

## **ORDINANCE NO. 16.140**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY AMENDING SCOTTS VALLEY MUNICIPAL CODE CHAPTERS 17.04 (DEFINITIONS), 17.09 (R-VH DISTRICT), 17.10 (R-H DISTRICT), 17.12 (R-M DISTRICT), 17.14 (R-1 DISTRICT), 17.16 (R-R DISTRICT), 17.18 (R-MT DISTRICT), 17.20 (C-S DISTRICT), AND 17.22 (C-SC DISTRICT) AND ADDING NEW SECTION 17.44.180 (MULTI-UNIT RESIDENTIAL DESIGN STANDARDS) TO ESTABLISH DESIGN STANDARDS FOR MULTI-UNIT RESIDENTIAL DEVELOPMENT**

WHEREAS, SB-35 (Chapter 366, Statutes of 2017) enacted section 65913.4 to the Government Code, effective January 1, 2018.

WHEREAS, Government Code section 65913.4 requires cities and counties to approve qualifying multifamily projects through a streamlined ministerial process if a project conforms to applicable objective standards and meets other requirements.

WHEREAS, The Housing Accountability Act (HAA), Government Code section 65589.5, limits the ability of cities and counties to deny or reduce the density of housing development projects that are consistent with objective standards.

WHEREAS, SB-330 (Chapter 654, Statutes of 2019) enacted Government Code section 66300 which prohibits cities and counties from establishing design standards that are not objective.

WHEREAS, Scotts Valley's Zoning Code currently contains limited objective design standards for multi-unit residential development.

WHEREAS, Scotts Valley currently relies on subjective design review criteria in Zoning Code Section 17.50.030 to ensure that multi-unit residential development conforms with the General Plan and the City's design guidelines.

WHEREAS, For a project requesting streamlined review under SB-35, the City cannot enforce subjective design review criteria.

WHEREAS, Under the Housing Accountability Act and SB-330, the City cannot deny or reduce the density of a multi-unit residential project on the basis of non-conformance with a subjective design requirement.

WHEREAS, The City prepared draft Multi-Unit Residential Design Standards that translate subjective policies and guidelines into new objective standards.

WHEREAS, The Multi-Unit Residential Design Standards contains objective standards that would apply to SB-35 projects, AB 2011 projects, and conforms to the requirements of the Housing Accountability Act and SB-330.

WHEREAS, The Planning Commission held a duly noticed public hearing on October 12, 2023, at which time it considered all evidence presented, both written and oral and at the end of the hearing voted to recommend that the City Council adopt this Ordinance.

WHEREAS, The City Council held a duly noticed public hearing on this Ordinance on November 1, 2023, at which time it considered all evidence presented, both written and oral.

NOW, THEREFORE, the City Council of the City of Scotts Valley does hereby ordain as follows:

Section 1. Section 17.04.160, “M” Terms, of Chapter 17.04, Definitions, of Title 17, Zoning, of the Scotts Valley Municipal Code is hereby amended to add the following definition:

““Multi-unit residential development” means a development project that creates two or more dwelling units, including detached single-family dwellings, townhomes, multifamily dwellings, and mixed-use residential projects.”

Section 2. Section 17.09.040, Development Standards, of Chapter 17.09, R-VH Very High-Density Residential Zoning District Regulations, of Title 17, Zoning, of the Scotts Valley Municipal Code is hereby amended to add the following:

“G. Multi-unit residential development shall comply with the Multi-Unit Residential Design Standards. See Section 17.44.180.”

Section 3. Section 17.10.040, Development Standards, of Chapter 17.10, R-H High-Density Residential Zoning District Regulations, of Title 17, Zoning, of the Scotts Valley Municipal Code is hereby amended to add the following:

“F. Multi-unit residential development shall comply with the Multi-Unit Residential Design Standards. See Section 17.44.180.”

Section 4. Section 17.12.040, Development Standards, of Chapter 17.12, R-M-6 and R-M-8 Multiple Residential Zoning District Regulations, of Title 17, Zoning, of the Scotts Valley Municipal Code is hereby amended to add the following:

“F. Multi-unit residential development shall comply with the Multi-Unit Residential Design Standards. See Section 17.44.180.”

Section 5. Section 17.14.040, Development Standards, of Chapter 17.14, R-1 Single-Family Residential Zoning District Regulations, of Title 17, Zoning, of the Scotts Valley Municipal Code is hereby amended to add the following:

“J. Multi-unit residential development shall comply with the Multi-Unit Residential Design Standards. See Section 17.44.180.”

Section 6. Section 17.16.040, Development Standards, of Chapter 17.16, R-R-2.5 Residential-Rural Zoning District Regulations, of Title 17, Zoning, of the Scotts Valley Municipal Code is hereby amended to add the following:

“J. Multi-unit residential development shall comply with the Multi-Unit Residential Design Standards. See Section 17.44.180.”

Section 7. Section 17.18.040, Development Standards, of Chapter 17.18, R-MT-5 Residential-Mountain Zoning District Regulations, of Title 17, Zoning, of the Scotts Valley Municipal Code is hereby amended to add the following:

“J. Multi-unit residential development shall comply with the Multi-Unit Residential Design Standards. See Section 17.44.180.”

Section 8. Section 17.20.040, Development Standards, of Chapter 17.20, C-S Service Commercial Zoning District Regulations, of Title 17, Zoning, of the Scotts Valley Municipal Code is hereby amended to add the following:

“P. Multi-unit residential development shall comply with the Multi-Unit Residential Design Standards. See Section 17.44.180.”

Section 9. Section 17.22.040, Development Standards, of Chapter 17.22, C-SC Shopping Center Commercial Zoning District Regulations, of Title 17, Zoning, of the Scotts Valley Municipal Code is hereby amended to add the following:

“M. Multi-unit residential development shall comply with the Multi-Unit Residential Design Standards. See Section 17.44.180.”

Section 10. New Section 17.44.180, Multi-Unit Residential Design Standards is added to of Chapter 17.44, General and Special Provisions, of Title 17, Zoning, of the Scotts Valley Municipal Code as follows:

“17.44.180 Multi-unit Residential Design Standards.

A. All new multi-unit residential development shall comply with the Multi-Unit Residential Design Standards, which are adopted by City Council resolution and may be amended from time to time.

B. Where there is a conflict between the Zoning Code and the Multi-Unit Residential Design Standards, the Multi-Unit Residential Design Standards govern.”

Section 11. CEQA COMPLIANCE. This ordinance is subject to the California Environmental Quality Act (CEQA), and the project is exempt from CEQA, pursuant to CEQA Guidelines Sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment). The multi-unit residential standards impose the same requirements as the existing design review process using an alternative method (objective standards). Alternatively, State CEQA Guidelines Section 15061(b)(3) provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing 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.

Section 12. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 13. To the extent the provisions of the Scotts Valley Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 14. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

Section 15. PUBLICATION. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of adoption and shall post a certified copy of this Ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

This Ordinance was introduced on the 1<sup>st</sup> day of November, 2023, and passed and adopted on the 15<sup>th</sup> day of November, 2023, at a duly held meeting of the City Council of the City of Scotts Valley by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: \_\_\_\_\_  
Jack Dilles, Mayor

ATTEST:

\_\_\_\_\_  
Cathie Simonovich, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kirsten Powell, City Attorney