

ORDINANCE NO. ORD-2020-017

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO EXTEND AND MODIFY CHAPTER 20-16, RESILIENT CITY DEVELOPMENT MEASURES, FILE NUMBER REZ20-007

WHEREAS, On October 9, 2017, Governor Jerry Brown declared a State of Emergency for Sonoma and other counties because of multiple wildfires including the Tubbs and Nuns Fires; and

WHEREAS, on April 10, 2018, the City Council adopted an urgency ordinance adding Chapter 20-16, Resilient City Development Measures; specifically, Sections 20-16.010 through 20-16.050, related to temporary housing, temporary structures and accessory dwelling units, which expires on May 11, 2021; and

WHEREAS, on May 22, 2018, the City Council approved an amendment to Title 20 of the Santa Rosa City Code to add Chapter 20-16, Resilient City Development Measures, Sections 20-16.060 through 20-16.110, reducing review authority for certain uses, modifying the Design Review process for residential, lodging or childcare facility projects; including modifications to Zoning Administrator meetings, appeal fees, and adding a requirement for an annual review; and

WHEREAS, on October 2, 2018, the City Council adopted an amendment to Title 20 of the Santa Rosa City Code Chapter 20-16, Resilient City Development Measures, adding Section 20-16.030(E) to address waiving of capital facilities, housing, and park impact fees for temporary housing; and

WHEREAS on January 8, 2019, the City Council approved an amendment to Title 20 of the Santa Rosa City Code Chapter 20-16, Resilient City Development Measures, adding Section 20-16.120 to Chapter 20-16, Resilient City Development Measures, to allow an automatic, 12-month extension for approved tentative subdivision maps and associated entitlements that were active as of October 9, 2017; and

WHEREAS on February 25, 2020, the City Council adopted an amendment to Title 20 of the Santa Rosa City Code Chapter 20-16, Resilient City Development Measures, to allow a second automatic 12-month extension for tentative maps and associated entitlements that benefitted from the first automatic, 12-month extension; and

WHEREAS on March 4, 2020, Governor Gavin Newsom declared a statewide State of Emergency related to the COVID-19 pandemic; and

WHEREAS on March 17, 2020, the Sonoma County Public Health Officer issued a Shelter in Place Order directing all individuals living in the County to shelter at their place of residence with certain exceptions, as amended; and

WHEREAS on August 11, 2020, the City Council adopted an amendment to Title 20 of the Santa Rosa City Code Chapter 20-16, Resilient City Development Measures, adding Section 20-16.070A(1)(b), to define the appeal body for certain land use projects; and

WHEREAS on August 16, 2020 Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to an Extreme Heat Event; and

WHEREAS on August 18, 2020, Governor Gavin Newsom declared a State of Emergency due to the fires collectively known as the LNU Complex Fire; and

WHEREAS on September 28, 2020, Governor Gavin Newsom declared a State of Emergency for Sonoma and other counties due to the Glass Fire; and

WHEREAS on October 22, 2020, the Planning Commission held a duly noticed public hearing on the Zoning Code text amendment, at which time by unanimous vote recommended approval of the proposed text amendment to the City Council; and

WHEREAS, after this public hearing, the Santa Rosa City Council believes that amending the Santa Rosa Zoning Code as follows is required for public convenience, necessity, and general welfare.

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

Section 1. The Council finds, based on evidence and records presented, that amending Title 20 (Zoning) Chapter 20-16, Resilient City Development Measures, is warranted in that there remains a need for residential and commercial rebuilding and economic recovery assistance, exacerbated by the economic impact of the 2020 LNU Complex and Glass Fires, and the COVID-19 pandemic.

The Council further finds and determines that:

- A. The proposed amendments are consistent with the goals and policies of the Santa Rosa General Plan, and all applicable Specific Plans because the amendments further the goals of providing housing, economic vitality, support of childcare facilities, and overall resiliency. Each of the proposed measures is consistent with the Santa Rosa General Plan, Zoning Code and any applicable specific plan. The proposal would not allow density beyond what is currently provided in the General Plan and would continue to require consistency with the requirements of the Zoning Code; and
- B. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City because the amendments strive to improve livability within the City and address vital housing and economic recovery needs in response to multiple fire-related and COVID-19 pandemic-related emergencies; and

- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the Planning Commission has determined that the proposed Zoning Code amendment is exempt from CEQA because:
- a. Adoption of the ordinance is exempt under the “general rule” set forth in CEQA Guidelines Section 15061(b)(3), which provides that CEQA applies only to projects having the potential to cause a significant effect on the environment. “Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The proposed temporary ordinance addresses housing need and economic development in response to continued recovery from the 2017 and 2020 Fires, and the COVID-19 pandemic and would not result in any activity that may have a significant effect on the environment.
  - b. Adoption of the ordinance is exempt under CEQA Guidelines section 15282(h), which exempts adoption of an ordinance regarding second units in a single family or multifamily residential zone to implement the provisions of Government Code sections 65852.1 and 65852.2 and Public Resources Code section 21080.17 The proposal would continue to allow accessory dwelling units to be constructed and occupied prior to the completion of a main residence on the same site, thereby incentivizing additional, smaller units within the City. This change implements the City’s Housing Action Plan and is consistent with the provisions of Government Code Section 65852.2, both of which seek to incentivize the development of accessory dwelling units to provide smaller and more affordable residential units.
  - c. Adoption of the ordinance is exempt under CEQA Guidelines section 15183, which provides that “projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”
  - d. Furthermore, the proposed temporary Zoning Code amendments are exempt from the provisions of CEQA pursuant to Section 15269(c) regarding specific actions necessary to mitigate or prevent an emergency. A State of Emergency for Sonoma County was declared by the Governor on October 9, 2017, March 4, 2020, August 16, 2020, August 18, 2020, and September 28, 2020. The proposed ordinance addresses housing needs and economic development within the City following the 2017 and 2020 Fires, and the COVID-19 pandemic. The ordinance would allow temporary housing and other temporary structures through the Temporary Use Permit process, would allow accessory dwelling units to be constructed and occupied prior to the completion of a

main residence, would allow extensions for certain Temporary Use Permits, would reduce the review authority for certain residential and child care uses, would expand mobile food vending opportunities, and would reduce the Design Review process for certain residential, child care, and lodging uses; and

- D. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code because this ordinance is temporary and represents recovery needs of the community. The proposal would continue to require consistency with the requirements of the Zoning Code. While the review authority for certain uses would be reduced, those uses that would have the potential for causing impacts to adjacent land uses would continue to require an entitlement permit (Temporary Use Permit or Minor Use Permit), which would allow for consideration of compatibility and consistency with surrounding uses.

Section 2. Amend Santa Rosa City Code Chapter 20-16 to read and provide as follows:

**“20-16.010 Purpose.**

The Resilient City Development Measures are intended to address housing needs and economic development within the City following community emergency events including fires and the COVID-19 pandemic.

**20-16.020 Application of this Chapter.**

Notwithstanding any other provisions of the City Code, the following provisions are effective until December 31, 2023, unless otherwise amended by subsequent action of the Council.

**20-16.030 Temporary Housing.**

- A. Temporary housing. Temporary structures for habitation, including, but not limited to, trailers, recreational vehicles, manufactured homes, tiny homes, converted storage containers and similar configurations are permitted on residential and non-residential parcels with the approval of a Temporary Use Permit, in any zoning district. The approval or conditional approval of a Temporary Use Permit for temporary housing shall be deemed a discretionary act for purposes of the California Environmental Quality Act (CEQA).
- B. Application filing and processing.
1. General. Applications for temporary housing shall be filed and processed in compliance with Chapter 20-50, Permit Application Filing and Processing. A Temporary Use Permit application shall include all information and materials required by the Conditional Use Permit application and Section 20-50.050, Application Preparation and Filing, and the following additional information. It is the

responsibility of the applicant to provide evidence in support of the findings required by Subsection G, Findings and Decision, below.

2. Multiple Temporary Units. For proposals that include group quarters or multiple temporary housing units on a single residential or non-residential parcel, the application shall also include details of the operations of the use, including, but not limited to, a description of the following:
  - a. Number of proposed beds/occupants.
  - b. Cooking facilities.
  - c. Sanitation facilities and management thereof.
  - d. Power source and associated noise mitigation.
  - e. Site lighting.
  - f. Site security and management, including the number of staff on site at any given time.
  - g. Location of proposed parking.
  - h. On-going site maintenance.
  - i. Duration of temporary housing.
  - j. Clean-up/returning the site to its original condition following termination of the use.

C. Development standards.

1. Number of units permitted. The number of temporary housing units, either individual, single-family units, or multi-bed/multi-tenant units, permitted on a parcel shall be determined through the Temporary Use Permit process.
2. Lighting. Adequate external lighting shall be provided for security purposes in compliance with Section 20-30.080, Outdoor Lighting.
3. On-site management. For proposals that include group quarters or multiple temporary housing units, with five (5) or more units on a single residential or non-residential property, at least one facility manager shall be on-site between the hours of 8 a.m. and 5 p.m.
4. Sanitation facilities. The number of bathrooms and showers required on site shall be determined through the building permit process and shall be consistent with the California Building Code.

5. Parking. Each temporary housing unit shall provide the number of automobile and bicycle parking spaces required by Table 1-1, except where a greater or lesser number of spaces is required through conditions of approval.

**TABLE 1-1 – AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS BY HOUSING TYPE**

Temporary Housing Type	Number of Parking Spaces Required	
	Vehicle	Bicycle
One single-family temporary housing unit	One space per temporary housing unit	None required
Multiple temporary housing units	One space per temporary housing unit, plus one space per on-site staff person	One space per four temporary housing units
Group quarters (including multiple beds in a single temporary unit to be occupied by individuals)	One space for each 100 square feet of common sleeping area, plus one space per on-site staff person	One space per temporary housing unit

6. Water and Wastewater Services. Water and wastewater service shall be available on the site proposed for temporary housing structures unless an alternative source is approved by Santa Rosa Water and complies with any applicable provisions of the California Building Code.
- a. Water – To protect the public water system, the appropriate approved backflow device shall be required. Initial testing certification of backflow devices is required and shall be performed by an entity as determined by the Director of Santa Rosa Water.
  - b. Wastewater – To protect public health, connection to the wastewater system is required. The Director of Santa Rosa Water will determine the appropriate connection requirement.
  - c. Water and wastewater connection/demand fees shall be waived for any temporary housing units under this ordinance but not beyond the duration of such temporary use. In the event of any such fee waiver, Santa Rosa Water will require an agreement from owner of the underlying property to assure termination of the connections at the expiration of the temporary use.

7. Electrical Service. Electrical services shall be available on the site proposed for temporary housing structures unless an alternate source is approved by the Planning and Economic Development Director and is in accordance with any applicable provisions of the California Building Code. All temporary or permanent electrical service shall be located on the subject site.
  8. Each temporary housing unit shall comply with the applicable Zoning District development standards.
- D. Building permit. A building permit is required for all temporary housing.
- E. Impact fees. The following development impact fees shall be waived for any temporary housing units under this chapter but not beyond the duration of such temporary use. In the event of any such fee waiver, the Planning and Economic Development Department will require an agreement from the owner of the underlying property to assure termination of the use at the expiration of the temporary use permit.
1. Capital facilities fee.
  2. Housing impact fee.
  3. Park fee.
  4. Water and wastewater fees. See Section 20-16.030(C)(6)(c) for additional requirements regarding the waiving of water and wastewater connection/demand fees.
- F. Rental requirements. Temporary housing shall not be used for rentals with terms of less than 30 days.
- G. Findings and decision. A Temporary Use Permit for temporary housing may be approved by the Director pursuant to Section 20-52.040(G), Findings and Decision.
- H. Post approval procedures. Post approval procedures for a Temporary Use Permit for temporary housing shall be as provided by Section 20-52.040(H), Post Approval Procedures.
- I. Duration of use. The duration of a temporary housing use shall be determined by the Director but shall not extend beyond five (5) years from the date of approval of the Temporary Use Permit. It shall be the responsibility of the property owner to ensure that temporary housing units are vacated in accordance with law on or before expiration of the temporary use permit.
- J. Notification. At least ten (10) calendar days prior to acting on any Temporary Use Permit application for temporary housing, the Director of Planning and Economic Development shall notify, by mail, all persons or entities as set forth in Section 20.66.020(C)(1), Notice of Hearing. No public hearing shall be required.

## **20-16.040 Temporary Structures and Activities.**

- A. Temporary structures. Temporary structures for classrooms, child care facilities, offices or other similar uses, including, but not limited to, use of trailers, mobile homes, converted storage containers or other similar configurations, are permitted on residential and non-residential parcels with the approval of a Temporary Use Permit, in any zoning district.
1. Application filing and processing. Applications for temporary structures shall be filed and processed in compliance with Chapter 20-50, Permit Application Filing and Processing. A Temporary Use Permit application shall include all information and materials required by the Conditional Use Permit application and Section 20-50.050, Application Preparation and Filing. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection 3, Findings and Decision, below.
  2. Building permit. A building permit is required for all temporary structures.
  3. Findings and decision. A Temporary Use Permit for temporary structures may be approved by the Director pursuant to Section 20-52.040(G), Findings and Decision.
  4. Post approval procedures. Post approval procedures for a Temporary Use Permit for temporary structures shall be as provided in Section 20-52.040(H), Post Approval Procedures.
  5. Duration of use. The duration of a temporary structures use shall be determined by the Director but shall not extend beyond five (5) years from the date of approval of the Temporary Use Permit. It shall be the responsibility of the property owner to ensure that temporary structures are vacated in accordance with law on or before expiration of the temporary use permit.
  6. Notification. At least ten (10) calendar days prior to acting on any Temporary Use Permit application for non-residential temporary structures, the Director of Planning and Economic Development shall notify, by mail, all persons or entities as set forth in Section 20.66.020(C)(1), Notice of Hearing, Method of Notice Distribution, Mailed Notice. No public hearing shall be required.
- B. Temporary activities.
1. Time Extension. Temporary Use Permits issued pursuant to City Code Section 20-52.040(D), Temporary Use Permit, Allowed Temporary Activities, shall be eligible for one 12-month extension through a Zoning Clearance approved by the Director.

2. Number of Events allowed.

- a. Temporary Use Permits issued pursuant to Subsection 20-52.040(D)(3), Events, shall be eligible for up to 21 consecutive days, or 36 weekend days, within a 12-month period when conducted on non-residential properties. Events considered under this subsection include, but are not limited to, arts and crafts exhibits, carnivals, circuses, concerts, fairs, farmers' markets, festivals, flea markets, food events, outdoor entertainment/sporting events, rodeos, rummage sales, second hand sales, and swap meets.
- b. Temporary Use Permits issued pursuant to Subsection 20-52.040(D)(6), Temporary Auto Sales, for the temporary outdoor sales of motorized vehicles on any paved site within a CG, CV or CSC zone, shall be eligible for a period of three days every month, not to exceed 36 days within a 12-month period.

**20-16.050 Accessory Dwelling Units.**

Except as identified herein, accessory dwelling units shall comply with the requirements of Section 20-42.130, Accessory Dwelling Units, where allowed by Division 2 (Zoning Districts and Allowable Land Uses).

- A. Issuance of certificate of occupancy. Notwithstanding other provisions of this Zoning Code, an accessory dwelling unit within any residential zoning district may be constructed and occupied prior to the construction of a single-family dwelling on the same parcel, provided that a building permit for the single-family dwelling shall be submitted, and diligently pursued to completion.
- B. Existing accessory dwelling units constructed without permits. Applications to legalize an existing accessory dwelling unit that was constructed without the benefit of permits shall be subject to the same fees required for construction of a new accessory dwelling unit.

**20-16.060 Reduced Review Authority for Certain Uses.**

- A. Notwithstanding any other provision of this Code, the following uses shall be allowed by right within the zones identified and described herein, citywide, and shall therefore not require a use permit; excepting as provided for in Subsection (A)(2)(b), Child Day Care Center, Residential Zoning Districts:
  1. Child Day Care – Large Family Day Care Home (a home that regularly provides care, protection and supervision for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home), is hereby a permitted use in all zoning districts citywide without requirements of a use permit.

2. Child Day Care Center (a commercial or non-profit day care facility designed and approved to accommodate 15 or more children such as an infant center, preschool, sick-child center, and school-age day care facility).
    - a. Non-residential Zoning Districts. Child Day Care Center is hereby a permitted use within the Commercial Office (CO), Neighborhood Commercial (CN), General Commercial (CG), Core Mixed Use (CMU), Station Mixed Use (SMU), Maker Mixed Use (MMU), Neighborhood Mixed Use (NMU), Community Shopping Center (CSC), commercial Planned Development (PD), Transit Village Mixed (TV-M), Business Park (BP), Light Industrial (IL), and Public and Institutional (PI) Zoning Districts, without a use permit.
    - b. Residential Zoning Districts. Child Day Care Center is hereby permitted with a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3) Districts and associated residential Planned Development Districts citywide.
- B. Notwithstanding any other provision of this Code, the following uses shall be allowed by right within the zones identified and described herein and only on properties located within one of the City's Priority Development Areas, as identified in Figure 1-1, and shall therefore not require a use permit:
1. Agricultural Employee Housing – 7 or More Residents, is hereby a permitted use within the Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), and Transit Village-Residential (TV-R) Districts and associated multi-family residential Planned Development Districts, without requirements of a use permit.
  2. Community Care Facility – 7 or More Clients, is hereby a permitted use within the Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Transit Village-Residential (TV-R), Office Commercial (CO), General Commercial (CG), Core Mixed Use (CMU), Station Mixed Use (SMU), Maker Mixed Use (MMU), Neighborhood Mixed Use (NMU), and Transit Village-Mixed (TV-M) Districts and associated multi-family residential and non-residential Planned Development Districts, without requirements of a use permit.
  3. Duplexes (two-unit), which are defined in Section 20-70.020, Definitions of Specialized Words and Phrases, as “multi-family dwellings,” are hereby permitted uses within the Rural Residential (RR), Single-Family Residential (R-1) Districts and associated single-family and rural residential Planned Development Districts, without requirements of a use permit.

All other multi-family dwellings, including triplexes, fourplexes and apartments shall require the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1) Districts and associated single-family and rural residential Planned Development Districts.

4. Mobile Home Park is hereby a permitted use within the Mobile Home Park (MH) District, without requirements of a use permit.
  5. Multi-Family Dwelling is hereby a permitted use within the General Commercial (CG), and associated commercial Planned Development Districts, without requirements of a use permit.
  6. Residential Component of a Mixed-Use Project is hereby a permitted use within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Transit Village-Residential (TV-R), Office Commercial (CO), General Commercial (CG), and associated multi-family residential and non-residential Planned Development Districts, without requirements of a use permit.
  7. Single-Family Dwelling is hereby a permitted use within the single-family and rural residential Planned Development Districts, without requirements of a use permit.
- C. Notwithstanding any other provision of this Code, the following uses shall be allowed with the approval of a Minor Use Permit within the zones identified and described herein, and only on properties located within one of the City's Priority Development Areas, as identified in Figure 1-1:
1. Community Care Facility – 6 or Fewer Clients is hereby permitted with the approval of a Minor Use Permit within the Public Institutional (PI) District and associated non-residential Planned Development Districts.
  2. Community Care Facility – 7 or More Clients, is hereby permitted with the approval of a Minor Use Permit within the Public Institutional (PI) District and associated non-residential Planned Development Districts.
  3. Emergency Shelter for Facilities with 10 or Fewer Beds, is hereby permitted with the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Mobile Home Park (MH), Transit Village-Residential (TV-R) and associated residential Planned Development Districts. Emergency Shelters for facilities with 10 or more beds shall require a Conditional Use Permit as identified in Section 20-22.030, Table 2-2, Allowed Land Uses and Permit Requirements for Residential Zoning Districts.
  4. Emergency Shelter is hereby permitted with the approval of a Minor Use Permit within the Business Park (BP), Light Industrial (IL), General Industrial (IG), and Public Institutional (PI) Districts and associated non-residential Planned Development Districts.
  5. Emergency Shelter – 50 or Fewer Beds, is hereby permitted with the approval of a Minor Use Permit within the Office Commercial (CO), Neighborhood Commercial

- (CN), Motor Vehicle Sales (CV), Core Mixed Use (CMU) , Community Shopping Center (CSC), and Transit Village-Mixed (TV-M) Districts and associated non-residential Planned Development Districts.
6. Emergency Shelter – 51 or More Beds, is hereby permitted with the approval of a Minor Use Permit within the Office Commercial (CO), Neighborhood Commercial (CN), General Commercial (CG), Motor Vehicle Sales (CV), Core Mixed Use (CMU), Community Shopping Center (CSC), and Transit Village-Mixed (TV-M) Districts and associated non-residential Planned Development Districts.
  7. Mobile Home Park is hereby permitted with the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3) and associated residential Planned Development Districts.
  8. Mobile Home/Manufactured Housing is hereby permitted with the approval of a Minor Use Permit within the Business Park (BP) and associated non-residential Planned Development Districts.
  9. Multi-Family Dwelling is hereby permitted with the approval of a Minor Use Permit within the Office Commercial (CO), and Business Park (BP) Districts and associated non-residential Planned Development Districts.
  10. Single-Family Dwelling is here by permitted with the approval of a Minor Use Permit within the Business Park (BP) and associated non-residential Planned Development Districts.
  11. Single-Family Dwelling – Attached Only, is hereby permitted with the approval of a Minor Use Permit within the Office Commercial (CO), and General Commercial (GC) Districts and associated non-residential Planned Development Districts.
  12. Single Room Occupancy Facility is hereby permitted with the approval of a Minor Use Permit within the Rural Residential (RR), Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), Transit Village-Residential (TV-R), General Commercial (GC), Core Mixed Use (CMU), Station Mixed Use (SMU), Maker Mixed Use (MMU), Neighborhood Mixed Use (NMU), and Community Shopping Center (CSC) Districts and associated residential and non-residential Planned Development Districts.
  13. Small Lot Residential Project is hereby permitted with the approval of a Minor Use Permit within the Single-Family Residential (R-1), Medium Density Multi-Family Residential (R-2), Multi-Family Residential (R-3), and Transit Village-Residential (TV-R) Districts and associated residential Planned Development Districts.

D. Consolidated Review for Certain Projects.

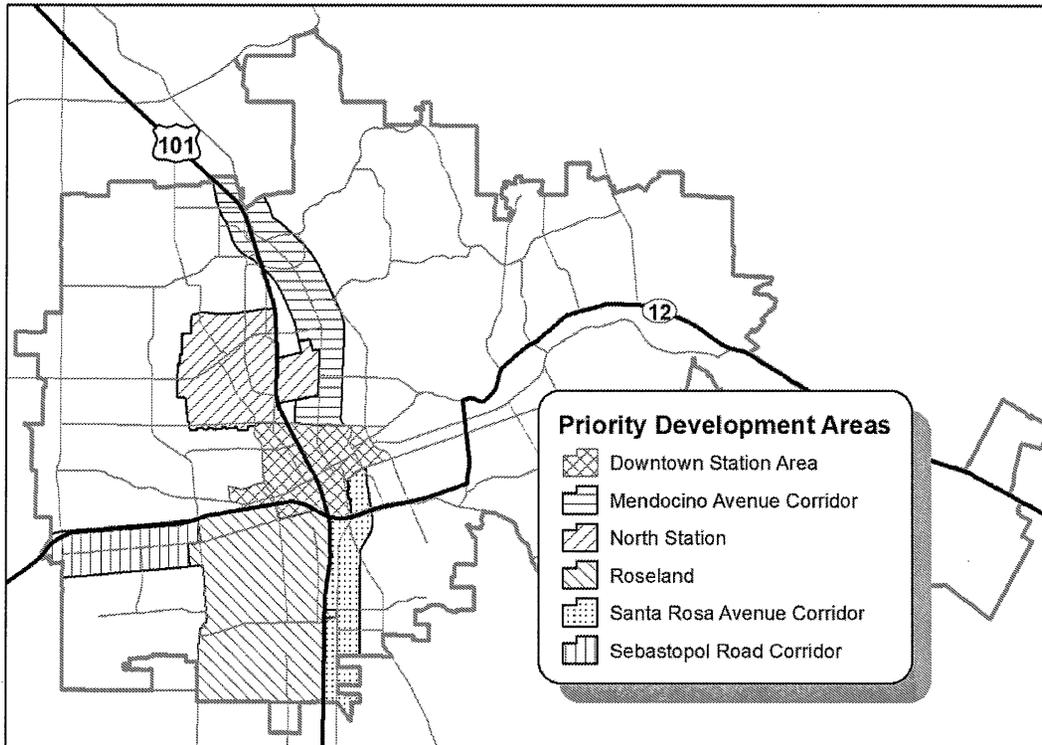
The intent of this section is to allow the Director to elevate certain projects with requests for multiple entitlements to the highest review authority required.

1. Any project that requires multiple entitlements where at least one entitlement requires review by the Zoning Administrator (including, but not limited to, Minor Use Permit, Minor Hillside Development Permit, Minor Variance, Request for Reasonable Accommodation, Sign Variance, and Small Lot Use Permits in the -RC combining district), and where at least one entitlement requires review by the Planning Commission, may hereby be elevated by the Director to the Planning Commission or City Council for review.
2. Any project that requires multiple entitlements where at least one entitlement requires review by the Subdivision Committee and where at least one entitlement requires review by the Planning Commission may hereby be elevated by the Director to the Planning Commission or City Council for review.

**20-16.070 Modifications to the Design Review Process.**

- A. Design Review for Child Care, Lodging and Residential Development. Subsections 1 through 4, below, apply to the following uses: “child care day care”, “lodging – bed & breakfast inn (B&B)”, “lodging – hotel or motel”, “mixed-use development (that includes a residential component)”, “multi-family residential”, and “single-room occupancy facility”.
1. Subject to the provisions of subsection A.2 below, Design Review approval for new development and major remodels, with the exception of projects located within the Historic (-H) Combining District, that meet the following criteria, are hereby delegated to the Zoning Administrator, through the Minor Design Review process, on sites zoned for such uses:

- a. Projects that are located within one of the City's Priority Development Areas as identified in Figure 1-1, Priority Development Areas.



**Figure 1-1 – Priority Development Areas**

- **Downtown Station Area** (College Avenue to the north, Brookwood Avenue to the east, Sebastopol Avenue/Sebastopol Road and California State Route 12 to the south, and Dutton Avenue and Imwalle Gardens to the west)
  - **Mendocino/Santa Rosa Avenue Corridors** (area within one-quarter mile along either side of the street corridor, from the northern city limit line to the southern city limit line)
  - **North Station** (Paulin Creek to the north, U.S. Route 101 and Santa Rosa Junior College/Santa Rosa High School to the east, West College Avenue to the south, and Ridley Avenue to the west)
  - **Roseland** (California State Route 12 and Sebastopol Avenue/Sebastopol Road to the north, Bellevue Avenue to the south, U.S. Route 101 to the east, and Stony Point Road to the west)
  - **Sebastopol Road Corridor** (area within one-quarter mile of a mile along either side of the street corridor, from U.S. Route 101 to the western city limit line)
2. Prior to submittal of an application for Design Review by the Zoning Administrator, Concept Design Review by the Design Review Board shall be required for new

development and major remodels that involve 10,000 square-feet or more in total floor area, or are within a visually sensitive location as defined by Section 20-52.030, Design Review, Table 5-2 (Design Review Authority and Notice Requirements), subject to City the requirements of Section 20-50.040, Concept Review.

3. Pre-application neighborhood meeting. Prior to submittal of an application for Design Review by the Zoning Administrator, a pre-application neighborhood meeting shall be required in compliance with Section 20-50.050(A), Pre-Application Neighborhood Meeting Required.
  4. Review authority referral. The Zoning Administrator may defer any decision and refer the request to the Design Review Board, pursuant to Section 20-50.020, Authority for Land Use and Zoning Decisions.
  5. Projects located within the Historic (-H) Combining District. Any project located within the -H Combining District shall comply with the requirements of Section 20-58.060(C)(3), Design Review.
  6. Appeals. Any appeal from a decision by the Zoning Administrator under this section shall be heard and determined by the City Council.
- B. Final Design Review for all projects requiring review by the Design Review Board is hereby delegated to the Director of Planning and Economic Development, following Preliminary Design Review approval by the Design Review Board.

**20-16.090 Zoning Administrator Meetings and Hearings.**

- A. Except as identified herein, the day and time of Zoning Administrator meetings shall be determined by the Director.
- B. Any project submitted pursuant to this chapter may be elevated by the Director to a Zoning Administrator public hearing which shall be held, as needed, at or after 5:00 p.m. Applicant shall be responsible for the Zoning Administrator public hearing fee identified in the current Planning and Economic Development Department Fee Schedule.

**20-16.120 Continuance of Nonconforming Uses.**

Notwithstanding any other provisions of this Code, legal nonconforming uses of structures meeting current building and fire code standards may be reoccupied with a similar or less intensive use, provided that:

- A. Enlargement or expansion of the use is not allowed; and
- B. Reoccupancy commences within 12-months of prior nonconforming use or the legal nonconforming status shall terminate, and the property shall thereafter be subject to all current City Codes.

## **20-16.130 Mobile Food Vending**

Notwithstanding any other provisions of the City Code, mobile food vending may be permitted to operate by Minor Conditional Use Permit on private property located within Commercial Office (CO), Neighborhood Commercial (CN), General Commercial (CG), Core Mixed Use (CMU), Station Mixed Use (SMU), Maker Mixed Use (MMU), Neighborhood Mixed Use (NMU), Community Shopping Center (CSC), commercial Planned Development (PD), Motor Vehicle Sales (CV), Light Industrial (IL), General Industrial (IG), Transit Village Mixed (TV-M), and Public/Institutional (PI) zoning districts subject to the following regulations:

### **A. Permit requirements.**

1. **Minor Conditional Use Permit.** Mobile food vending shall require the approval of a Minor Conditional Use Permit. The approval shall be specific to a location and shall not be transferable to other locations or operators. Operation of a mobile food facility shall not be permitted on public property under this Section (see Santa Rosa City Code Section 6-48.050, Street Vendor Regulations, and California Senate Bill No. 946, as specified in Government Code Sections 51036 – 51039, Sidewalk Vendors).
2. **Business Tax Certificate.** Every mobile food vendor shall obtain a Business Tax Certificate prior to operation.
3. **Sonoma County Environmental Health.** A valid permit from the Sonoma County Environmental Health Department is required.
4. **Building Division and Fire Department.** All necessary permits and approvals from the Building Division and the Fire Department shall be obtained prior to operation of a mobile food vending facility.
5. **Permit and license display.** At all times while vending, a valid business license and Minor Conditional Use Permit shall be displayed at the mobile food vending site.

### **B. Location, Concentration and hours of operation.**

1. **Location.** No mobile food vendor shall locate within 300-feet of any residential use or as determined by the Minor Use Permit.
2. **Concentration.** No mobile food vendor shall locate within 200 feet of another approved mobile food vending location on a separate parcel as measured between the mobile food vendors. Multiple mobile food vendors may be permitted on a single parcel, as determined by the Minor Use Permit.
3. **Hours.** Hours of operation for mobile food vending businesses shall be between 6:00 a.m. and 11:00 p.m., as defined in Section 20-70.020, Definitions – “Hours of Operation,” or as determined by the Minor Conditional Use Permit.

- C. Standards and design criteria. The following standards and design criteria shall apply to all mobile food vendors:
1. Mobile food vending shall be conducted entirely upon private property and not within any public right-of-way;
  2. The proposed location is on an improved property that is entirely paved and does not interfere with the operation of any approved uses on the site;
  3. Mobile vendors shall maintain their immediate sales location in a clean and hazard free condition;
  4. Mobile vendors shall maintain covered garbage, recycling, and compost container (s) immediately adjacent to the vending location for customer use;
  5. Applications for mobile food vending shall include the location and description of any proposed outdoor dining area, including tables, chairs and shade structures;
  6. No mobile vendor shall use, play or employ any sound outcry, amplifier, loudspeaker, radio or any other instrument or device to produce sound in connection with the promotion of a vending operation;
  7. Outdoor music is permitted consistent with the normally acceptable decibel levels outlined in the Noise and Safety Element of the Santa Rosa General Plan, and as determined by the Minor Conditional Use Permit;
  8. An agreement for the use of properly operating restroom facilities within 200 feet of the mobile food vendor location shall be maintained at all times;
  9. All signage shall be located on the vending equipment and is subject to the requirements of Chapter 20-38, Signs;
  10. No mobile food vendor shall sell alcoholic beverages or cannabis products;
  11. Mobile vendors cooking food shall at all times maintain a working fire extinguisher(s) of the appropriate type and rating at the vending location;
  12. Mobile food vendors operating within a parking lot shall not inhibit traffic circulation and shall maintain the minimum required on-site parking spaces for the principal use on the property; and
  13. After the permitted hours of operation, all mobile vending equipment, including the mobile unit itself and any associated dining furniture, shall be stored off-site or within an approved, enclosed structure on-site.
- E. Existing mobile food vendors. Mobile food vendors located on Sebastopol Road, between Stony Point Road and Olive Street, which obtained a Use Permit from the County of Sonoma's Permit and Resource Management Department prior to the City's annexation

of Roseland may continue as permitted. Hours of operation for mobile food vendors approved by the County of Sonoma shall be between 5:00 a.m. and 1:00 a.m. Sunday through Thursday, and between 5:00 a.m. and 3:00 a.m. on Fridays and Saturdays.

**20-16.140 Setback Requirements and Exceptions.**

A. Setback requirements. Notwithstanding any other provisions of the City Code, each structure shall be located on its site so that it is set back from property lines and other structures in compliance with the setback requirements of the applicable zoning district, in Division 2 (Zoning Districts and Allowable Land Uses), and with any setbacks established for specific uses by Division 4, except as otherwise provided by this Section. No portion of any structure, including eaves or roof overhangs, shall extend beyond a property line.

1. Setbacks from public right-of-way and public easements.

a. No portion of any structure shall extend within, over, under, or upon any public service easement, access easement, or utility easement, unless both the City Engineer and the Director(s) of the City Department(s) having responsibility for any and all City activities within the Easement Area have determined, in their sole discretion, that such structure or portion of structure can be easily removed for the construction, reconstruction, installation, removal, repair, replacement, maintenance, or operation of any current or future City facilities within, over, under, or upon the Easement Area.

b. Should the City Engineer and the Director(s) determine that a portion of a structure may extend within, over, under, or upon any public service, access, or utility easement as set forth in section 1(a) above, the property owner(s) shall execute and record a covenant running with the land in favor and for the express benefit of the City:

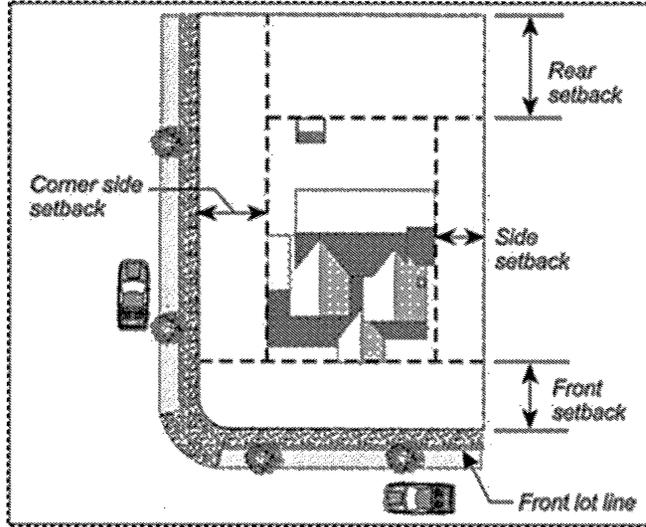
(1) empowering the City, in its sole discretion to remove, cause to remove, or destroy the structure or any portion thereof or compel the property owner(s) to remove the structure or any portion thereof; and

(2) acknowledging that the City shall have no obligation, responsibility, or liability for the repair, replacement, erection, installation, or reconstruction of any structure or any portions of a structure encroaching within, over, under, or upon any public service easement, access easement, or utility easement when such structure or portions of such structure are removed or destroyed by City or by the property owners.

2. Setbacks from private easements.

- a. No portion of any structure shall extend within, over, under, or upon on any private easement or access easement unless otherwise determined by the City Engineer after receiving written permission granted by a recorded agreement executed by the owners of the dominant and servient tenements and acknowledging that the City shall have no obligation, responsibility, or liability for the repair, erection, installation, or reconstruction of any portions of a structure encroaching within, over, under, or upon any private service easement or access easement that are damaged or removed as part of construction, reconstruction, installation, removal, repair, replacement, maintenance, or operation within or around the Easement Area.
- B. Measurement of setbacks. The setbacks required by Subsection A shall be measured as follows:
1. Front yard setback. The front setback shall be across the narrow dimension of the lot, unless determined otherwise by the Director.
    - a. General measurement method. A required front setback shall be measured by the most restrictive of the following methods to the nearest point of the front wall of the building, except as provided in Section 20-30.110 Setback Requirements and Easements, Subsection C.2:
      - (1) From the front property line; or
      - (2) If established, from a proposed new property line (also known as the plan line); or
      - (3) Back of the sidewalk (the sidewalk edge away from the street); or
      - (4) The edge of an easement for a private road or driveway.
    - b. Front setback on a block with developed lots. In any case where 25-percent or more of the lots fronting on any block in the same zone (not including frontage along the side of a corner lot) have been developed with buildings of a character permitted in the zone, and the front setbacks of the lots vary in depth by not more than 10 feet, the required front setback for each lot in the block shall be not less than the average depth of the front setbacks on the developed lots.

- c. Infill development within a previously approved project. Where the City has established specific setback requirements for individual parcels through the approval of a specific plan, subdivision map, or other entitlement, prior to the effective date of this Zoning Code, those setbacks shall apply to the infill development instead of the setbacks required by this Zoning Code, except where the review authority determines that an original setback that is more restrictive than the current zoning no longer serves desired neighborhood character.



**Figure 1-2 – Setback Measurement Guidelines”**

Section 3. 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.

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Section 4. Effective Date. This ordinance shall take effect on the 31<sup>st</sup> day following its adoption.

This ordinance was introduced by the Santa Rosa City Council on November 17, 2020.

IN COUNCIL DULY PASSED AND ADOPTED this 1st day of December, 2020.

AYES: (6) Mayor Schwedhelm, Vice Mayor Fleming, Council Members Dowd, Olivares, Rogers, Sawyer

NOES: (0)

ABSENT: (0)

ABSTAIN/: (1) Council Member Tibbetts

ATTEST: Stephanie A. Williams APPROVED: J. Schwedhelm  
City Clerk Mayor

APPROVED AS TO FORM:

Sam Colley  
City Attorney