



**Aggressive Economic Development Augments to the
City of Santa Rosa Zoning Code
Ordinance #3944, Adopted July 20, 2010
Effective July 31, 2010**

In order to promote beneficial development and local job growth by reducing barriers to development and new business start-up during the economic downturn, the City of Santa Rosa adopted Ordinance #3944 to stimulate building and business development and job growth. This Ordinance acts as an overlay to the existing provisions of the Santa Rosa City Code and takes precedence over any existing provisions of the City Code in the event of any inconsistency for the duration of the Ordinance.

Highlights of these aggressive economic development measures include the following.

Extensions and Reactivations

1. The time limit for maintaining a legal nonconforming status is hereby extended from six months to 24 months, allowing for a longer period of vacancy between uses.
2. The time limit for ceases of operation of existing Conditional Use Permits is hereby extended from six months to 24 months, allowing more time for a vacant building to be reused with the same use and conditions of the existing Conditional Use Permit.
3. All existing approved project entitlements are extended for a period equal to three years from the effective date of Ordinance #3944, not to exceed the period of time an accompanying tentative map is in effect for any project.
4. The number of City-approved extensions is increased from three to four so as to match the number of extensions currently allowed for subdivisions.
5. All project approvals granted in calendar years 2008, 2009 or 2010 may be granted reactivation by the Director of Community Development in his discretion. The property owner or applicant must request reactivation by submittal of an application and payment of application fee; the fee will be determined based on the fee in effect for a time extension for the prior approvals. All applications for reactivation will be reviewed for consistency with the 2035 General Plan and any General Plan amendments in effect at the time of application; applications will also be reviewed for consistency with current goals, policies and standards. Reactivated projects must comply with current building codes.

Allow More Uses by Right

1. The following uses are allowed by right within the zones identified and described herein and do not require any prior use permit.
 - a. *Commercial Recreation Facility – Indoor* is a permitted use within the Commercial, Light Industrial, General Industrial and Business Park Districts and associated non-residential Planned Development Districts.
 - b. *Personal Services* is a permitted use within the Commercial, Office, Transit Village – Mixed Use and non-residential Planned Development Districts.
 - c. *Restaurants (with incidental bar)* is a permitted use within Business Park, Light Industrial and non-residential Planned Development Districts as well as in all Commercial Districts, the Transit Village – Mixed Use District and non-residential Planned Development Districts.
 - d. *Restaurants – Outdoor Dining* is a permitted use within all Commercial Districts, non-residential Planned Development Districts and the Transit Village – Mixed Use District. Outdoor dining must still adhere to the development and performance standards as set forth in Zoning Code Section 20-42.110.160 (Sidewalk Cafes).
 - e. *Accessory Retail or Services* is a permitted use within Business Park, Light Industrial, General Industrial and non-residential Planned Development Districts. “Accessory” includes up to 20% of the existing floor area; such uses are still required to comply with Section 20-42.024 of the Zoning Code.
2. Existing buildings may change use without meeting current or newly adopted parking requirements for the building site, excepting compliance with ADA standards, provided the parking deficiency is no more than 10 spaces or a 25% overall reduction from standard requirements, whichever is greater.
3. The “General Retail” land use definition now includes “recreation equipment, bicycle and kayak rentals” so as to allow the use by right in Commercial Districts.
4. “Wine Production Facility” allowing for incidental tasting room and wine sales activities is added to the Zoning Code as a new land use category and is a permitted use within Business Park, Light Industrial, General Industrial and non-residential Planned Development Districts.

Modifications to the Design Review Process

1. The Director of Community Development may grant administrative, over-the-counter design approval for projects including a new awning, adding a door or window, new rooftop equipment that cannot be seen from the street, ADA improvements associated with tenant improvements, “cool roof” material changes and other similar changes as determined by the Director of Community Development in his discretion. This modification to the design review process does not apply in Historic Districts.



2. Design Review approval for new-car auto dealerships, redevelopment and major remodels is delegated to the Zoning Administrator, rather than the Design Review Board, on sites already zoned for this use.
3. **FINAL DESIGN REVIEW** may be delegated by the Design Review Board to the Community Development Director following Preliminary Design Review approval by the Design Review Board.

Changes to Sign Requirements

1. Freeway-oriented signs are allowed in limited locations based on the following criteria.
 - a. Use: Retail
 - b. Minimum individual store size: 20,000 square feet or as excepted by the Design Review Board
 - c. Building visible from Highway 101 or Highway 12 and no other building stands in the visibility window between the subject building and the highway
 - d. Signage can only be building-mounted on an exterior wall of the subject space; signage cannot extend to an elevation higher than the exterior wall
 - e. One freeway-oriented sign per retail space is allowed.
 - f. The introduction of freeway signage does not increase the number of signs or square footage allowed per tenant.
 - g. Maximum letter height is 18”.
 - h. The maximum amount of freeway-oriented sign is 30 square feet.
2. When a business is the authorized dealer of a specific product, that business is allowed to advertise that product or service.
3. Table 3-10 of the Zoning Code has been amended as noted in Ordinance #3944, attached.

Fee Collection

Collection of Development Impact Fees is now made at final inspection, except payment of school impact fees and other fees not within the jurisdiction of the City.

ORDINANCE NO. 3944

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA ADDING NEW SECTION 18-12.050 AND NEW CHAPTER 20-15 TO TITLE 20 ZONING ADOPTING AGGRESSIVE ECONOMIC DEVELOPMENT MEASURES TO THE CITY CODE

WHEREAS, the State of California and the local economy of Santa Rosa are currently experiencing an economic recession leading to a dearth in development activity and new business starts within the City of Santa Rosa; and

WHEREAS, the City has an interest in promoting beneficial development and local job growth through the adoption of certain aggressive economic development measures that will reduce barriers to development and new business start-up during the economic downturn; and

WHEREAS, this Ordinance contains specific measures targeted at stimulating building and business development and job growth and shall act as an overlay to the existing provisions of the Santa Rosa City Code to take precedence over any existing provisions of the Santa Rosa City Code in the event of any inconsistency, for the duration of the ordinance.

NOW THEREFORE, THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Section 18-12.110 entitled "Limitation on Public Improvement Requirements" is hereby added to Chapter 18-12 of the Santa Rosa City Code to read and provide as follows:

"18-12.110 Limitation on Public Improvement Requirements.

Notwithstanding anything to the contrary in any section of the City Code, at the discretion of the Director of Community Development, public improvements in connection with a proposed commercial or façade remodel shall be minimized, postponed or not required to the extent determined by the Director of community Development. Unless extended or otherwise amended by subsequent Council action, this Section shall expire and be of no further force or effect as of three years for the effective date of the ordinance adopting this Section."

Section 2. A new Chapter 20-15 entitled "Aggressive Economic Development Measures" is hereby added to Title 20 the City's Zoning Code to read and provide as follows:

"Chapter 20-15

AGGRESSIVE ECONOMIC DEVELOPMENT MEASURES

Sections:

20-15.010	Application of this Chapter
20-15.020	Extensions and Reactivations
20-15.030	Allowing More Uses by Right

20-15.040	Modifications to the Design Review Process
20-15.050	Changes to Sign Requirements
20-15.060	Change the Time for Collection of Fees

20-15.010 Application of This Chapter.

Notwithstanding any other provision of the City Code, the following provisions shall control and prevail for a period of three years following the effective date of the ordinance adopting this Chapter, unless otherwise amended by subsequent action of the Council.

20-15.020 Extensions and Reactivations.

1. The time limit for maintaining a legal nonconforming status is hereby extended from six months to 24 months, which will allow for a longer period of vacancy between uses.
2. The time limit for cease of operation of existing Conditional Use Permits is hereby extended from 6 months to 24 months, which will allow more time for a vacant building to be reused with the same use and conditions of the existing Conditional Use Permit.
3. All existing approved project entitlements are hereby automatically extended for a period equal to three-year from the effective date from the effective date of the ordinance adopting this section, but not to exceed the period of time an accompanying tentative map is in effective for any project.
4. The number of City approved extensions is hereby increased from three to four to match the number of extensions currently allowed for subdivisions.
5. Any and all project approvals granted within the calendar year 2008, 2009 or 2010, may be granted reactivation by the Community Development Director, in his discretion. The property owner/applicant must request reactivation by submittal of an application and payment of application fee, which shall be determined based on the fee in effect for a time extension for the prior approvals. The application for reactivation will be reviewed to determine consistency with the City's 2035 General Plan and any General Plan amendments in effect at the time of application for reactivation, as well as current City goals, policies and standards. Any reactivated project must comply with current building codes.

20-15.030 Allowing More Uses by Right.

1. The following uses shall be allowed by right within the zones identified and described herein and shall therefore not require any prior use permit:
 - (A) "Commercial Recreation Facility - Indoor" is hereby a permitted use within the Commercial, Light Industrial, General Industrial, and Business Park Districts and associated non-residential Planned Development Districts, without requirement of a use permit.

- (B) “Personal Services” is hereby a permitted use within the Commercial, Office, Transit Village – Mixed Use, and non-residential Planned Development Districts, without requirement of a use permit.
 - (C) “Restaurants” (with incidental bar) is hereby a permitted use within all Commercial Districts and in the Transit Village – Mixed Use District and non-residential Planned Development Districts, without requirement of a use permit.
 - (D) “Restaurants” (with incidental bar) is hereby a permitted use within Business Park, Light Industrial and non-residential Planned Development Districts, without requirement of a use permit.
 - (E) “Restaurants - Outdoor Dining” is hereby a permitted use within all Commercial Districts, non-residential Planned Development Districts, and the Transit Village – Mixed Use District, without requirement of a use permit. Outdoor dining shall still adhere to the development and performance standards as set forth in Zoning Code Section 20-42.110.160 (Sidewalk Cafes) such as minimum sidewalk clearance and maximum barrier height.
 - (F) “Accessory Retail or Services” is hereby a permitted use within Business Park, Light Industrial, General Industrial and non-residential Planned Development Districts, without requirement of a use permit. The definition of “Accessory retail or services” is hereby amended to clarify that “accessory” includes up to 20 percent of the existing floor area. Such uses would still be required to comply with Section 20-42.024 of the Zoning Code.
2. Existing buildings shall be allowed to change use (for example a retail use to a restaurant) without meeting current or newly adopted parking requirements for the building site, excepting compliance with ADA standards, provided the parking deficiency is no more than 10 spaces or a 25% overall reduction from standard requirements, whichever is greater.
 3. The “General Retail” land use definition is hereby amended to include “Recreation equipment, bicycle and kayak rentals” so as to allow the use by right in Commercial Districts.
 4. “Wine Production Facility” allowing for incidental tasting room and wine sales activities, is hereby added to the Zoning Code as a new land use category and is a permitted use within Business Park, Light Industrial, General Industrial and non-residential Planned Development Districts, without a use permit.

20-15.040 Modifications to the Design Review Process.

1. The Community Development Director may grant administrative, over-the-counter design approval for projects including a new awning, adding a door or window, new rooftop equipment that cannot be seen from the street, ADA improvements associated with tenant improvements, “cool roof” material changes and other similar changes as determined by

the Director of Community Development in his discretion. This modification to the design review process does not apply in Historic Districts.

2. Design Review approval for new-car auto dealerships, redevelopment and major remodels is hereby delegated to the Zoning Administrator, rather than the Design Review Board, on sites already zoned for this use.
3. Final Design Review may be delegated by the Design Review Board to the Community Development Director following Preliminary Design Review approval by the Design Review Board.

20-15.050 Changes to Sign Requirements.

1. Freeway oriented signs are hereby allowed in limited locations based on the following Freeway Signage Criteria:
 - (A) Use: Retail.
 - (B) Minimum individual store size: 20,000 Square Feet or as excepted by the Design Review Board.
 - (C) Building: Is visible from Highway 101 or Highway 12 and no other building stands in the visibility window between the subject building and the highway.
 - (D) Placement: Signage can only be building mounted on an exterior wall of the subject space. Signage can not extend to an elevation higher than the exterior wall.
 - (E) Limit: One freeway oriented sign per retail space.
 - (F) The introduction of freeway signage does not increase the number of signs or square footage allowed per tenant, those maximums will still apply.
 - (G) Letter height: Maximum letter height 18".
 - (H) The maximum amount of freeway oriented sign is 30 square feet.
2. When a business is a specified "Authorized Dealer" of a specific product, that business is hereby allowed to advertise such products and services.
3. Table 3-10 of the Zoning Code is hereby amended to read as follows:

TABLE 3-10—SIGN STANDARDS FOR COMMERCIAL & INDUSTRIAL ZONES

Allowed Sign Types	Maximum Sign Height and Location	Maximum Number of Signs Allowed	Maximum Sign Area Allowed (3)
Ground-mounted and Ground-floor Signs			
Awning(1)	Below roof (2)	<p>Single tenant site or building: Up to 3 of any combination of allowed sign types per business, except that only 1 freestanding sign per street access is allowed.</p> <p>1 of any allowed sign type per secondary business frontage (overall number of business signs limited to 3).</p> <p>Site or building with 2 or more tenants: 2 of any allowed sign type per business frontage (overall number of business signs limited to 3).</p>	<p>Interior parcel: 1 sf for each linear ft of primary building frontage (for buildings with multiple frontages such as within a shopping center, 1 sf for each linear foot of primary frontage plus 0.5 sf for each foot of secondary frontage)</p> <p>The total area of all signs on a single building frontage shall not exceed the total linear feet in that frontage.</p> <p>At least 10 sf, and no more than 100 sf, are allowed for any business.</p> <p>Corner parcel or business: 0.5 additional sf for each linear foot of secondary frontage. Site with 2 or more tenants: allowed an additional identification sign of 0.25 sf for each linear ft of secondary bldg. frontage, to 100 sf maximum (overall number of business signs limited to 3).</p>
Freestanding	9 ft in height; min. of 5 ft behind sidewalk or property line, which ever is greater.		
Projecting, Wall (4)	Below roof (2)		
Suspended	Below eave/canopy; at least 8 ft above a walking surface		
Temporary/ Portable	See Sections 20-38.080 O and P.		
Window	See Section 20-38.080 Q.		
Second Floor and above Signs			
Awning, Projecting (4), Wall	Below roof (2)	1 per tenant space up to 100 sf of total signage per building.	<p>1 sf for each linear foot of primary building frontage. No additional signs are permitted based on secondary frontage. Any ground floor signs shall be included in the calculations for overall site signs.</p> <p>1 directory sign not to exceed 12 sf is also allowed to identify upper floor occupants.</p>
Window	See Section 20-38.080 Q.		
Indoor Signs, and Outdoor Signs Not Visible from a Street			
Awning, Freestanding, Projecting, Suspended, Wall, Window	Below roof (2)	See Section 20-38.080, as applicable.	

Notes:

- (1) Limited to ground level and second story; awnings shall not be internally illuminated, except that lettering on the awning valance may be backlit; direct exterior lighting may be allowed; translucent materials are prohibited.

TABLE 3-10—SIGN STANDARDS FOR COMMERCIAL & INDUSTRIAL ZONES

Allowed Sign Types	Maximum Sign Height and Location	Maximum Number of Signs Allowed	Maximum Sign Area Allowed (3)
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- (2) At least one foot below the top of a parapet, and/or the lowest point of any cornice or roof overhang, except that a sign that is designed into a building architecture, such as a dormer into a roof, may be permitted.
- (3) For calculation purposes, the area of a two-sided sign shall be based on only one face of the sign.
- (4) A wall sign may be located on any primary or secondary building frontage; no wall sign shall project from the surface to which it is attached more than required for construction purposes, and in no case more than 12 inches; and no sign shall be placed so as to interfere with the operation of a door or window. Projecting style signs are permitted to project up to 30 inches from the surface they are mounted but may require an encroachment permit if projecting over a public right of way.

20-15.060 Change the Time for Collection of Fees.

The time for collection of Development Impact fees is hereby changed from the time of building permit issuance to final inspection, excepting payment of school impact fees and other fees not within the jurisdiction of the City.”

Section 3. Evaluation Process. The Council hereby requests that the Director of Community Development conduct an on-going evaluation of the impact of these code amendments, culminating in reports to the Council at 6 month, one year and two year intervals from the effective date of the ordinance.

Section 4. Limitation. This Ordinance shall be in effect for a period of three (3) years from the effective date of this Ordinance, after which time this Ordinance and all of the additions and modifications to the City Code shall automatically expire and terminate and shall be of no further force and effect, unless otherwise amended or extended by Council action.

Section 5. Environmental Determination. The Council finds that the adoption and implementation of this ordinance is exempt from the provisions of the California Environmental Quality Act in that the provisions of this ordinance would qualify for exemption under sections 15305 (minor alterations to land use limitations), 15183 (projects consistent with a community plan, General Plan or zoning) and 15061(b)(3) (Class 5 categorical exemption) of CEQA.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held to be invalid, the validity of the remaining portions of this ordinance shall not be affected.

Section 7. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

IN COUNCIL DULY PASSED this 20th day of July, 2010.

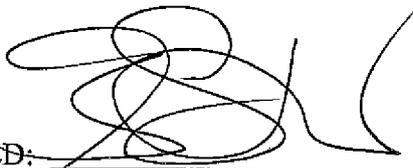
AYES: (6) Vice Mayor Wysocky, Councilmembers Bender, Sawyer, Jacobi, Vas Dupre and Olivares

NOES: (0)

ABSENT: (1) Mayor Gorin

ABSTAIN: (0)

ATTEST: *Jandi Bliss*
Deputy City Clerk

APPROVED: 
Vice Mayor

APPROVED AS TO FORM:

Caroline Jewell
City Attorney