

# HOUSING LEGISLATION ZONING CODE TEXT AMENDMENT

Planning Commission Public Hearing  
May 11, 2023



Nancy Woltering, AICP CEP  
Senior Planner, Advance Planning  
Planning and Economic Development



# PROJECT DESCRIPTION

## Zoning Code Text Amendments

- Responds to recent State Legislation designed to facilitate the development of more housing
- Reduces parking requirements
- Extends incentives and concessions for affordable housing projects
- Provides new pathways to construct housing on commercial land
- Allows housing on land owned by local educational agencies.

# BACKGROUND

During the last 5 years, the Council and State have updated regulations to increase the availability of housing.

- 2016: Housing Action Plan Adoption
- 2019: Density Bonus Ordinance Update
- 2020: ADU Ordinance Amendments
- 2023: Housing Element Adoption
- 2023: Additional ADU Ordinance Amendments

## BACKGROUND

*The State forecasts the need for 2.5 million homes during this next 8-year planning cycle, with 1 million of these needed for lower income households.*

The Legislature continued to make changes during the 2022 Legislative Session

- Reducing or eliminating parking;
- Reducing parking at religious institutions for affiliated housing;
- Revising Density Bonus Ordinance to extend incentives to Very Low Vehicle Travel Areas;
- Allow residential development on commercially zoned land, and on land owned by local educational agencies.

# AB 2097: PARKING

## Parking Mandates



- Prohibits imposing a minimum parking requirement on any residential, commercial, or other development project within ½ mile of public transit.
- Exception: where a local agency makes written findings, supported by a preponderance of evidence, that not imposing a minimum parking requirement would cause a substantially negative impact.
- **Staff Recommendation:** Subsections 20-36.040(H)-(O) have been added indicating that residential, commercial, and other development projects are not required to provide on-site automobile parking if the site is located within one-half mile of a Major Transit Stop, unless the City makes required findings.

# AB 2244: PARKING

## Parking Mandates

- Allows up to 50% of parking at existing religious facilities or parking at proposed religious facilities to be eliminated when facilities propose religious institution affiliated housing. This does not preclude requirements imposed on new development to provide electric vehicle supply equipment (i.e., EV Chargers and related infrastructure) or parking spaces that are accessible to persons with disabilities.



**Staff Recommendation:** Section 20-36.040, Table 3-4, Recreation, Education, and Public Assembly, has been amended to add Note (2) which clarifies that the City allows the reduction of up to 50 percent of the required number of parking spaces for a newly constructed religious facility, or 50 percent of the available spaces for an existing facility, that proposes housing development project.



# AB 682: Density Bonus Law



## Density Bonus Law

- Clarifies that Density Bonus Ordinance applies to shared facilities, such as cohousing, where 10% of total units are maintained for Lower Income households, 5% for Very Low-income households, senior housing developments, or one in which 100% of all units are for Lower Income households
- Clarifies the City cannot require a minimum unit size or a minimum number of bedrooms; minimum sizes are established by the Health & Safety Code



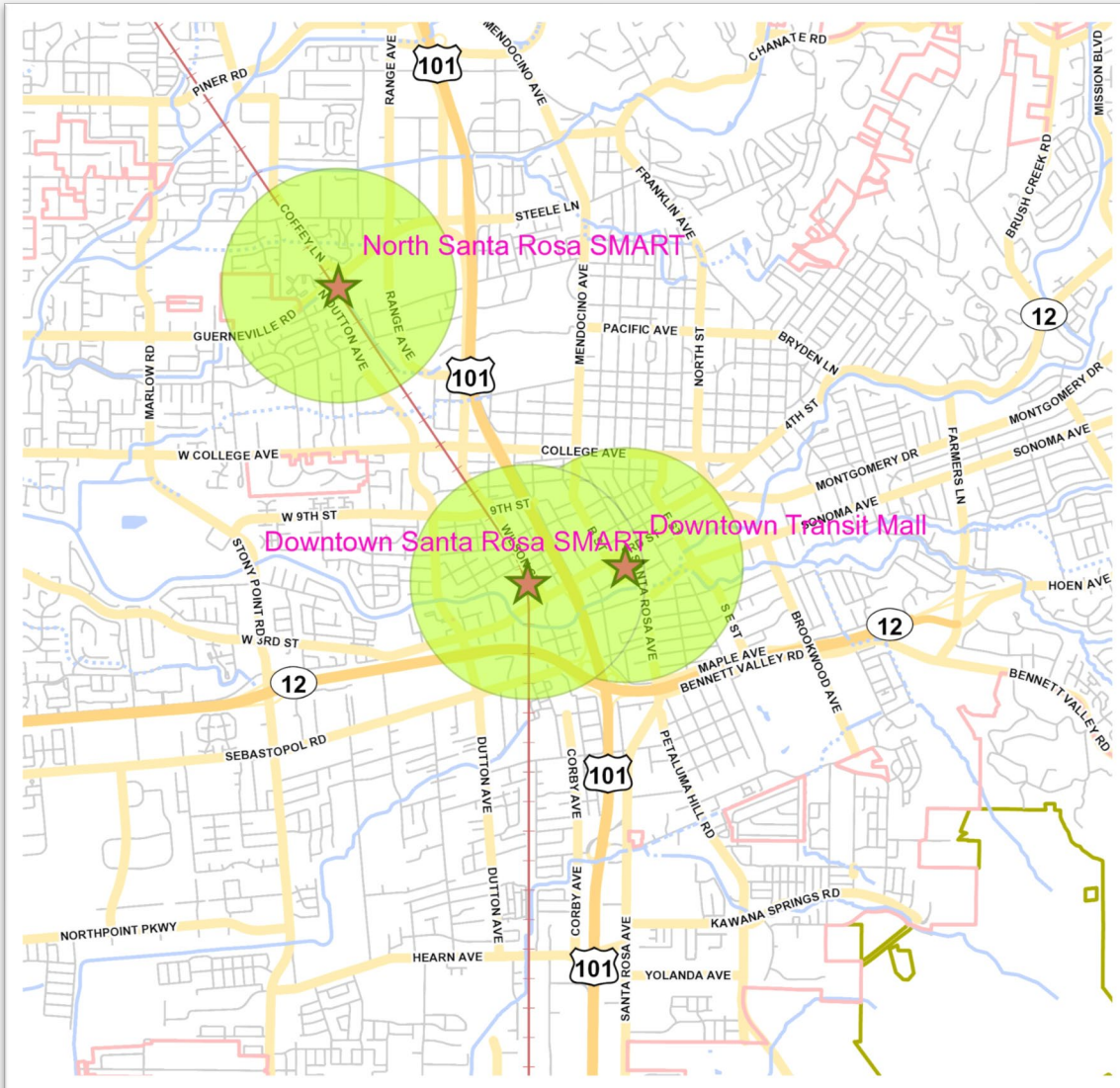
## AB 682: Density Bonus Law

### Staff Recommendation:

- Section 20-31.020, Definitions, has been amended to expand the definition of “Development Standard”; and to revise the definitions of “Located within one-half mile of a Major Transit Stop”, “Major Transit Stop,” and “Maximum Allowable Density”.
- Section 20-31.020, Definitions, has been amended to add definitions for Shared Housing Building, Shared Housing Unit, Total Units or Total Dwelling Units, and Very Low Vehicle Travel Area.
- Section 20-31.050, Eligibility Criteria for Density Bonus, (5) Specialized Housing Projects has been amended to include the following text: “Ten percent of the total units of a Housing Development for Specialized Housing, as defined in Section 20-31.020, and (9) One Hundred Percent Lower- and Moderate-Income Projects.



# AB 2334: Incentives in Low Vehicle Travel Areas



Projects that are 100% affordable to lower income unlimited density and additional height if they are located within 1/2 mile of a major transit stop.

This law extends the provision of unlimited density and additional height to projects located within urbanized “very low vehicle travel areas”, as follows:

- 100% affordable projects are entitled to unlimited density, if located in a “very low vehicle travel area”.
- 100% affordable projects are entitled to additional height of 3 stories or 33 feet, if located in a “very low vehicle travel area”.

## AB 2334: Incentives in Low Vehicle Travel Areas

### Staff Recommendation:

- Section 20-31.020 has been amended to clarify that where there are discrepancies in the Maximum Allowable Density between the Zoning Ordinance and the Land Use Element of the General Plan or Specific Plans, the greater of the allowable density prevails.
- Section 20-31.090 has been amended to indicate that 100 percent affordable projects within Very Low Vehicle Travel Areas are entitled to an additional three stories, or 33 feet in height, over existing height limitations, and are not subject to maximum density controls.

# ZONING CODE TEXT AMENDMENTS

## Density Bonus Ordinance

- HCD letter dated December 22, 2021, regarding corrections needed in the Density Bonus ordinance

### Staff Recommendation:

- Section 20-31.060 has been amended to correct the total maximum density bonus of 50 percent. Revisions include corrections to Table 3.1.
- Section 20-31.070, Table 3.2 has been amended to clarify how the Maximum Supplemental Density Bonus is achieved.
- Section 20-31.090, Table 3.5 has been corrected to indicate that minimum low-income percentages were reduced from 20 percent to 17 percent for two concessions, and from 30 percent to 24 percent for three concessions.
- Section-20-31.100, Table 3.6 was amended to correct parking requirements.

## Supplemental Density Bonus

### Staff Recommendation:

- Removed Jan 2024 Sunset and Added Clarifying Table

# AB 2011: Housing on Commercial Land

- Creates a ministerial (By Right), CEQA exempt, time-limited (sunsets in 2033) approval process for multifamily housing development on commercially zoned property.
- Applies to two types of Projects:
  - 100% Below Market Rate (BMR)
  - Mixed Income Projects



## Staff Recommendation:

- Chapter 20-33, Residential Development on Commercial or Educational Lands, was added to the Zoning Code.
- Section 20-33.010 was added to incorporate Chapter 4.1 (commencing with Section 65912.100), Division 1 of Title 7 of the Government Code, the “Affordable Housing and High Road Jobs Act of 2022,” by reference.

## SB 6: Housing on Commercial Land

- Allows residential development on property zoned for retail and office space without needing rezoning.
- Utilizes the existing approval process via the Housing Accountability Act (HAA). This is not a ministerial process.
- Requires applicants to commit to prevailing wages and use of a “skilled and trained workforce” for project labor (unless fewer than two bidders apply).

### Staff Recommendation:

- Chapter 20-33, Residential Development on Commercial or Educational Lands, was added to the Zoning Code.
- Section 20-33.010 was added to incorporate Chapter 4 section 65852.24, Division 1 of Title 7 of the Government Code, “the Middle-Class Housing Act of 2022,” by reference.

## AB 2295: Housing by Educational Agencies

- Deems a housing development project an allowable use on any real property owned by a local educational agency, if the project complies with local objective zoning, subdivision standards, maps, and the general plan.
- Authorizes the land used for the development of housing to be jointly used or occupied by the local educational agency and any other party.
- A housing development proposed under this law would be exempt from various requirements regarding the disposal of surplus land.

### Staff Recommendation:

- Chapter 20-33, Residential Development on Commercial or Educational Lands, was added to the Zoning Code.
- Section 20-33.030, By Right Housing on Educational Agency Lands, was added to clarify that a housing development is deemed to be an allowable use on any property owned by an educational agency if the housing development satisfies certain objective criteria.
- Section 20-33.020, Definitions, was added for definitions that pertain to this section only.



## REQUIRED FINDINGS

- A. The proposed amendment is consistent with the goals and policies of the Santa Rosa General Plan 2035, and all applicable Specific Plans.
- B. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the amendments will increase housing opportunities and streamline the approval process to allow construction of residential development on commercially zoned properties.
- C. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

## REQUIRED FINDINGS: CEQA

D. The proposed amendments are exempt from CEQA based on the following:

- Section 15168 - within the scope of earlier approved plans and Final EIRs
- Section 15183 - would not result in new significant effects
- Section 15061(b)(3) - there is no possibility the activity will have a significant effect on the environment
- Section 15268 - are necessary to conform to and implement ministerial approval processes mandated by State law

## STAFF RECOMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by motion, adopt a Resolution recommending that the City Council amend City Code Chapter 20-31, and Sections, 20-36.040, 20-50.020, 20-70.020, and add Chapter 20-33, to bring the Zoning Code into compliance with State Legislation, as required by State law.

**Staff Contact:**

Nancy Woltering, Senior Planner

[nwoltering@srcity.org](mailto:nwoltering@srcity.org)

(707) 543-4688