

ORDINANCE NO. _____

URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
AMENDING TITLE 18 OF THE SANTA ROSA CITY CODE – AMENDING SECTION 18-12.015, AND AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – AMENDING SECTIONS 20-30.040, 20-32.050, 20-42.130, AND 20-70.020, REGULATING ACCESSORY DWELLING UNITS TO ENSURE CONSISTENCY WITH STATE LAW AND TO INCLUDE LOCAL ALLOWANCES AND PROTECTIONS – FILE REZ20-001

WHEREAS, Santa Rosa faces a significant shortage of housing and affordable housing, particularly units that are available for moderate and lower income families; and

WHEREAS, in October 2016, the City Council accepted the Housing Action Plan, which includes 5 program areas and 31 program elements to address how Santa Rosa can increase housing production, achieving a goal of “housing for all”; and

WHEREAS, the Housing Action Plan identifies policies to incentivize “affordability by design” housing that is smaller in scale, efficiently designed and less expensive to construct, and directs staff to evaluate financial obstacles and reduce development costs of Accessory Dwelling Units (ADUs); and

WHEREAS, in June 2017, the Council adopted the City’s top priorities for the year, which included implementation of a comprehensive housing strategy, “housing for all”; and

WHEREAS, on December 12, 2017, the Council adopted Ordinance No. ORD-2017-024, amending Title 20 of the City Code and implementing changes to the Code with respect to ADUs and Junior Accessory Dwelling Units (JADUs) in compliance with State law and in support of the City’s Housing Action Plan; and

WHEREAS, in February 2018 and in 2019, the Council adopted policy priorities, which included the comprehensive housing strategy within Tier 1; reaffirming the Council’s housing goals; and

WHEREAS, on October 2, 2018, the Council adopted Ordinance No. ORD-2018-020 to clarify the application of water and wastewater connection fees for ADUs in order to incentivize the development of smaller ADUs consistent with California State Government Code Section 65852.2 (f)(2); and

WHEREAS, in October 2019, the Governor of California signed Senate Bill 13, Assembly Bill 68, Assembly Bill 881, Assembly Bill 670 and Assembly Bill 587 (Statutes) which relate to the creation of new ADUs and were intended to address California’s ongoing housing affordability crisis by reducing local regulatory barriers to constructing new ADUs; and

WHEREAS, due to the late review and adoption of these Statutes in the State legislative cycle during the November, 2019 power shutoffs and Kincaid fire federally declared disaster, and the suspension of regular business during this time period, there was insufficient time to

draft and adopt the necessary local amendments prior to the effective date of the state legislation of January 1, 2020; and

WHEREAS, on January 1, 2020, these Statutes became effective and voided the City of Santa Rosa's existing local Accessory Dwelling Unit regulations; and

WHEREAS, the Statutes are written without regard to local development and design standards, topographical considerations, hazard mitigation, and without clarity on fire protection requirements; and

WHEREAS, the City's previously adopted and proposed local Accessory Dwelling Unit regulations are written to protect steep and prominent hillsides which define the City's visual character; and

WHEREAS, the City's previous and proposed local Accessory Dwelling Unit regulations are written to create compatibility between proposed Accessory Dwelling Units and the existing or proposed primary residence in Historic Preservation Districts, and throughout neighborhoods, generally, and without these local protections neighborhood character would be diminished; and

WHEREAS, the City's previous and proposed local Accessory Dwelling Unit regulations are written to provide clarity regarding fire protection requirements, consistent with local and state laws; and

WHEREAS, the proposed local Accessory Dwelling Unit regulations are written to provide flexibility and clarity on the necessary public improvements associated with the construction of new Accessory Dwelling Units; and

WHEREAS, this urgency ordinance incorporates new language to comply with State law, and locally tailored provisions to preserve and protect the character of the City's hillsides, Preservation Districts, and neighborhoods, and provides clarity on fire protection and public improvements, and would allow for these protections and clarifications to become effective immediately following adoption; and

WHEREAS, the proposed Ordinance is consistent with the Santa Rosa General Plan and the General Plan Housing Element. The Housing Element sets forth policies intended to remove constraints and promote the development of additional affordable housing in the City. This ordinance furthers these policies by encouraging construction of both ADUs and JADUs, which are affordable by design due to their limited size and use of existing infrastructure; and

WHEREAS, pursuant to Sections 36934 and 36937 of the California Government Code, the City may adopt an urgency ordinance if it is for the immediate preservation of the public peace, health or safety; and

WHEREAS, Section 8 of the Santa Rosa City Charter allows the City Council to adopt an urgency measure to take effect immediately upon its adoption for preserving the public peace,

health or safety if such ordinance contains the reasons for its urgency and if passed by a five-sevenths vote of the City Council; and

WHEREAS, there exists a current and immediate threat to the public peace, health, and safety, requiring immediate adoption of this urgency Ordinance to implement locally appropriate standards over the location and construction of Accessory Dwelling Units. Inappropriately constructed residential structures have the potential to be injurious to the rights of neighboring property owners, causing incompatibilities with the City’s visual quality, neighborhood character, compromising privacy, and affecting light and air; and

WHEREAS, action must be taken immediately to preserve the public peace, health, and safety because but for the Zoning Code Amendments becoming effective immediately, any application for an Accessory Dwelling Unit consistent with State law will be deemed approved and the default State law standards do not consider local needs and limitations; and

WHEREAS, for the reasons set forth above, this Ordinance is declared by the City Council to be necessary for the preserving the public peace, welfare, health or safety and to avoid a current, immediate impact to the peace, health, safety or welfare of the community and the recitals above taken together constitute the City Council’s statements of the reasons for adopting this Ordinance on an urgency basis.

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) of the Santa Rosa City Code, as follows, is required for compliance with State law and in support of the City’s Housing Action Plan.

Section 2. Section 20-42.130 of the Santa Rosa Zoning Code is amended to read and provide as follows:

“20-42.130 Accessory dwelling units.

Accessory dwelling units shall comply with the requirements of this Section, where allowed by Division 2 (Zoning Districts and Allowable Land Uses).

A. Purpose. The provisions of this Section are intended to set standards, in compliance with California [Government Code](#) Sections 65852.2, and 65852.22, for the development of accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that such housing remains compatible with the existing neighborhood.

B. General requirements. An accessory dwelling unit:

1. May be located on any lot that allows a single-family or multifamily residential use and includes a proposed or existing dwelling.
2. Is not subject to the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.
3. Shall not be allowed on, or adjacent to, real property that is listed in the California Register of Historic Places.

4. Shall not be used for rentals with terms of less than 30 days.
 5. Shall not be sold separate from the primary residence
 6. Shall be required to dedicate street right-of-way in accordance with Section 18-12.030 of the Santa Rosa City Code when the right-of-way is needed to support a circulation element identified in the General Plan or any associate specific plan, unless otherwise approved through a waiver process described in Section 18-12.050.
- C. Permit requirements. An application for an accessory dwelling unit that complies with all applicable requirements of this Section shall be approved ministerially.
- D. Application and processing requirements.
1. Step one—Submittal. The application for an accessory dwelling unit permit shall be submitted to the Department concurrent with an application for a building permit. In addition to the standard submittal requirements for a building permit, an application for an accessory dwelling unit permit shall include all of the following (except as noted below):
 - a. Plot plan. A plot plan, drawn to scale, showing the dimensions of the perimeter of the parcel proposed for the accessory dwelling unit; the location and dimensioned setbacks of all existing and proposed structures on the site and structures located within 50 feet of the site; all easements, building envelopes, and special requirements of the subdivision as shown on the Final Map and improvement plans, if any; and average slope calculations for the site.
 - b. Floor plan. A floor plan, drawn to scale, showing the dimensions of each room, and the resulting floor area. The use of each room shall be identified, and the size and location of all windows and doors shall be clearly shown.
 - c. Elevations. Architectural elevations of each side of the proposed structure showing all wall height dimensions, openings, exterior finishes (including siding and window materials), original and finish grades, paint color, and roof pitch. The color of the existing or proposed primary residence shall be included if necessary to demonstrate compliance with Section E.6. or E.13., below.

Applications for accessory dwelling units which do not modify a building's exterior are not required to submit c above.

2. Step two—Decision. The Department shall act on an application for an accessory dwelling unit permit within 60 days of submittal of a complete application. The accessory dwelling unit permit shall be issued only if the proposed accessory dwelling unit complies with all applicable standards in this Section.
3. Utility connection fees.
 - a. Except as provided in Subsection D.3.b, a separate new utility connection and payment of a connection fee or capacity charge pursuant to State law and City fee schedule will be required for any new accessory dwelling unit.
 - b. No new or separate utility connection or related connection fee or capacity charge will be required for accessory dwelling units that are internal conversions of existing space within a single-family residence or an accessory structure, or for accessory dwelling units that are 750 square feet or smaller.

E. Development standards. An accessory dwelling unit permit shall be issued only if the unit complies with the following development standards:

1. General. No development standards shall be applied that would prohibit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and four-foot rear setbacks to be constructed in compliance with all other local development standards.

2. Setbacks.

a. Single-family residential districts including single-family PD districts. An accessory dwelling unit shall comply with the following setback requirements:

(1) A new attached or detached one-story accessory dwelling unit shall provide a minimum four-foot side and four-foot rear setback, and a front setback consistent with that of the primary dwelling unit in a standard zoning district, or the most similar zoning district in the case of a PD.

(2) A new attached or detached two-story accessory dwelling unit shall provide a minimum eight-foot side and eight-foot rear setback for two-story portions of the structure, and a minimum four-foot side and four-foot rear setback for one-story portions of the structure. The front setback shall be consistent with that of the primary dwelling unit in a standard zoning district, or the most similar zoning district in the case of a PD.

b. Multifamily districts including multifamily PD districts. An accessory dwelling unit shall comply with the following setback requirements.

(1) A new attached or detached one-story detached accessory dwelling unit shall provide a minimum four-foot side and four-foot rear setback, except when abutting an R-3 zoning district, in which case no minimum side or rear setback is required. The front setback shall be consistent with a primary dwelling unit in the applicable standard zoning district, or the most similar standard zoning district in the case of a PD.

(2) A new attached or detached two-story accessory dwelling unit shall provide a minimum eight-foot side and eight-foot rear setback for two-story portions of the structure, and a minimum four-foot side and four-foot rear setback for one-story portions of the structure, except when abutting an R-3 zoning district, in which case no minimum side or rear setback is required. The front setback shall be consistent with a primary dwelling unit in the applicable standard zoning district, or the most similar standard zoning district in the case of a PD.

c. No setback shall be required for an existing legally constructed living area, garage, or other accessory structure that is converted to an accessory dwelling unit with independent exterior access from an existing or proposed residence. A setback of five feet from the side and rear property lines is required for an accessory dwelling unit constructed above an existing legally constructed garage.

d. Any new attached accessory dwelling unit, detached accessory dwelling unit or expansion of the single-family dwelling to support the internal conversion for an accessory dwelling shall be designed to maintain appropriate setbacks, as

described in E.2.a. and b. above, from the future width of any abutting public streets. Future street configurations shall be based on the widths, standards and right-of-way lines in the circulation element of the Santa Rosa General Plan, the City Street Design and Construction Standards, City street lists or specifically addressed in a resolution adopted by the City Council.

3. Maximum floor area.
 - a. New detached unit. No newly constructed detached accessory dwelling unit may contain habitable space in excess of 1,200 square feet.
 - (1) An automatic fire sprinkler system shall be installed throughout structures that exceed 1,200 square feet total floor area.
 - b. New attached unit. No newly constructed attached accessory dwelling unit may contain habitable space in excess of 50 percent of the existing residential square footage.
 - (1) An automatic fire sprinkler system shall be installed throughout all buildings that undergo any combination of substantial remodel, addition or both that exceed 50 percent of the existing total floor area.
 - c. Internal conversion. An accessory dwelling unit created entirely by the internal conversion of an existing single-family dwelling shall not occupy more than 45 percent of the existing habitable space of the residence, excluding the garage, nor shall it exceed 1,200 square feet. An accessory dwelling unit created entirely by the internal conversion of a detached accessory structure shall not exceed a maximum of 1,200 square feet.
 - (1) An automatic fire sprinkler system shall be installed throughout all buildings that undergo any combination of substantial remodel, addition or both that exceed 50 percent of the existing total floor area.
4. Height limit.
 - a. A one-story accessory dwelling unit shall not exceed a maximum height of 16 feet. A two-story accessory dwelling unit shall not exceed a maximum height of 27 feet. No accessory dwelling unit shall exceed 27 feet in height.
 - b. When an accessory dwelling unit is located above an existing or proposed garage, the entire combined structure shall not exceed 27 feet in height.
5. Lot coverage. An accessory dwelling unit shall comply with the lot coverage requirements of the applicable zoning district or the most similar zoning district in the case of a PD, except as referenced in Section E.1., above.
6. Architectural compatibility. Architectural compatibility between the accessory dwelling unit and primary dwelling unit shall be demonstrated by matching one or more of the following qualities of the accessory dwelling unit to the proposed or existing primary dwelling unit:
 - a. Color
 - b. Siding material and style, or
 - c. Architectural features.
7. Privacy. A balcony, window or door of a second story accessory dwelling unit

shall be designed to lessen privacy impacts to adjacent properties. Appropriate design techniques include obscured glazing, window placement above eye level, screening treatments, or locating balconies, windows and doors toward the existing on-site residence.

8. Existing development. A residential dwelling must already exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit.

9. Number per lot.

a. A maximum of one accessory dwelling unit and one junior accessory dwelling unit shall be permitted on any single-family lot zoned for single-family uses.

b. The number of accessory dwelling units allowed within a multifamily dwelling are limited to not more than 25% of the existing number of multifamily dwelling units on the property, except that at least one accessory dwelling unit shall be allowed. These accessory dwelling units shall be allowed within the portions of dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings

c. No more than two detached ADUs, subject to a 16-foot height limit and four-foot rear and side setbacks, are permitted on any multifamily lot developed with an existing or proposed multi-family dwelling.

10. Parking. One off-street parking space is required for an accessory dwelling unit, except as set forth below. The off-street parking shall be permitted uncovered, compact, tandem and in setback areas, unless the review authority determines that tandem parking or parking within a setback is not feasible due to specific site or topographical or fire and life safety conditions. No off-street parking shall be required if one or more of the following circumstances exist:

a. The accessory dwelling unit is 750 square feet or less in area, or a studio unit.

b. The accessory dwelling unit is located within one-half mile walking distance of public transit.

c. The accessory dwelling unit is located within a historic preservation district.

d. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

e. When on-street parking permits are required but not offered to the occupant of an accessory dwelling unit.

f. When there is a car share vehicle located within one block of the accessory dwelling unit.

g. To qualify for an exception, the applicant must provide supporting evidence, such as a map illustrating the location of the accessory dwelling unit and its proximity to a public transit stop or car share vehicle or its location within a historic preservation district, or proof of local parking permit requirements.

- h. No replacement off-street parking spaces are required when an accessory dwelling unit is created through the conversion or demolition of a garage, carport or covered parking structure.
11. Standards for proposed accessory structures attached to an existing or proposed accessory dwelling unit.
- a. A proposed accessory structure with a floor area less than 50 percent of the accessory dwelling unit floor area:
 - (1) Shall be processed ministerially in conjunction with the accessory dwelling unit.
 - (2) Shall comply with the lot coverage, height, and setback requirements of this Section.
 - b. A proposed accessory structure with a floor area that exceeds 50 percent of the total floor area of the accessory dwelling unit:
 - (1) Is subject to any discretionary review required by this Zoning Code.
 - (2) Shall comply with lot coverage, height, and setback requirements for an accessory structure in the applicable standard zoning district or the most similar standard zoning district in the case of a PD.
 - (3) Shall comply with any applicable hillside and/or creekside setbacks.
12. Standards for hillside areas.
- a. Applicability. The development standards outlined below shall apply to accessory dwelling unit development on that portion of a site with a slope of 10 percent or greater.
 - b. Development standards. An accessory dwelling unit exceeding 16 feet in height, or 800 square feet, shall observe 15-foot setbacks from side and rear property lines. When a building site abuts another parcel with a difference in vertical elevation of three feet or more, the required side and/or rear yard shall be measured from the nearest toe or top of slope to the structure, whichever is closer. Accessory dwelling units that are 800 square feet or less, and no greater than 16 feet in height, shall provide a minimum four-foot side and four-foot rear setback, consistent with this Section.
13. Standards for Historic Preservation Districts.
- a. Applicability. The requirements outlined below shall apply to new accessory dwelling units within the Historic (-H) Combining District.
 - b. Architectural Compatibility. Architectural compatibility between the accessory dwelling unit and primary dwelling unit shall be demonstrated by one of the following means:
 - (1) Matching each of the following qualities of the accessory dwelling unit to the proposed or existing primary dwelling unit:
 - a. Color
 - b. Siding material and pattern, and
 - c. Architectural features, or
 - (2) Through the preparation of a historic resource survey by a qualified professional that concludes the proposed accessory dwelling unit will not negatively impact historic resources on the property and will be consistent

with Secretary of the Interior Standards for Treatment of Historic Properties.

14. Standards for creekside development.

- a. Applicability. The development standards outlined below shall apply to accessory dwelling unit development within the specified distances to waterways as indicated in Section 20-30.040 – Creekside Development.
- b. Development standards. An accessory dwelling unit exceeding 16 feet in height, or 800 square feet, shall observe setbacks referenced in Section 20-30.040. Accessory dwelling units that are 800 square feet or less, and no greater than 16 feet in height, shall provide a minimum four-foot side and four-foot rear setback, consistent with this Section.

F. Junior accessory dwelling unit. The following provisions are intended to set standards, in compliance with California [Government Code](#) Section 65852.22, for the development of junior accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that such housing remains compatible with the existing neighborhood. It is not the intent of this Section to override lawful use restrictions as set forth in Conditions, Covenants and Restrictions.

1. General requirements. A junior accessory dwelling unit:
 - a. May be located on any lot that allows single-family or multifamily dwellings and that contains only one existing or proposed single-family detached dwelling. Only one junior accessory dwelling unit shall be permitted per parcel.
 - b. Is not subject to the density requirements of the General Plan, but shall otherwise be consistent with the General Plan text and diagrams.
 - c. Shall not be used for rentals with terms of less than 30 days.
2. Permit requirements. An application for a junior accessory dwelling unit that complies with all applicable requirements of this Section shall be approved ministerially.
3. Application and processing requirements.
 - a. Step one—Submittal. The application for a junior accessory dwelling unit permit shall be submitted to the Department concurrent with an application for a building permit. In addition to the standard submittal requirements for a building permit, an application for a junior accessory dwelling unit permit shall include all of the following:
 - (1) Plot plan. If any expansion of the foundation is required for a junior accessory dwelling unit, a plot plan, drawn to scale, showing the dimensions of the perimeter of the parcel proposed for the junior accessory dwelling unit; the location and dimensioned setbacks of all existing and proposed structures on the site and structures located within 50 feet of the site; all easements, building envelopes, and special requirements of the subdivision as shown on the Final Map and improvement plans, if any; and average slope calculations for the site.
 - (2) Floor plan. A floor plan, drawn to scale, showing the dimensions of

each room, the area devoted to the junior accessory dwelling unit, and the resulting floor areas of the junior accessory dwelling unit and of the primary residence. The use of each room shall be identified, and the size and location of all windows and doors shall be clearly shown. The plan shall identify whether separate or shared sanitation facilities are proposed.

(3) Deed restrictions. Deed restrictions completed, signed and ready for recordation in compliance with Subsection G.

b. Step two—Decision. The Department shall act on an application for a junior accessory dwelling unit permit within 60 days of submittal of a complete application. A junior accessory dwelling unit permit shall be issued only if the proposed junior accessory dwelling unit complies with all applicable standards in this Section.

c. Utility connection fees.

(1) No new or separate utility connection and no connection fee for water, sewer, or power is required for a junior accessory dwelling unit.

4. Development standards. A junior accessory dwelling unit permit shall be issued only if the unit complies with the following development standards:

a. Maximum floor area. The junior accessory dwelling unit shall not exceed 500 square feet in total floor area.

b. Existing development. The junior accessory dwelling unit shall be contained entirely within the existing walls of an existing or proposed single-family dwelling, which includes the walls of an attached garage. However, an additional 150 square feet is permitted to allow for a separate entrance into the unit.

c. Kitchen. The junior accessory dwelling unit must contain a kitchen with the following minimum criteria:

(1) A kitchen sink having a clear working space of not less than 30 inches in front;

(2) A cooking appliance having a clear working space of not less than 30 inches in front;

(3) A refrigeration facility having a clear working space of not less than 30 inches in front;

(4) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

d. Sanitation. Bathroom facilities may be separate from or shared with the single-family dwelling. A separate bathroom facility shall be provided if the junior accessory dwelling unit does not include an interior entry into the primary residence.

e. Entrance. The junior accessory dwelling unit shall include an exterior entrance separate from the main entrance to the single-family dwelling. The junior accessory dwelling unit may include a second interior doorway for sound attenuation.

f. Parking. Off-street parking shall not be required for junior accessory dwelling units.

G. Deed restrictions. Prior to occupancy of a junior accessory dwelling unit, the property owner shall file with the County Recorder a deed restriction containing a reference to the deed under which the property was acquired by the owner and stating that:

1. The junior accessory dwelling unit shall not be sold separately from the single-family residence;
2. The junior accessory dwelling unit shall be considered legal only so long as either the primary residence or junior accessory dwelling unit is occupied by the owner of record of the property. Such owner-occupancy, however, shall not be required if the property owner is a governmental agency, land trust or non-profit housing organization;
3. The restrictions shall run with the land and be binding upon any successor in ownership of the property. Lack of compliance shall void the approval junior accessory dwelling unit and may result in legal action against the property owner;
4. The developer of a subdivision that includes junior accessory dwelling units shall record the deed restrictions required by this Subsection prior to the recordation of the Final Map or Parcel Map. Each lot with a junior accessory dwelling unit shall remain unoccupied until the property transfers ownership, allowing for compliance with the recorded owner-occupancy restriction;
5. A junior accessory dwelling unit shall not exceed 500 square feet of total floor area and shall comply with the development standards in Subsection F.”

Section 3. Section 20-32.050 of the Santa Rosa Zoning Code is amended to read and provide as follows:

“20-32.050 Site planning and development standards.

Each structure shall be located in the most accessible, least visually prominent, most geologically stable, portion or portions of the site, and at the lowest feasible elevation. Structures shall also be aligned with the natural contours of the site to the maximum extent feasible. Siting structures in the least prominent locations is especially important on open hillsides where the high visibility of construction should be minimized by placing structures so that they will be screened by existing vegetation, depressions in topography, or other natural features.

A.Site access. Each driveway shall be located and designed to follow natural terrain contours to the maximum extent feasible, minimize grading, and comply with the following standards.

1. Shared driveways that serve more than one parcel are encouraged, and may be required, to reduce the total amount of grading and pavement.
2. Drainage from a driveway shall be directed in a controlled manner to the drainage facilities of the nearest road wherever feasible, subject to the approval of the City Engineer.

3. A driveway shall not have a grade steeper than five percent within 10 feet of a garage or carport entry. Driveway finished grade shall not exceed an average of 15 percent.

B. Setbacks. A proposed structure shall comply with the following setback requirements instead of those of the applicable zoning district, except Accessory Dwelling Units, as stated in Section 20-42.120 E.

TABLE 3-3—HILLSIDE SETBACKS

Setback Location	Minimum Setback
Front	20 ft
Side	15 ft, except as provided in Section 20-32.050.C. and 20-42.120 E.
Rear	15 ft, except as provided in Section 20-32.050.C. and 20-42.120 E.
Residential Garage	19 ft from rear of public sidewalk, or 19 ft from street property line or street plan line, whichever is greater.

C. Side and rear setback from slope. Where a building site abuts another parcel with a difference in vertical elevation of three feet or more, the required side and/or rear yard shall be measured from the nearest toe or top of slope to the structure, whichever is closer; provided that the distance from the base of the structure to the toe of the slope shall be a minimum of five feet. See Figure 3-9.

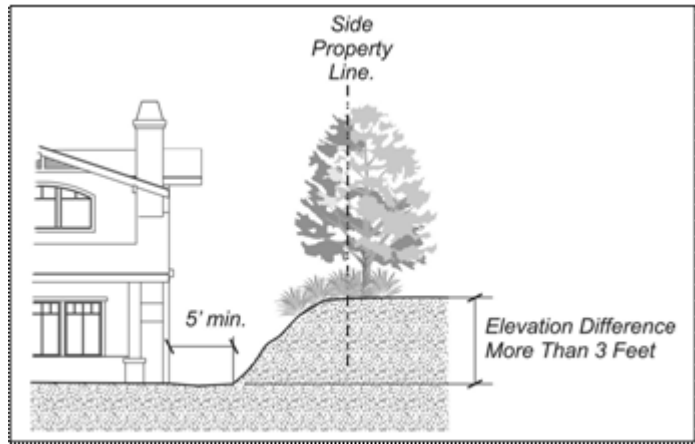


Figure 3-9 – Side Setback Measurement”

Section 4. Replace the following definitions in Section 20-70.020 of the Santa Rosa Zoning Code:

Accessory Dwelling Unit. An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living,

sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

Junior Accessory Dwelling Unit. A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit shall include an efficiency kitchen, and may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

Habitable Space. Conditioned space within a dwelling unit or guest house for living, sleeping, eating, or cooking (including closets, bathrooms, entries, and hallways).

Section 5. Section 20-30.040 of the Santa Rosa Zoning Code is amended to read and provide as follows:

“20-30.040 Creekside development.

A. Purpose. This Section requires minimum setbacks from waterways for new structures, to provide reasonable protection to owners of riparian property and the public from the hazards of stream bank failures and flooding, while allowing owners of property near waterways reasonable use of and the opportunity to improve their properties consistent with general safety.

B. Applicability. No structure, including buildings of any type, swimming pools, including prefabricated swimming pools, driveways, streets, parking areas, patios, platforms, decks, fences, liquid storage tanks, mobile homes, broken concrete rubble, earth fill or other structural debris fill, or retaining walls, shall be placed within the creekside setbacks required by this Section.

1. Existing structures. An existing, lawfully constructed structure that is located within a setback required by this Section is subject to the requirements for nonconforming structures in Chapter [20-61](#) (Nonconforming Uses, Structures, and Parcels).

2. Exceptions. This Section shall not apply to:

Storm drainage, erosion control, and creekbank stability improvements that have been approved as required by law by the governmental agencies having jurisdiction over them.

3. Design guidelines. See also Section 4.4 (Creeks, Riparian Corridors, and Storm Drainage) of the City’s Design Guidelines.

C. Definitions. Definitions of the technical terms and phrases used in this Section may be found in Division 7 (Glossary), under “Waterway.”

D. Creekside setback requirements.

1. Waterway with defined bank. The exterior boundary of the setback area on each side of a natural or modified natural waterway shall be 50 feet from the top of the highest bank on that side of the waterway, as determined by the Director. When the bank of a natural or modified

natural waterway is steeper than 2.5:1, the exterior setback boundary shall be measured by the projections of a slope of 2.5:1 from the toe of the stream bank to ground level, plus 50 feet. See Figure 3-1.

2. Waterway without defined bank. The exterior boundary of the setback area adjacent to the side of a natural or modified natural waterway, where the top of the stream bank is not defined, shall be 50 feet, measured horizontally, from the established 100-year storm freeboard level. See Figure 3-2.

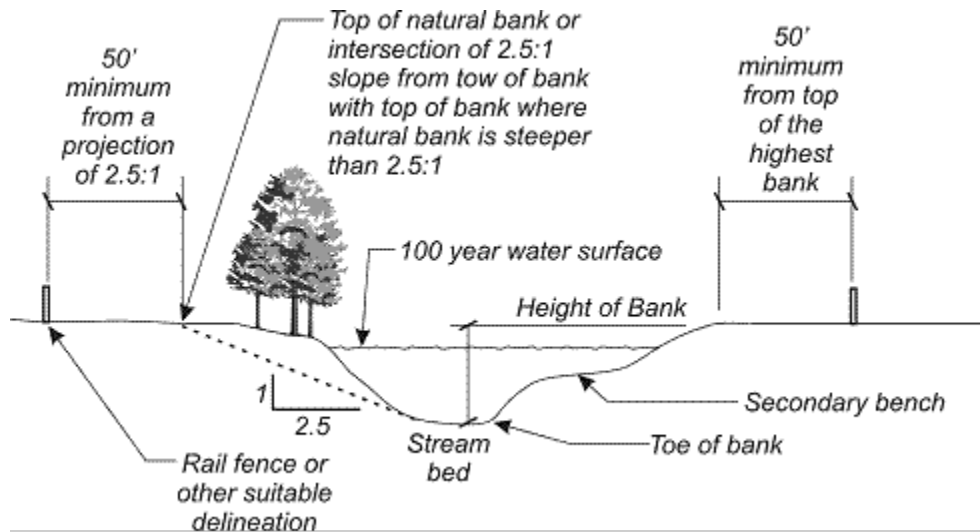


Figure 3-1 – Setback with defined bank (see exceptions Section 20-30.040.D.4.)

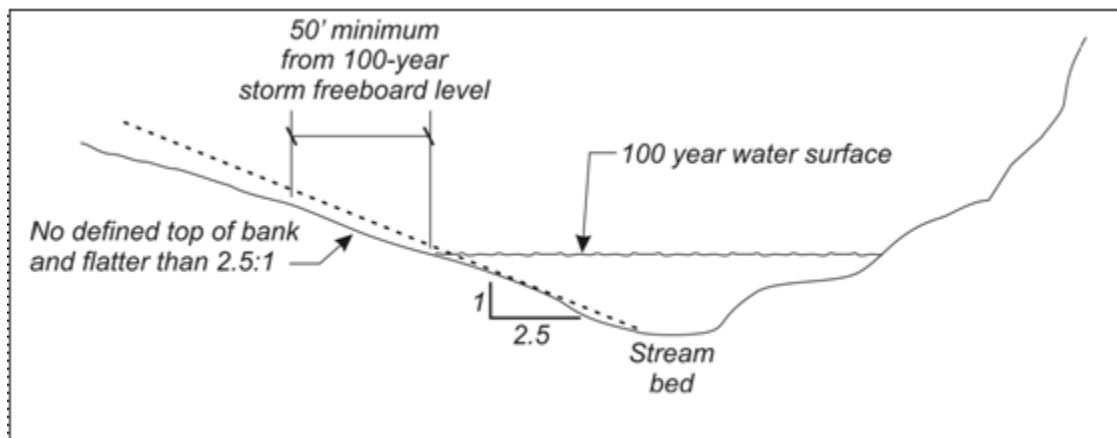


Figure 3-2 – Setback without defined bank (see exceptions Section 20-30.040.D.4.)

3. Channelized waterway. Where a fully channelized waterway exists and the channel is owned by, or under the control of the Sonoma County Water Agency, structures may be closer to the top of the bank than a distance of 2.5 times the depth of the bank plus 50 feet, provided that

this encroachment into the setback area will not obstruct or impair the channel’s hydraulic functions, impede Water Agency access or maintenance of the channel, or impair the stability of the slope, bank, or maintenance of the channel, or impair the stability of the slope, bank, or creekbed fountain, all as determined by and approved by the Planning and Economic Development Department, the Transportation and Public Works Department, and the Sonoma County Water Agency.

4. Exceptions.

a. The setbacks required in Section [20-30.040](#) shall be 30 feet for existing properties or adjacent areas within the City that were developed in compliance with applicable setback requirements in effect prior to September 3, 2004.

b. The setbacks required in Section [20-30.040](#) shall be 30 feet for new development that is surrounded by existing structures that were developed in compliance with applicable setback requirements in effect prior to September 3, 2004.

c. Setbacks for accessory dwelling units shall be provided consistent with Section 20-42.130 – Accessory Dwelling Units.

E. Bridges and utilities within setback areas. Bridges for motor vehicles, pedestrians, and/or bicycles, and/or public utility infrastructure may cross through a waterway setback area and over or under its channel, provided that the installation has received all required approvals from the City. “Bridges” as used in this Subsection includes the segments of the street connecting with the ends of the bridge and the use of box culverts to contain the waters of a waterway for a street overcrossing.”

Section 6. Section 18-12.015 of the Santa Rosa City Code is amended to read and provide as follows:

“18-12.015 Exemptions.

Notwithstanding the provisions of Section [18-12.010](#), improvements will not be required as follows:

(A) Single-family, duplexes, triplexes and four-plexes:

(1) Repairs and remodels as determined by the Director of Building and Code Compliance would not trigger public improvements regardless of value,

(2) External additions, swimming pools, etc., less than \$100,000.00 value will not trigger public improvement requirements;

(3) Internal conversion of any existing residential square footage to an accessory dwelling unit or a junior dwelling unit;

(4) Attached or detached accessory dwelling units that have existing non-compliant curb and gutter, sidewalk and driveway approaches in place that match the design of the surrounding properties and meet the street design standards in place at the time of installation. The City Engineer may require replacement of existing improvements if it’s been identified that any portion of the existing public improvements are materially detrimental to the public welfare;

- (5) Attached or detached accessory dwelling units that do not have permanent public improvements located at the property's street frontage or at one of the adjacent property boundaries;
- (B) Shopping centers larger than 200,000 square feet:
 - (1) Internal or external remodels less than \$200,000.00 value will not trigger public improvements,
 - (2) All external remodels exceeding a \$200,000.00 value would trigger public improvements on the nearest public street frontage only except that the cost of any improvement directly impacted or necessitated by the business shall be borne by the applicant,
 - (3) All remodels and/or additions exceeding \$500,000.00 value shall trigger all public improvement requirements regardless of frontage;
- (C) Except as provided in subsections (A) and (B) of this section, all other properties including, but not limited to, multifamily residential, commercial and industrial properties shall be subject to public improvement requirements where the cost of any improvement to an existing building exceeds a value of \$200,000.00.”

Section 7. Environmental Determination. The Council finds that the adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15282(h) in that the project consists of the adoption of an ordinance regarding second units in a single-family or multifamily residential zone to implement the provisions of Sections 65852.2 and 65852.22 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.

Section 8. 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 9. Effective Date. The Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by five-seventh (5/7) vote. A fair and accurate summary of this ordinance shall be published once within fifteen days after passage with the names of Council members voting for or against, in the Press Democrat, a newspaper of general circulation published in the City of Santa Rosa, State of California.

IN COUNCIL DULY PASSED AND ADOPTED this 3rd day of March, 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____ APPROVED: _____

Ord. No. _____

City Clerk

Mayor

APPROVED AS TO FORM:

City Attorney