

Chapter 21-03
Growth Management

Section 21-03.010. Authority and Purpose.

This chapter is adopted pursuant to the general police powers of the City of Santa Rosa, a charter city, for the purpose of implementing the Growth Management Element of the Santa Rosa General Plan.

Section 21.03.020. Findings.

The Council of the City of Santa Rosa finds that the provisions of this chapter are necessary to protect, and will promote the public health, safety and welfare by balancing new residential development with: the City's ability to provide the public facilities and services necessary for such development; the protection of social and economic values in existing residential neighborhoods and in commercial and industrial areas; the conservation of vital open spaces and natural resources; the achievement of decent housing for all income categories; the attainment of community goals for the overall size and character of the City; and the attainment of a stable, moderate growth rate sufficient to support a healthy business economy.

Section 21-03.030. Applicability.

The provisions of this chapter apply to all residential development projects within the City. Dwelling units proposed to be constructed as part of the Housing Allocation Plan, a density bonus program or any other housing development program shall require allotments as provided in this chapter.

Section 21-03.040. Definitions.

The term "allotment" means the granting or issuance of one or more entitlements to a particular development project.

The term "building permit" means a permit issued by the Department of Community Development which authorizes the construction of a single unit.

"Community care facility" means a facility, place or building which is maintained and operated to provide non-medical residential care, day care, and home finding services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired or incompetent persons, developmentally disabled, mentally disordered children and adults, court wards and dependents, neglected or emotionally disturbed children, alcohol or drug addicted children or adults, battered adults or children, and aged persons.

The term "development project" means a project containing at least one dwelling unit. For the purpose of this chapter, the Director of Community Development is authorized to make a determination of the number of dwelling units that are contained within a particular development project.

The term "Director" or "Director of Community Development" means the Director of the City's Department of Community Development and his or her designated representatives.

The term "entitlement" means the number of authorizations made available each calendar year to obtain a building permit for the construction of a dwelling unit.

"Health care facility" means a facility, place or building which is maintained and operated to provide medical care. Health care facility shall include, but not be limited to, hospitals, nursing homes, intermediate care facilities, clinics, and home health agencies, all of which are licensed by the State Department of Health Services and defined in the California Health and Safety Code, Division 2, chapter 1, Section 1200.

The term "low income household" means a household with an annual income, adjusted for household size, of not more than 80 percent of the median income, as established from time to time by the U.S. Department of Housing and Urban Development for the Santa Rosa-Petaluma Metropolitan Statistical Area, but more than the maximum income permitted of a very low income household of comparable size.

"Mixed use project" means a development in which residential uses are combined with uses such as office or commercial in a single building.

The term "qualifying unit" means:

- (1) a for sale, single family, attached or detached dwelling unit on a lot, not exceeding 4000 square feet in area, with
 - (a) two or fewer bedrooms with a maximum of 900 square feet if one story, or 1000 square feet if two story, or
 - (b) three bedrooms with a maximum of 1200 square feet if one story or 1300 square feet if two story, or
 - (c) four bedrooms with a maximum of 1250 square feet if one story or 1350 square feet if two story, or
- (2) a multi-family rental unit of any size, or
- (3) for-sale, single family attached units of any size, provided that the density of such units is at least 10 dwelling per acre.

The term "single room occupancy" means a development (including replacement or rehabilitation developments) containing efficiency units, each of which include a living area and a complete private bath and kitchen, but not a separate bedroom, or SRO units each of which contain a living area and may include a private bathroom or kitchen, but not both.

The term "unit" or "dwelling unit" means a single dwelling unit.

The term "very low income household" means a household with an annual income of not more than 50 percent of the area median income, adjusted for household size, as established from time to time by the U.S. Department of Housing and Urban Development for the Santa Rosa-Petaluma Metropolitan Statistical area.

Section 21-03.050. Entitlements.

The total number of new entitlements that shall be made available each calendar year for the calendar years 2001-2005 shall be 950 each year; for the calendar years 2006 - 2010 shall be 900 each year; for the calendar years 2011 - 2015 shall be 850 per year; and for the calendar years 2016 - 2020 shall be 800 per year.

Section 21-03.060. Procedure.

A. The Director of Community Development shall issue allotments. The maximum number of entitlements that are available in any calendar year may be allotted. Allotments shall be issued at the time each development project receives its final discretionary approval. Final discretionary approvals include approvals of tentative subdivision maps and conditional use permits, but shall not include final design review approvals unless the final design review approval is the only discretionary approval required for the development project.

B. At the time an application for the approval of a development project is filed with the Department of Community Development, the developer shall request the number of allotments needed for the development in each calendar year over a period of up to five years. The request shall not exceed the maximum number of allotments that may be issued to a single development project in a year. The maximum allotment for a single family development is 75 per year. The maximum allotment for a multifamily development is 200 per year. Exceptions to the maximum project allotment may be made by the City Council through a Reserve Agreement, as defined in Section 21-03.080, and considered at the time of the development approval.

Section 21-03.070. Requirements for Allotments.

Reserve A

A. Fifty per cent of the new entitlements becoming available in any calendar year shall be reserved for and may only be allotted to second dwelling units, units in mixed use projects, qualifying units and units which are affordable to very low or low income households. The entitlements reserved under this subsection shall be called 'Reserve A' entitlements. For an allotment to be taken from Reserve A, it need meet only one of the unit type criteria set forth in this section.

The Planning Commission may allow single family qualifying units on lots slightly larger than 4,000 square feet to be allotted from Reserve A in certain circumstances. Such allowance may occur in cases where the larger lots make up a small number of the total project lots and where the Planning Commission determines the units are intended to function as qualifying units.

Reserve B

B. The remaining 50 per cent of the new entitlements becoming available in any calendar year shall be reserved for the units listed in subsection A and for all other units including unrestricted market rate units. The entitlements reserved under this subsection shall be called 'Reserve B' entitlements. For a Reserve A unit to receive an allotment from Reserve B entitlements, all Reserve A entitlements must have been allotted for the calendar year in which the allotment is requested.

C. The determination of whether an allotment shall be taken from the Reserve A or Reserve B entitlements shall be made by the Director at the time the development project receives its final discretionary approval. For an allotment to be taken from the Reserve A entitlements as a very low or low income unit, evidence in the form of an executed recorded agreement between the property owner and the Santa Rosa Housing Authority, or other City approved governmental agency which regulates the affordability of housing, must be provided to ensure that the proposed unit will be rented or sold at a price affordable to the specified income household for a specified period of time as approved by the City Council.

Mixed Reserve A/Reserve B Projects

D. Projects which have an equal number of Reserve A and Reserve B type units, or are within one unit of that mix, shall have all their allotments drawn from the Reserve A allotment pool. Such project may request conceptual review by the Planning Commission to receive general project feedback.

Section 21-03.080. Reserve Agreements.

The City from time to time, as authorized by resolution of the City Council, may enter into reserve agreements with developers of development projects having substantial improvement costs, to reserve allotments in future calendar years in excess of the maximum number of allotments authorized by Section 21-03.060(B).

Section 21-03.090. Unallotted Entitlements.

A. Reserve A entitlements which are not allotted in a particular calendar year shall be added to the new Reserve A entitlements which will become available in the next calendar year.

B. A Reserve B entitlement which is not allotted or allotted but not used in the calendar year in which it becomes available shall be transferred to an allotment bank for use the next calendar year. Allotments in this bank shall be used in the following priority: 1. to provide units for developers who turned in their unusable allotments prior to June 1st of the year in which they were designated, and 2. for projects which achieve City objectives, as determined by the City Council. Once a Reserve B entitlement has been transferred to the allotment bank and designated as available for projects which achieve City objectives, it shall remain available for that purpose only and shall be carried forward to subsequent years until used.

Section 21-03.092. Allotted Entitlements: No Building Permit Issued.

If an entitlement is allotted, but no building permit is issued during the calendar year in which the allotment becomes available, the allotment shall become void and without effect unless:

A. The developer of the project which was issued the allotment notifies the Director of Community Development in writing by June 1 of the year in which the allotments are valid that no building permit will be requested under such allotment. In such a case, the same number of allotments set forth in the written notice can be issued to the project for future calendar years if entitlements are still available in such future years and the total number of allotments for that project in any such year does not exceed the limit established under Section 21-03.060. The released allotments shall be, to the extent possible, reissued to other development projects which are seeking allotments that year, using a waiting list maintained in the Department of Community Development on a first come first served basis.

B. The development project has a recorded final map for all, or one or more phases(s) of the development project's area. In such a case, the allotments issued to the phase(s) of the development project encompassed by the recorded final map(s) shall remain valid for such phase(s) as they become available under the terms of their issuance. Such allotments shall not thereafter be voided or lost for any failure to obtain a building permit or undertake construction in the calendar year in which the allotments first become available, but shall remain available to the development project until utilized.

Section 21-03.100. Borrowing From Future Entitlements.

In any calendar year, Reserve A entitlements may be borrowed from the Reserve A entitlements which will become available in the following calendar year for the construction of very low or low income units which have fulfilled the requirements set forth in section 21-03.070C. No other borrowing from entitlements that will become available in future calendar years shall be allowed.

Section 21-03.110. Duration of Allotment.

A. If the final discretionary approval for a development project expires, the allotments issued to it shall become void as to that project, but, to the extent possible, shall be reissued to other development projects seeking allotments in the year(s) in which the allotments will become available. If the final discretionary approval for a development project is extended, the allotment issued to that project shall continue to be valid in accordance with the terms of their issuance.

B. The Director of Community Development may extend the validity of allotments about to expire at the end of a calendar year for up to 150 calendar days in order to complete recordation of a final map. In order to grant an extension the Director must find that the applicant has seriously pursued the submittal of all necessary materials and has responded on a timely and diligent basis in making corrections. No extension beyond 150 calendar days shall be allowed.

Section 21-03.120. Exemptions.

The following projects are exempt from the provisions of this chapter:

- A. Any development project which has received all required discretionary approvals prior to the effective date of this chapter. For the purposes of the section, the issuance of a building permit for the construction of one or more dwelling units does not constitute a discretionary approval.
- B. The construction of a dwelling unit to replace a previously existing dwelling unit situated on the same lot which was demolished or destroyed within five years of the date the building permit application for the replacement unit is submitted to the Department of Community Development.
- C. The construction of homeless shelters, community care or health care facilities, and single room occupancies.

Section 21-03.130. Appeals.

An applicant, or any other interested person, or any City official who considers a decision made under the provisions of this chapter to be erroneous, may appeal the same to the City Council.

- A. The appeal shall be filed with the City Clerk within ten working days from the date on which the decision was made.
- B. The appeal shall be made in writing and shall specifically describe the decision which is being appealed, each ground which the appellant is relying upon in making the appeal, and the specific action which the appellant wants the City Council to take.
- C. A timely filed appeal shall stay all actions resulting from the decision. Any allotment(s) issued under the decision shall be preserved pending the Council's decision on the appeal; any allotments requested by an appellant which were denied by the decision shall also be preserved (or reserved) pending the Council's determination of the appeal to the extent that corresponding entitlements are still available for allotment at the time the City Clerk notifies the Director of Community Development of the filing of the appeal.
- D. Upon the filing of an appeal, the City Clerk shall immediately notify the Director of Community Development and, if other than the Director of Community Development, the person making the decision, of the appeal and shall forward a copy of the appeal to each such person.
- E. A timely filed appeal shall be heard by the City Council within thirty days of its filing, and the Council shall decide the matter within 21 days of such hearing.

Section 21-03.140. Annual Review.

- A. At least once each calendar year, the Department of Community Development shall prepare a report on the Growth Management program which shall include the following:

1. The number of building permits issued (1) with Reserve A allotments and (2) with Reserve B allotments during the time period covered by the report.
2. The number of entitlements, if any, that remained unallotted in (1) Reserve A and (2) Reserve B during the time period. The number of Reserve A entitlements, if any, borrowed from the next year's Reserve A entitlements. The number of Reserve B entitlements, if any, that were reserved in future calendar year entitlements.
3. An evaluation of the coordination of planning and development decisions, including infrastructure planning, with policies relating to growth management.
4. An analysis of the provision of public services, and if those services, including fire and police response, parks, water and wastewater services, have sufficient capacity to meet the needs of Santa Rosa.
5. A listing of any significant problems which arose during the time period covered in administering the Growth Management program.
6. A listing of any staff recommendations, with regard to changes or revisions to the adopted program to improve its effectiveness and/or administration.
7. A recommendation, if any, together with factual supporting data, as to whether the Growth Management Element of the General Plan and/or the Growth Management program should be substantially revised or discontinued.

B. The staff report shall be submitted to the Planning Commission as an agendaed item at a regular meeting of the Planning Commission for review and comment. The comments and recommendation(s), if any, of the Planning Commission shall be forwarded to the City Council.

C. The staff report, together with any comments and recommendations made thereon by the Planning Commission, shall be submitted to the City Council as an agendaed item at a regular meeting of the Council.

Section 20-03.150. Administration.

The City Council, by resolution, may from time to time adopt procedures, policies, rules, and requirements, including the adoption of a processing fee, to implement and administer the provisions of this chapter.

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