review—Zoning Administrator		Decision	Appeal			
Design Review—Administrative	Decision		Appeal			
Density Bonus/ Affordable Housing Incentives	Decision					
Supplemental Density Bonus		Decision			Appeal	
Hillside Permit—Single dwelling and additions	Recommend	Decision			Appeal (1)	
Hillside Permit—All others	Recommend				Decision	Appeal
Minor Adjustment	Decision				Appeal (1)	
Sign Permit	Decision		Appeal			
Sign Program	Decision		Appeal			
Sign Variance		Decision	Appeal			
Temporary Use Permit	Decision				Appeal	
Tree Permit	Decision				Appeal	
Variance	Recommend				Decision	Appeal
Minor Variance		Decision			Appeal (1)	
Zoning Clearance	Decision				Appeal	
Historic and Cultural Preservation Decisions						

Table 5-1 - Review Authority						
	Role of Review Authority					
Type of Action	Director	Zoning Administrator	DRPB	Subdivision Committee	Planning Commission	City Council
Landmark or Preservation District Designation			Recommend			Decision
Landmark Alteration Permit—Major			Decision			Appeal
Landmark Alteration Permit—Minor		Decision	Appeal			
Landmark Alteration Permit—Director	Decision		Appeal			
Sign Permit/Program	Decision		Appeal			Appeal
Subdivision Decisions (refer to City Code Title 19)						
Certificates of Compliance	Decision					Appeal
Lot Line Adjustments	Decision					Appeal
Parcel Mergers	Decision					Appeal
Reversions to Acreage	Recommend				Decision	Appeal
Tentative Parcel Maps and Extensions	Recommend			Decision	Appeal	Appeal
Tentative Maps and Extensions	Recommend				Decision	Appeal

Section 11. Amend Santa Rosa City Code Section 20-50.040(A) to read and provide as follows:

"A. Purpose and intent. Concept review is intended to provide an opportunity for non-binding comments from the Design Review and Preservation Board (DRPB) to the applicant and interested citizens, as to how an application may meet the City's development priorities. Concept review is designed to offer advice and suggestions only, and shall not result in conclusions by the DRPB."

Section 12. Amend Santa Rosa City Code Section 20-50.040(C) to read and provide as follows:

"C. Review authority. The DRPB shall conduct concept review for projects in all Zoning Districts, including within the -H overlay."

Section 13. Amend Santa Rosa City Code Section 20-50.040(G)(2) to read and provide as follows:

"2. Not include environmental review, referral comments, or staff analysis, and shall not substitute for development review and formal review by the DRPB."

Section 14. Amend Santa Rosa City Code Section 20-50.040(H) to read and provide as follows:

"H. Role of DRPB. During concept review, the DRPB shall not take action or make decisions; comments made by members of the DRPB are not binding on future DRPB actions. Individual DRPB members are not required to comment or participate in concept review items."

Section 15. Amend Santa Rosa City Code Section 20-50.050(A)(1)(b) to read and provide as follows:

"b. A discretionary project is one that requires a decision based on the application of judgment by the Council, Commission, DRPB, Director, or the Zoning Administrator."

Section 16. Amend Santa Rosa City Code Section 20-50.050(A)(6) to read and provide as follows:

"6. Follow-up meeting encouraged. When a neighborhood meeting has been held before submittal of the application, applicants are encouraged to hold a follow- up neighborhood meeting to explain project changes to the neighborhood, before the public review by the DRPB or Commission."

Section 17. Amend Santa Rosa City Code Section 20-50.070(B)(1) to read and provide as follows:

"1. Concept Review by the DRPB;"

Section 18. Amend Santa Rosa City Code Section 20-52.030(B)(2) to read and provide as follows:

"2. City projects. The DRPB shall review each Building Permit application for a development project by any City agency or department, for which review is required by Subsection B (Applicability), above. Notwithstanding other provisions of this section, the review shall be for the purposes of providing advice to the Council or Housing Authority, respectively."

Section 19. Amend Santa Rosa City Code Section 20-52.030, Table 5-2, Design Review Authority and Notice Requirements, to read and provide as follows:

TABLE 5-2 – DESIGN REVIEW AUTHORITY AND NOTICE REQUIREMENTS				
	Review Authority			Notice Requirements
Type of Application	Director	Zoning Administrator	DRPB	
Projects that involve only minor exterior modifications. Examples include the addition or modification of awnings, doors and/or windows, rooftop equipment that cannot be seen from the street, ADA improvements associated with tenant improvements, "cool roof" material changes, outdoor dining areas for restaurants within commercial or industrial zoning districts, and other similar minor changes as determined by the Director of Planning and Economic Development. Projects that involve more extensive exterior modifications but that are not readily visible from offsite may also be considered by the Director of Planning and Economic Development.	■			None
Duplex and Half-Plex development projects	■			None

TABLE 5-2 – DESIGN REVIEW AUTHORITY AND NOTICE REQUIREMENTS				
	Review Authority			Notice Requirements
Type of Application	Director	Zoning Administrator	DRPB	
Projects that involve up to 10,000 square feet in total floor area and projects that include significant exterior changes to existing buildings and the construction of new structures. Also included are new minor telecommunication facilities, and the new construction or major remodel of automobile dealerships on sites zoned for vehicle sales regardless of total floor area.		■		Public Meeting Notice Notice of Action (see Section 20-66.060)
Projects that involve 10,000 square feet or more in total floor area and meet the requirements of Streamlined Design Review described in 20-52.030(D)3.		■		Public Hearing Notice Notice of Action (see Section 20-66.060)
Projects that involve 10,000 square feet or more in total floor area and major telecommunication facilities. (1) (2)			■	Public Hearing Notice Notice of Action (see Section 20-66.060)
Sign applications, including Sign Programs for multi-tenant projects.	■			Notice of Action (see Section 20-66.060)

Notes:

(1) Visually sensitive locations and projects include the following.

a. Sites within the CMU (Core Mixed Use) zoning district, -G (Gateway),-H (Historic), or -SR (Scenic Resources) combining districts;

b. Hillside sites, infill sites, and major intersections;

TABLE 5-2 – DESIGN REVIEW AUTHORITY AND NOTICE REQUIREMENTS				
	Review Authority			Notice Requirements
Type of Application	Director	Zoning Administrator	DRPB	

c. Multi-family residential projects of 50 units or more, any three-story residential project, or an industrial or commercial project adjacent to residential; or

d. Other project that the Director determines may have significant visual impact.

(2) Each project in an identified visually sensitive area shall require a visual analysis in compliance with Section 20-50.100 (Visual analysis).

Section 20. Amend Santa Rosa City Code Section 20-52.030(D)(2)(a) to read and provide as follows:

"a. The Design Review and Preservation Board or Zoning Administrator shall adopt a formal resolution approving the design."

Section 21. Amend Santa Rosa City Code Section 20-52.060(D)(3) to read and provide as follows:

"3. Sign Variances. The Zoning Administrator may grant Sign Variances, or may defer action and refer the application to the Design Review and Preservation Board, in compliance with Subsection C.3 (Allowable Sign Variances), above; and"

Section 22. Amend Santa Rosa City Code Section 20-58.010, Purpose, to read and provide as follows:

"§ 20-58.010. Purpose.

The purpose of this Chapter is to promote the educational, cultural, economic and general welfare of the community by providing procedures for the identification, protection, enhancement, perpetuation and use of buildings, structures, signs, objects, features, sites, places, areas, districts, neighborhoods, streets, works of art, natural features, and significant permanent landscaping, that have special historical, archaeological, cultural, or architectural value in the City that will allow development to proceed while maintaining historic resources for the following reasons:

A. To safeguard the City's heritage as embodied and reflected in such resources;

B. To encourage public knowledge, understanding, and appreciation of the City's past;

C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;

D. To promote the use and enjoyment of cultural resources beneficial to the education and

welfare of the people of the City;

E. To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to encourage complementary, contemporary design and construction;

F. To protect or enhance property values and to strengthen the economy of the City and the financial stability of its inhabitants;

G. To protect and enhance the City's attraction to tourists and visitors, thereby stimulating business and industry;

H. To identify as early as possible and resolve possible conflicts between the preservation of cultural resources and alternative land uses;

I. To integrate the preservation of cultural resources and the extraction of relevant data from such resources into public and private land management and development processes;

J. To conserve valuable material and energy resources by the ongoing use and maintenance of the existing built environment;

K. To foster and encourage the preservation, restoration and rehabilitation of structures, areas and neighborhoods and thereby prevent future urban blight."

Section 23. Amend Santa Rosa City Code Section 20-58.020(A) to read and provide as follows:

"A. Relationship to CEQA. Decisions by the City in compliance with this Chapter are "discretionary" and relate to "discretionary projects" as these terms are used in the California Environmental Quality Act (CEQA). Any permit, including a Building Permit, or other City approval that would authorize any change in the exterior of any proposed or designated landmark, or the exterior of any structure, building or significant feature within a designated preservation district, is a discretionary permit or approval within the meaning of CEQA, except as otherwise allowed or directed by the State of California."

Section 24. Amend Santa Rosa City Code Section 20-58.040, Cultural Heritage Board, to read and provide as follows:

"§ 20-58.040. Design Review and Preservation Board.

The appointment, responsibilities, and other aspects of the Design Review and Preservation Board, which shall serve as the City of Santa Rosa's historic and cultural preservation review authority, hereafter referred to in this Chapter as the "DRPB," shall comply with Section 20-60.060 (Design Review and Preservation Board)."

Section 25. Amend Santa Rosa City Code Section 20-58.050, Designation of Landmark or Preservation District, to read and provide as follows:

"A. Initiation or termination of designation. A rezoning (Chapter 20-62) to designate a landmark or preservation district, or to repeal or modify a landmark or preservation district designation, may be initiated by resolution of the DRPB, the Council, the Commission, or by property owner application.

1. Where the initiation is by the property owner, the application shall include the forms and other information required by the Planning and Economic Development Department, to ensure the fullest practical presentation of the facts for proper consideration of the application.

2. Where the initiation is by the City Council, or the DRPB or Commission at the direction of Council, the Department shall collect and compile the data and information that otherwise would have been required with an application.

3. Once the information has been compiled and reviewed by the Department, the initiating resolution shall be processed in the same manner as an application that has been determined to be complete.

A proposal or application to terminate or modify a landmark or preservation district designation shall be processed under the same rules and procedures required to designate a landmark or preservation district, and shall require the submittal of a historic resource survey/evaluation prepared by a qualified professional.

B. DRPB review. The DRPB shall review the application, the site and its surroundings, and any related information, to ensure that the decision of the DRPB in response to the proposal will be consistent with the intent and purposes of this Chapter. The review may be conducted by members of the DRPB or the Director.

C. Public notice and hearing. Upon completion of the review required by Subsection A(3), the matter shall be set for public hearing before the DRPB. Public notice shall be provided, and the hearing shall be conducted, in compliance with Chapter 20-66 (Public Hearings).

D. DRPB decision. The DRPB may, by resolution, recommend to the Council the approval or denial of a proposed designation as follows.

1. Approval of designation. After first making one or both of the following findings, the DRPB may recommend to the Council that:

a. A specific site, place, building, structure, street, street furniture, sign, work of art, natural feature or other object be designated a landmark, if the DRPB first finds that the feature to be designated has specific historical, archaeological, cultural or architectural value in the City and that the purposes of this Chapter

would be furthered by the designation; or

b. An area of the City be designated a preservation district, if the DRPB first finds that the proposed area has historical significance or represents one or more architectural periods or styles typical to the history of the City and that the purposes of this Chapter would be furthered by the designation.

2. Denial of designation. The DRPB may recommend to the Council that an application or proposal to designate a landmark, or a preservation district, be denied based upon the evidence presented, or lack thereof.

E. Council hearing. The Council shall schedule a public hearing on a proposed landmark or preservation district designation, or termination, upon receipt of a recommendation from the DRPB. Notice shall be given, and the hearing shall be conducted, in compliance with Chapter 20-66 (Public Hearings). Following the closing of the hearing, the Council, based upon the information presented, shall act on the DRPB recommendation by either making the recommended designation, in whole or in part, or denying the application or proposal.

F. Council decision. A landmark or preservation district shall be designated by the Council through the rezoning of the site to apply the Historic (-H) combining district (Section 20-28.030), in compliance with Chapter 20-64 (Amendments).

1. A copy of the ordinance designating a landmark or preservation district shall be sent to the landmark owners, or all owners of property within the preservation district, as applicable.

2. A denial by the Council shall preclude reconsideration of the proposal for a period of one year from the date of the denial, unless the denial was specifically made without prejudice to the filing of a new application or proposal at any time, pursuant to Section 20-54.080.

G. Notice of designation. Notice of the designation of a landmark or preservation district shall be transmitted by the City Clerk to the Sonoma County Assessor, the Sonoma County Recorder, and any other interested agencies.

H. Effective date of designation. The provisions of this Chapter regulating landmarks and preservation districts shall apply from the effective date of the rezoning to apply the Historic (-H) combining district to the site and shall become inapplicable only as of the effective date of a rezoning to remove the Historic (-H) combining designation.

I. Duty to maintain.

1. Each person in possession or control and every owner of a landmark and any appurtenant premises shall maintain and keep in good repair the exterior of the landmark and premises. Good repair is defined as the level of maintenance and repair that clearly insures the continued availability of the landmark and

premises for lawful reasonable uses and prevents deterioration, dilapidation and/or decay of the landmark and premises.

2. Each person in possession or control and every owner of property located within a designated Preservation District shall maintain and keep in good repair the exterior of any structure, building and premises located within the district. Good repair is defined as that level of maintenance and repair which clearly insures the continued availability of the structures, buildings and premises for lawful reasonable uses and prevents deterioration, dilapidation and decay of the structures, buildings and premises."

Section 26. Amend Santa Rosa City Code Section 20-58.060, Landmark Alteration Permits, to read and provide as follows:

"A. Applicability.

1. Landmark Alteration Permit required. No person shall restore, rehabilitate, alter, develop, construct, demolish, remove or change the exterior appearance of any designated landmark, or any structure, building or significant feature within a preservation district without having obtained a Landmark Alteration Permit in compliance with this section.

2. Exemptions from permit requirement. A Landmark Alteration Permit is not required for the following, if the project is found consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties:

a. Repair, renovation or restoration involving the replacement of broken or damaged materials for structures identified as a contributor to a Preservation District, where original materials are proposed, and the repair, renovations or restorations do not include a change to the design of the structure;

b. Repair, renovation or restoration using similar materials for structures identified as a non-contributor to a Preservation District;

c. Repainting of previously painted exterior materials, even when it includes a color change, unless the repainting is for the purpose of creating signage for the building. Painting of previously unpainted exterior materials requires the approval of a Minor Landmark Alteration Permit, as identified in subsection (C)(2);

d. Installation of rain gutters or downspouts;

e. Installation of roof ventilators or skylights on areas of the roof that are not visible from the public right-of-way;

f. Installation of a window air conditioning unit, on a side or rear elevation only;

g. Demolition or removal of a non-historic building;

h. Re-roofing a structure with materials determined to be similar to the original era, and that do not change the original roofline, except where original materials are no longer allowed by Building Code (e.g. asphalt or composition shingles in place of wood shingles);

i. Replacement windows and doors that match the original location, size and configuration, and utilize original materials to the era;

j. Solar panels, and integral parts of the solar panel system including supporting posts or poles, not including proposed new structures, such as a carport or other similar structures proposed in conjunction with the solar panel system. If proposed solar panels would have the possibility of creating a life or safety issue, such as excessive glare to local residences, sensitive facilities (airport) or water resources, the solar panels shall require a Minor Use Permit or Conditional Use Permit depending on the severity of the issues;

k. Alterations or additions to structures that are identified as non-contributors to their respective Preservation District, if the alterations or additions are not readily visible from the public right-of-way;

l. Installation of new landscaping and site features, including walkways and fences that are otherwise permitted by right and determined to be similar to the original era and/or consistent with similar features within the Preservation District; or

m. Accessory dwelling units in compliance with Section 20-42.130.

B. Application requirements. Landmark Alteration Permit application preparation, filing, and processing shall comply with all applicable requirements of Chapter 20-50 (Permit Application Filing and Processing).

C. Review authority. A Director Level Landmark Alteration Permit shall be approved or denied by the Director of the Planning and Economic Development Department. A Minor Landmark Alteration Permit shall be approved or denied by the Zoning Administrator. A Major Landmark Alteration Permit shall be approved or denied by the DRPB. All Landmark Alteration Permit actions shall be subject to the findings including in Section 20-58.060(F).

1. Director Level Landmark Alteration Permit. A Director Level Landmark Alteration Permit shall be required for the following, and similar activities as determined by the Director, if the project is found consistent with applicable Secretary of the Interior's Standards for the Treatment of Historic Properties. A historic resource

survey/evaluation prepared by a qualified professional is not required unless requested by City staff as necessary based on the scope of the proposed project.

a. Non-Contributor: Any alterations or additions to a property identified as a non-contributor to a Preservation District when the alterations or additions are found to be compatible with the streetscape within the District. The applicant shall provide documentation through photographs, plans or other means to demonstrate compatibility with the streetscape;

b. Contributor: The following alterations or additions to a property identified as a contributor to a Preservation District:

(1) Renovation or restoration involving the replacement of broken or damaged materials, where a change in design or materials is proposed;

(2) Minor modifications to structures, including, but not limited to, changing a window to a door or a door to a window, or changing the location of existing windows and doors, that are not readily visible from the public right-of-way;

(3) Additions to existing single-family residential, multi-family residential or non-residential structures involving less than 500 square-feet and that are not readily visible from the public right-of-way;

(4) An accessory structure, less than 500 square-feet in size, located in the rear yard of a non-corner lot, or otherwise not readily visible from the public right-of-way, including a garage, carport, storage shed, or other small structure, in compliance with all other applicable requirements of this Zoning Code;

(5) New fences, or replacement fences proposed with different materials or a different design, that are otherwise permitted by right and determined to be similar to the original era and/or consistent with similar fences within the Preservation District;

(6) Installation of roof ventilators or skylights, where visible from the public right-of-way;

(7) Re-roofing a structure with materials other than the original era of the structure (e.g. tar and gravel roof), that do not otherwise qualify for an exemption;

(8) Replacement windows and doors that utilize an alternative design and/or alternative materials that differ from the original design and materials; or

(9) Installation of new landscape design elements including small

entryway trellises, decks, or other small structures (not including plants, trees, ground cover, at-grade hardscape, or fences).

2. Minor Landmark Alteration Permit. A Minor Landmark Alteration Permit shall be required for the following alterations or additions to a property identified as a contributor to a Preservation District, and similar activities as determined by the Director, if the project is found consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. A historic resource survey/evaluation prepared by a qualified professional is not required unless requested by City staff as necessary based on the scope of the proposed project:

   a. Painting of previously unpainted exterior materials (e.g. stone and brick), if it is found to have no impact to the structure or the surrounding Preservation District;

   b. Change to the historic roofline of a structure, if it is found to have no significant impact to the structure or the surrounding Preservation District;

   c. A fence taller than otherwise allowed by Section 20-30.060(C), Fences, Walls, and Screening. Where a Minor Use Permit is required for additional fence height pursuant to Section 20-30.060(D), only a Minor Use Permit application shall be required; a second application for a Landmark Alteration Permit shall not be required.

      While only a Minor Use Permit application and associated fees are required, all findings required for both approval of a Minor Landmark Alteration Permit by Section 20-58.060(F) and approval of a Minor Use Permit for additional fence height by Section 20-30.060(D) shall be met, and, if approved, both permits shall be issued;

   d. Removing or enclosing an existing porch or adding a new porch on the front elevation, if it is found to have no significant impact to the structure or the surrounding Preservation District;

   e. Minor modifications to structures, including, but not limited to, changing a window to a door or a door to a window, or changing the location of existing windows and doors, that do not otherwise qualify for a Director Level Landmark Alteration Permit;

   f. Additions to existing single-family residential structures involving less than 500 square-feet that are readily visible from the public right-of-way;

   g. Additions to existing non-residential or multi-family residential structures involving between 500 and 5,000 square-feet.

h. The development of new non-residential or multi-family residential structures involving between 500 and 5,000 square-feet; or

i. The construction of a new primary single-family dwelling.

3. Major Landmark Alteration Permit. A Major Landmark Alteration Permit shall be required for the following alterations or additions to a property identified as a contributor to a Preservation District, and similar activities as determined by the Director, if the project is found consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties. A historic resource survey/evaluation prepared by a qualified professional is not required unless requested by City staff as necessary based on the scope of the proposed project.

a. Demolition or removal of an existing historic building;

b. Additions to existing single-family residential structures involving 500 square-feet or greater that are readily visible from the public right-of-way, including second-story additions to a one-story house;

c. Additions to existing non-residential or multi-family residential structures of 5,000 square-feet or greater, or smaller projects that have been found inconsistent with the Secretary of the Interior Standards for Treatment of Historic Properties; or

d. The construction of new non-residential or multi-family residential structures of 5,000 square-feet or greater, or smaller projects that have been found inconsistent with the Secretary of the Interior Standards for Treatment of Historic Properties.

4. Design Review. For projects that also require Design Review pursuant to Section 20-52.030, Design Review, a separate application for Design Review shall not be required; only a Landmark Alteration Permit application and associated fees shall be required. However, all findings required for both approval of a Landmark Alteration Permit by Section 20-58.060(F) and approval of Design Review by Section 20-52.030(I) shall be met, and, if approved, both permits shall be issued.

D. Hearing and decision.

1. Major Landmark Alteration Permit. The DRPB shall schedule a hearing on an application for a Major Landmark Alteration Permit after the completion of the environmental determination on the proposed project, or the certification of an Environmental Impact Report. Notice shall be provided, and the hearing shall be conducted in compliance with Chapter 20-66 (Public Hearings).

2. Minor Landmark Alteration Permit.

a. Public notice. Before a decision on a Minor Landmark Alteration Permit, the Department shall provide notice in compliance with Chapter 20-66 (Public Hearings); provided that the notice shall state that the Zoning Administrator will decide whether to approve or disapprove the Minor Landmark Alteration Permit application at a public meeting on a date specified in the notice, and that a public hearing will be held only if requested in writing by any interested person before the date specified for the decision.

b. Hearing. If a hearing is requested, notice of the hearing shall be provided, and the Zoning Administrator shall conduct the hearing, in compliance with Chapter 20-66.

c. Review authority referral. The Zoning Administrator may defer any decision and refer the request to the DRPB, pursuant to Section 20-50.020, Authority for Land Use and Zoning Decisions.

3. Director Level Landmark Alteration Permit. Notification. At least 10 calendar days prior to taking action on any proposed Director Level Landmark Alteration Permit, the Director shall notify, by mail as a Notice of Pending Action, all persons or entities as set forth in Section 20-66.020.(C)(1), except that the distance for the mailing shall be 300 feet from the exterior boundary of the subject property, or as otherwise determined by the Director. No public meeting or public hearing shall be required.

a. Review authority referral. The Director may defer any decision and refer the request to the Zoning Administrator or DRPB, pursuant to Zoning Code Section 20-50.020, Authority for Land Use and Zoning Decisions.

E. Actions by the Director, Zoning Administrator or DRPB on Landmark Alteration Permits.

1. Application to restore, alter or change. When the application is to restore, rehabilitate, alter, develop, construct, or change the exterior appearance of any landmark, or any structure, building or significant feature within a preservation district, the review authority, based upon the evidence presented and the criteria for decisions in Subsection F, may, by resolution, approve, conditionally approve, or deny the application.

2. Application to demolish or remove. When the application is to demolish or remove any landmark, or any structure, building or significant feature within a preservation district, the DRPB, based upon the evidence presented and the criteria for decisions in Subsection F, may, by resolution, approve, conditionally approve, or deny the proposed demolition or removal. The decision of the DRPB to deny a proposed demolition or removal may be appealed to the Council in compliance with Chapter 20-62(Appeals).

F. Findings for decision. The review authority shall consider the following findings, in

determining whether to grant or deny a Landmark Alteration Permit:

1. The proposed changes are consistent with applicable zoning standards except as directed by Zoning Code Section 20-12.020;

2. Whether the proposed change implements the General Plan and any applicable specific plan;

3. The consistency of the proposed change with the original architectural style and details of the building;

4. The compatibility of the proposed change with any adjacent or nearby landmark structures or preservation district structures that have been identified as contributors to the respective district;

5. The consistency and/or compatibility of the proposed textures, materials, fenestration, decorative features and details with the time period of the building's construction;

6. Whether the proposed change will destroy or adversely affect important architectural features;

7. Consistency with applicable Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings; and

8. Other matters, criteria and standards as may be adopted by resolution of the City Council.

G. Notice of decision. A copy of the DRPB resolution documenting its decision shall be provided to the applicant."

Section 27. Amend Santa Rosa City Code Section 20-58.070(B) to read and provide as follows:

"B. Economic hardship. If the owner of a property that has been designated, or is proposed for designation as a landmark, or that is situated within a designated or proposed preservation district, believes that the burdens associated with the designation will cause an unreasonable economic hardship on their ownership and use of the property, the owner may apply to the DRPB for a certificate of economic hardship to alter, remove, or demolish the landmark or the improvements within a preservation district."

Section 28. Amend Santa Rosa City Code Section 20-58.070(B)(1)(l) to read and provide as follows:

"l. Any other information considered necessary by the DRPB to make a determination as to whether the property does yield or may yield a reasonable return to the owners;"

Section 29. Amend Santa Rosa City Code Section 20-58.070(B)(2) to read and provide as follows:

"2. Determination of economic hardship. The DRPB shall review all evidence and information required of an applicant for a certificate of economic hardship and make a determination, by resolution, within 60 days of the completion of the environmental review of the application, as to whether the denial of a certificate of economic hardship would deprive the owner of the property of the reasonable use of, or economic return on, the property. If the DRPB determines that a denial of the certificate would so deprive the property owner, then the DRPB shall, by resolution, issue the requested certificate subject to the fulfillment of such feasible mitigation measures as are set forth in the environmental documents for the proposed project. The DRPB may solicit expert testimony on these issues, but may not incur costs in this regard without the prior appropriation of funds by the Council."

Section 30. Amend Santa Rosa City Code Section 20-58.080, Appeal, to read and provide as follows:

"§ 20-58.080. Appeal.

Any person aggrieved by a decision of the Director, Zoning Administrator or DRPB in compliance with this Chapter may appeal the decision in compliance with Chapter 20-62 (Appeals). An appeal shall be processed in compliance with Chapter 20-62."

Section 31. Amend Santa Rosa City Code Section 20-58.090(A) to read and provide as follows:

"A. Civil actions. At the request of the Zoning Administrator, the DRPB, or the Council, the City Attorney may file and maintain a civil action for injunctive relief to prohibit or enjoin any violation, or threatened violation of the provisions of this Chapter, and/or to compel the correction of any violation of this Chapter."

Section 32. Add Santa Rosa City Code Sections 20-58.110 and 20-58.120 to read and provide as follows:

"§ 20-58.110. Trees.

A. A tree, as defined in Section 17-24.020, or group of trees which is not situated upon a designated landmark site or which has not been designated a "significant feature" on either a designated landmark site or within a designated preservation district shall not be subject to the provisions of this chapter, but shall be subject to the provisions of Municipal Code Title 17, Chapter 17-24 (Trees).

B. A tree and each tree within a group of trees which has been designated a "significant feature" on a landmark site or within a preservation district are "heritage trees" as that term is used in Municipal Code Title 17, Chapter 17-24 (Trees) and each such tree shall come within and be subject to the provisions of Articles III through VII of Chapter 17-24 as a heritage tree; provided, however, that before the review authority considers an application to alter, remove, or relocate any such tree or group of trees, the application shall first be referred to the Design Review and Preservation Board for its comments and recommendation(s), which shall be considered by the review authority before any determination is made on the application.

§ 20-58.120. Processing Review Procedures for Owners of Historic Properties.

On January 9, 2001, the Santa Rosa City Council adopted the Processing Review Procedures for Owners of Historic Properties, which was intended to assist property owners, designers and citizens in the preservation of Santa Rosa's historic resources. The Director of Planning and Economic Development is authorized to make any necessary edits to the Processing Review Procedures for Owners of Historic Properties to ensure that the document is maintained consistent with the City Municipal Code. Such amended procedures shall supersede the procedures adopted by Council on January 9, 2001 by Resolution No. 24694."

Section 33. Amend Santa Rosa City Code Section 20-60.020, Planning Agency Defined, to read and provide as follows:

"§ 20-60.020. Planning Agency defined.

The functions of a Planning Agency shall be performed by the Santa Rosa City Council, Planning Commission, Design Review and Preservation Board, Zoning Administrator, Director of Planning and Economic Development, and the Planning Division of the City's Planning and Economic Development Department, in compliance with Title 2 of the City Code. Each shall perform Planning Agency functions as assigned or delegated by the Council."

Section 34. Amend Santa Rosa City Code Section 20-60.040(A) to read and provide as follows:

"A. Appointments. The Council shall appoint members of the Planning Commission and DRPB as follows.

1. Each Council member shall appoint one member of the Commission ("appointee"), whose term shall coincide with the term of the appointing Council member.

2. The full Council shall appoint each member of the DRPB, whose term shall be indicated by the full Council, or until a successor has been appointed, pursuant to Council Policy 000-06.

3. Each appointee shall serve at the pleasure of the appointing Council member or full Council.

4. All appointees shall be residents of the City at all times during their respective terms.

5. No appointee shall be an officer or employee of the City."

Section 35. Amend Santa Rosa City Code Section 20-60.060, Design Review Board (DRB), to read and provide as follows:

"§ 20-60.060. Design Review and Preservation Board (DRPB).

A. Establishment. The seven-member Santa Rosa Design Review and Preservation Board, referred to in this Zoning Code as the DRPB, which shall also serve as the City of Santa Rosa's historic and cultural preservation review authority, is hereby established.

B. Qualifications. DRPB members shall be qualified as follows. The full membership of the DRPB shall be in compliance with the following qualifications on or before February 28, 2026, with each Board member filling only one of the identified qualifications.

1. At least two members shall be licensed architects.

2. At least one member shall be a licensed landscape architect or licensed landscape contractor, or shall have a college degree or applicable professional experience in the field of landscaping.

3. At least one member shall be an archaeologist, architectural historian, or historian.

4. The remaining members shall be representative of the community at large, preferably involved in the design, construction, civil or structural engineering, and/or historic preservation industry.

5. All members shall demonstrate knowledge or interest in the quality of architectural design and historic preservation of the City.

C. Rules for transaction of business and records. The DRPB shall adopt rules and procedures for the transaction of its business. The Department shall keep a public record of all determinations, findings, resolutions, and transactions of the DRPB.

D. Terms of office. Except as provided in Subsection I (Removal or vacancy), the term of office for each DRPB member shall coincide with the term of the appointing Council member; provided, the term shall be automatically extended until a successor has been appointed, qualified, and seated.

E. Regular meetings. The DRPB shall hold at least two regular meeting each month. The regular meetings shall be held on the first and third Thursday of each month at the City Hall.

F. Organization.

1. Appointment of Chairperson. The Mayor shall appoint the Chairperson of the DRPB, with the concurrence of the Council, prior to the first regular annual meeting of the DRPB in January. The term of the Chairperson shall expire upon the appointment of a replacement in compliance with this schedule, or upon the appointment of a new Chairperson. The Chairperson shall preside at meetings of the DRPB and shall represent the DRPB at functions and perform other duties as are appropriate or as may be assigned by the DRPB or the Council.

2. Election of Vice-Chairperson. The DRPB shall annually elect a Vice-Chairperson from its membership at its first regular meeting in January. The term of the Vice-Chairperson shall expire upon the election of a replacement in compliance with this schedule, or upon the election of a new Vice-Chairperson. The Vice-Chairperson shall preside at meetings and perform the duties of the Chairperson in the Chairperson's absence.

G. Authority and duties.

1. The DRPB shall have the authority to perform the duties and functions identified by Section 20-50.020, Table 5-1 (Review Authority), and Section 20-52.030 (Design Review).

2. The DRPB shall review and recommend revisions to the Design Guidelines as appropriate.

3. As it relates to historic and cultural preservation, the DRPB shall perform its duties in compliance with this Chapter and Chapter 20-58 (Historic and Cultural Preservation) and shall:

   a. Review surveys of neighborhoods, objects, places, sites, and structures within the City that may qualify or be eligible for designation as a landmark or preservation district;

   b. Recommend designations of landmarks and preservation districts to the Council and as to each recommended designation:

      (1) Recommend the environmental determination that should be made for the designation, and

      (2) Recommend the determination that should be made with respect to the designation's consistency with the General Plan;

   c. Review and make determinations on alteration, development, demolition, rehabilitation, and restoration proposals for landmarks and preservation districts;

d. Review and make determinations on alterations and enlargements of nonconforming structures of historical significance in compliance with Section 20-52.050 (Minor Conditional Use Permits) and Subsection 20-61.050 A. (Historic structures);

e. Compile and maintain a current register of all designated landmarks and preservation districts within the City;

f. Work for the continuing education of the citizens of the City about the heritage of the City and the designated landmarks and preservation districts within the City;

g. Seek means for the preservation, protection, and retention of any landmark and preservation district, including suggesting appropriate legislation, seeking financial support from individuals and local, State, and Federal governments, and establishing a private funding organization;

h. Coordinate its activities, where practical and advantageous to do so, with the Sonoma County, the State and Federal governments; and

i. Consult with and advise the Council in connection with the exercise of the DRPB's duties and functions.

4. The DRPB may:

a. Prepare and adopt plans for the preservation of landmarks and preservation districts within the City; and

b. Recommend General Plan and Zoning Map amendments to the Commission and Council for the purpose of preserving landmarks and preservation districts.

H. Quorum. Four members of the DRPB shall constitute a quorum. A vote by a majority of the quorum is required for all decisions except for sign Variances, which require four affirmative votes.

I. Removal or vacancy.

1. A member of the DRPB may be removed by the affirmative vote of at least four members of the Council, or the appointing Council member.

2. A vacancy shall be filled in the same manner as the original appointment.

3. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term."

Section 36. Delete Santa Rosa City Code Section 20-60.070, Cultural Heritage Board (CHB).

Section 37. Amend Santa Rosa City Code Section 20-60.080, Director of Community Development, to read and provide as follows:

"§ 20-60.080. Director of Planning and Economic Development.

A. Appointment. The Santa Rosa Director of Planning and Economic Development, referred to in this Zoning Code as the Director, shall be appointed by the City Manager.

B. Duties and authority. The Director shall:

1. Acting directly, or through a subordinate employee designated as Zoning Administrator in compliance with Section 20-60.090 (Zoning Administrator), perform the duties and functions identified in this Zoning Code, including the initial review of land use applications, in compliance with Section 20-50.020 (Authority for Land Use and Zoning Decisions), Table 5-1 (Review Authority), the California Environmental Quality Act (CEQA), and the City's environmental review procedures identified in Title 17 of the City Code (Environmental Protection), giving of notices, preparing reports, issuing Certificates of Zoning Compliance, receiving and processing appeals, terminating incomplete applications, and receiving and accounting for fees;

2. Perform other responsibilities assigned by the City Manager, DRPB, Commission, and Council;

3. Supervise Department staff members assigned to the Department's administration;

4. Maintain the sections of this Zoning Code, Zoning Map, and all records of zoning actions and cases;

5. Approve site plans as provided by this Zoning Code;

6. Attend meetings and serve as principal advisor to the Commission and DRPB. The Director shall also serve as secretary to the Commission and DRPB and in this capacity shall prepare and keep minutes and all other records of these review authorities;

7. Report regularly to the Commission on actions taken by the Department, including the number of cases handled, and their disposal and recommendations for amendments of this Zoning Code; and

8. Refer, at the Director's sole discretion, any of the above or other matters to the Commission for its review and action, and to notify the applicant or other affected person of the referral.

C. Delegation and supervision. The Director may delegate the responsibilities of the Director to assigned Department staff under the supervision of the Director. This delegation shall be confirmed in writing. When the Director designates a Department staff person, the staff person shall perform the duties assigned by the Director, in addition to those listed in Subsection B. above, as appropriate to the personnel title of the designee."

Section 38. Amend Santa Rosa City Code Section 20-61.050(A) to read and provide as follows:

"A. Historic structures. Nonconforming structures of historical significance may be altered or enlarged with Landmark Alteration Permit approval, in compliance with Section 20-58.060, Landmark Alteration Permits, without conforming to current setback provisions; provided, the historic structure is:

1. Within an -H combining district (Section 20-28.040) or is a designated Santa Rosa landmark;

2. Has been certified to be an historic resource by the City, County, or State, or in the Federal Register of Historic Places; or

3. To be altered or enlarged as an authentic replica of the original structure.

4. For damage to Historic structures in relation to a declared Hazard see Chapter 20-35, Resilient City Standards."

Section 39. Amend Santa Rosa City Code Section 20-62.010, Purpose of Chapter, to read and provide as follows:

"§ 20-62.010. Purpose of Chapter.

This Chapter establishes procedures for the appeal and review of decisions and determinations of the Director, Zoning Administrator, DRPB, and Commission."

Section 40. Amend Santa Rosa City Code Section 20-62.020, Appeal Subject and Jurisdiction, to read and provide as follows:

"§ 20-62.020. Appeal subjects and jurisdiction.

An applicant, other interested person, or an officer or official of a public entity, who considers an action (e.g., decision, determination, etc.) taken under the provisions of this Zoning Code by an official or City review authority to have been erroneously taken may appeal the action in compliance with the following:

A. Director decisions. A determination or decision by the Director may be appealed to the DRPB, Commission, or Council as applicable to the decision.

B. Zoning Administrator decisions. A determination or decision by the Zoning Administrator may be appealed to the DRPB, Commission, or Council as applicable to the decision.

C. DRPB decisions. A decision by the DRPB may be appealed to the Council; provided that a member of the DRPB shall not be allowed to appeal a DRPB decision.

D. Commission decisions. A decision by the Commission may be appealed to the Council; provided that a member of the Commission shall not be allowed to appeal a Commission decision."

Section 41. Amend Santa Rosa City Code Section 20-62.030(A) to read and provide as follows:

"A. Eligibility. Any action by the Director, Zoning Administrator, DRPB, or the Commission in the administration or enforcement of the provisions of this Zoning Code may be appealed by any aggrieved person in compliance with this Chapter. (See Table 5-1 (Review Authority) in Division 5 (Land Use and Development Permit Procedures)."

Section 42. Amend Santa Rosa City Code Section 20-62.030, Table 6-1, Appeal Review Authority, to read and provide as follows:

TABLE 6-1—APPEAL REVIEW AUTHORITY

Permit Type	Review Authority	Appeal Body	City Code Section
Conditional Use Permit	Commission	Council	20-52.050
Design Review	DRPB	Council	20-52.030
Design Review	Zoning Administrator	DRPB	20-52.030
Design Review – Resilient City Standards	Director	DRPB	20-35.060
Growth Management	Director	Council	21-03.130
Hillside Development Permit—Single dwelling or addition	Zoning Administrator	Commission	20-32.060
Hillside Development Permit—All other	Commission	Council	20-32.060
Hillside Development Permit – Resilient City Standards	Director	Commission	20-35.060
Landmark Alteration Permit—Major	DRPB	Council	20-58
Landmark Alteration Permit—Minor	Zoning Administrator	DRPB	20-58
Landmark Alteration Permit—Director	Director	DRPB	
Landmark Alteration Permit – Resilient City Standards	Director	DRPB	20-35.060
Minor Adjustment	Director	Commission	20-52.060
Minor Conditional Use Permit	Zoning Administrator	Commission	20-52.050
Minor Variance	Zoning Administrator	Commission	20-52.060

TABLE 6-1—APPEAL REVIEW AUTHORITY			
Permit Type	**Review Authority**	**Appeal Body**	**City Code Section**
Parcel Maps	Subdivision Committee	Commission	19-32.050
Streamlined Design Review	Zoning Administrator	Council	20-52.030
Sign Permit or Program	Director	DRPB	20-38.030
Sign Permit or Program—H overlay	Director	DRPB	20-38.030
Surface Mining	Commission	Council	17-32.170
Tentative Map	Commission	Council	19-24.100
Telecommunication	DRPB/Commission	Council	20-44
Tree Permit	Director	Commission	17-24.090
Variances	Commission	Council	20-52.060

Section 43. Amend Santa Rosa City Code Section 20-62.030(B)(4) to read and provide as follows:

"4. Place for filing.

a. Appeals from the determinations or decisions of the Director shall be addressed to the Zoning Administrator, DRPB, or Commission, as applicable to the decision, and filed with the Department.

b. Appeals from the determinations or decisions of the Zoning Administrator shall be addressed to the DRPB or Commission, as applicable to the decision, and filed with the Department.

c. Appeals from the decisions of the DRPB, Zoning Administrator Streamlined Design Review, or Commission shall be addressed to the Council and filed with the City Clerk."

Section 44. Amend Santa Rosa City Code Section 20-62.030(E)(2) to read and provide as follows:

"2. The hearing on the appeal shall be scheduled for the earliest regular meeting following the date on which the appeal was accepted as filed. The applicable review authority may continue the hearing from time to time until its determination on the appeal, in compliance with Section 20-66.040 (Hearing Procedure). Appeal to the DRPB or Commission. An appeal to the DRPB or the Commission shall be scheduled by the Director, at its earliest regular meeting, consistent with agenda preparation procedures, meeting schedules, and notice requirements, if applicable."

Section 45. Amend Santa Rosa City Code Section 20-66.010, Purpose of Chapter, to read and provide as follows:

"§ 20-66.010. Purpose of Chapter.

This Chapter establishes procedures for public hearings before the Zoning Administrator, DRPB, Commission, and Council. When a public hearing is required by this Zoning Code, public notice shall be given and the hearing shall be conducted in compliance with this Chapter."

Section 46. Amend Santa Rosa City Code Section 20-66.020(A)(1) to read and provide as follows:

"1. The Director is authorized to give notice of public hearings to be held by the Zoning Administrator, DRPB, or Commission, under the provisions of this Zoning Code."

Section 47. Amend Santa Rosa City Code Section 20-66.020(C)(3)(b)(7) to read and provide as follows:

"(7) The area of the sign copy shall comply with standards adopted by the DRPB."

Section 48. Amend Santa Rosa City Code Section 20-66.030, Scheduling of Hearing, to read and provide as follows:

"§ 20-66.030. Scheduling of hearing.

After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and the City's environmental review procedures identified in Title 17 of the City Code, the matter shall be scheduled for public hearing on a Zoning Administrator, DRPB, Commission, or Council agenda (as applicable)."

Section 49. Amend Santa Rosa City Code Section 20-66.060(A)(1) to read and provide as follows:

"1. The review authority (Zoning Administrator, DRPB, Commission, or Council, as applicable) may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Section 20-66.040 (Hearing Procedure), above."

Section 50. Amend Santa Rosa City Code Section 20-66.070(A) to read and provide as follows:

"A. Zoning Administrator, DRPB, or Commission. The decision of the Zoning Administrator, DRPB, or Commission is final unless appealed in compliance with Chapter 20-62 (Appeals)."

Section 51. Amend Santa Rosa City Code Section 20-66.080(A) to read and provide as follows:

"A. Zoning Administrator, DRPB, or Commission. A decision of the Zoning Administrator, DRPB, or Commission (other than a recommendation in compliance with Section 20-66.050, above) shall become effective on the 11th day following the date of application approval by the applicable review authority, where no appeal of the review authority's action has been filed in compliance with Chapter 20-62 (Appeals)."

Section 52. Amend Santa Rosa City Code Section 20-70.020, Definitions of Specialized Terms and Phrases, to amend the following definition to appear within the section in alphabetical order:

"Historic and Cultural Preservation. The following terms and phrases are defined for the purposes of Section 20-28.040 (Historic Combining District) and Chapter 20-58 (Historic and Cultural Preservation).

1. Addition. New construction added to an existing building.

2. Alteration. Work which impacts any exterior architectural feature, including construction, reconstruction, removal, or demolition of any building or building element.

3. Architectural Details. The smaller design elements that help define a structure's character, such as a fanlight.

4. California Register of Historic Places. As defined in California Public Resources Code Section 5020.1 and in California Code of Regulations Title 14 Chapter 11.5, Section 4850 et seq.

5. Character Defining Features. Architectural features of a structure that define its character, such as siding, windows, decorative trim, roof shapes and materials, or a porch.

6. Contributor. A contributing property is a building, structure, site, feature or object located within a designated preservation district that embodies the significant physical characteristics and features, or adds to the historical associations, historic architectural qualities or archaeological values identified for the historic district, and was present during the period of significance, relates to the documented significance of the property, and possesses historic integrity or is capable of yielding important information about the period.

7. Decorative Features. Decorative as opposed to structural design elements that help define a structure's character, such as decorative boarding on the second story or decorative shingles in the gables.

8. Demolition. The removal of 50 percent or more of the exterior walls and interior structural elements, which support the exterior walls, roof, or exterior elements of a historic resource. Demolition does not include either:

a. The removal and replacement in kind of deteriorated, non-repairable materials required for the restoration or rehabilitation of a historic resource (resulting in no change to its exterior appearance or historic character); or

b. Removal of non-historic features or additions that may exist on a historic resource.

9. Feature or Characteristic. A fixture, component or appurtenance attached to, contiguous with or otherwise related to a structure or property including landscaping, setbacks, distinguishing aspects, roof attributes, overlays, moldings, sculptures, fountains, light fixtures, windows and monuments. May include historically and/or architecturally significant interior areas that are accessible to or made available to the public, including, but not limited to: areas commonly used as public spaces such as lobbies, meeting rooms, gathering rooms, public hallways, or similar spaces. Interior areas that generally are not accessible to or made available to the public, but which occasionally may be visited by business invitees or members of the public including those on a tour of a facility, do not constitute a "feature or characteristic."

10. Landscape Feature or Characteristic. One or more trees or other vegetation, rocks, walls, and/or other exterior feature of a site that contributes to historical significance and/or is representative of, or evokes the time period, community or neighborhood character or appearance of a specific time period.

11. Historic Resource. Includes any of the following:

a. A resource listed in or determined by the State Historical Resources Commission to be eligible for listing in the California Register of Historic Places;

b. A resource included in the local register of historic resources as defined in Public Resources Code Section 5020.1(k) or identified as significant in an historic resources survey meeting the requirements of Public Resources Code Section 5024.1(g), which is presumed to be historically or culturally significant unless the preponderance of evidence demonstrates otherwise;

c. A resource listed in or determined to be eligible for listing in the National Register of Historic Places; and/or

d. Any object, building, structure, site, area, place, record, or manuscript that the City determines to be historically significant or significant in the architectural, engineering, scientific, economic agricultural, education, social, political, military, or cultural annals of Santa Rosa, may be considered to be historically significant.

Criteria for evaluating significance and integrity shall include location, design, setting materials, workmanship, feeling and association along with one of the following: (i) the resource is associated with events that have made a significant contribution to the broad patterns of our history and cultural heritage; (ii) is associated with the lives of persons important in our past; (iii) embodies the

distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values; (iv) has yielded or may be likely to yield, information important in prehistory or history.

The fact that a resource is not listed in or has not yet been determined to be eligible for listing in the California Register of Historical Resources not listed in the Official Register, or identified in a historic resources survey does not preclude a lead agency from determining that the resource may be a Historic Resource as defined in Public Resources Code Section 5020.1(j) or 5024.1.

12. Landmark. A landmark is any site, including significant trees or other significant permanent landscaping located on a site, and/or a place, building, structure, street, street furniture, sign, work of art, natural feature or other object having a specific historical, archaeological, cultural or architectural value in the City, and which has been designated a landmark by the Council.

13. Neglect. Failure to prevent or correct any deterioration of or damage to a structure or any part thereof and failure to restore the structure or part thereof to its condition prior to the occurrence of such deterioration or damage.

14. Non-Contributor. A non-contributing property is any building, structure, site, feature, or object located within a designated preservation district that which does not add to the historical integrity or architectural qualities that make the district historically significant.

15. Preservation district. A preservation district is an area within the City having historical significance or representing one or more architectural periods or styles typical to the history of the City, that has been designated a preservation district by the Council.

16. Qualified Professional – Historic Resource Survey/Evaluation. The Secretary of the Interior's Standards for the Treatment of Historic Properties establishes professional qualification standards for the preparation of historic surveys and evaluations. The qualifications, summarized below, define minimum education and experience required to identify, evaluate, register, and develop treatment activities related to historic resources:

- History: Bachelor's or graduate degree in history or closely related field, and either two years of full time experience, or substantial contribution to the field of history through research and publication.

- Archaeology: Graduate degree in archaeology, anthropology, or closely related field, and all of the following:

    a. One year of full time professional experience;

    b. Four months of supervised field and analytic experience; and

c. Demonstrated ability to complete research.
In addition, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

- Architectural History: Bachelor's or graduate degree in architectural history, art history, historic preservation or closely related field, and either two years of experience in research, writing and teaching, or substantial contribution to the field through research and publication.

- Architecture: Professional degree in architecture, and either two years of full time experience, or State architecture license.

- Historic Architecture: Professional degree in historic architecture or State architecture license, and either one year of graduate study in architectural preservation, or one year of full time professional experience. Such study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

17. Rehabilitation. The process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

18. Renovation. The process of repairing and changing an existing building for modern use, so that it is functionally equal to a new building. May include major changes.

19. Restoration. The process or product of returning, as nearly as possible, an existing site or building to its condition at a particular time in history, using the same construction materials and methods as the original where possible. May include removing later additions, making hidden repairs, and replacing missing period work.

20. Secretary of The Interior's Standards. The Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 67), with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

21. Streetscape. The relationship of the street, landscaping, and historic resources as seen by the eye from public vantage points, such as a street or sidewalk."

Section 53. Amend Santa Rosa City Code Section 21-02.030, Definitions, to amend the following definition to appear within the section in alphabetical order:

““Review authority” means the individual or official City body (Planning and Economic Development Director, Housing and Community Services Director, Zoning Administrator, Design Review and Preservation Board, Planning Commission, City Council) which has the responsibility and authority to review, and approve or disapprove, applications for land use entitlements.”

Section 54. 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 55. 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 February 4th, 2025.

IN COUNCIL DULY PASSED this 25th day of February, 2025.

AYES: (5) Mayor Stapp, Vice Mayor Alvarez, Council Members Bañuelos, Fleming, Rogers

NOES: (0)

ABSENT: (2) Council Members MacDonald, Okrepkie

ABSTAIN/RECUSE: (0)

ATTEST: _____ APPROVED: _____
Deputy City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney