

ORDINANCE NO. ORD-2020-011

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO EXTEND SECTION 20-28.100, RESILIENT CITY COMBINING DISTRICT, FOR A PERIOD OF THREE (3) YEARS, UNTIL OCTOBER 9, 2023, FILE NUMBER REZ20-006

WHEREAS, on October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma County following the Tubbs and Nuns wildfires (Fires); and

WHEREAS, on October 24, 2017, in response to the Fires, the City Council adopted Ordinance No. ORD-2017-018, an urgency ordinance amending the Zoning Code to add Section 20-28.100, Resilient City (-RC) combining district, to facilitate rebuilding and implementation of resiliency initiatives to those parts of the City most severely impacted by the Fires; and adopted Ordinance No. ORD-2017-019, an urgency ordinance adding the Resilient City combining district (-RC) to the base District of those parcels impacted by the fire; and

WHEREAS, on May 8, 2018, the City Council adopted an urgency ordinance amending Title 20 of the Santa Rosa City Code Section 20-28.100, Resilient City (-RC) combining district, to reclassify twenty-one additional properties directly impacted by the Fires to add the Resilient City (-RC) combining district to the base zoning district of each parcel; and

WHEREAS, on June 25, 2019, the City Council adopted an urgency ordinance amending Title 20 of the Santa Rosa City Code Section 20-28.100, Resilient City (-RC) combining district, to exempt construction activities associated with the rebuilding efforts from adherence to the City's Noise Ordinance and establish specific construction hours that may be modified by the City Manager to support the City's rebuild efforts; and

WHEREAS, on October 1, 2019, the City Council adopted an urgency ordinance amending Title 20 of the Santa Rosa City Code Section 20-28.100, Resilient City (-RC) combining district, to add mobile home park closure procedures for City mobile home parks most severely impacted by the Fires; and

WHEREAS, the City Council recognizes that the City is still in recovery from the 2017 Fires and there remains a need for streamlined residential and commercial rebuilding and economic recovery, warranting this ordinance to extend the Resilient City (-RC) combining district for a period of three years, until October 9, 2023; and

WHEREAS, the proposed Zoning Code amendment to extend Section 20-28.100, Resilient City (-RC) combining district, for a period of three years, until October 9, 2023, is considered a minor procedural amendment and is not subject to review and recommendation by the Planning Commission consistent with California Government Code Section 65853.

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

Section 1. The City Council finds, based on the evidence and records presented, that amending Title 20 (Zoning) of the Santa Rosa City Code, as follows, is required to extend the Resilient City (-RC) combining district.

The Council further finds and determines that:

1. The proposed amendment is consistent with the goals and policies of all elements of the Santa Rosa General Plan, and any applicable Specific Plan because it does not change or interpret any substantive policy language within these documents and provides only an extension of time for existing code language; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as this ordinance encompasses a Zoning Code time extension for the -RC combining district which would otherwise expire on October 9, 2020, to address residential needs and economic development in response to continued recovery from the Fires; and
3. The proposed Zoning Code amendment to extend Section 20-28.100, Resilient City (-RC) combining district for a period of three years, until October 9, 2023, is considered a minor procedural amendment and is not subject to review and recommendation by the Planning Commission consistent with California Government Code Section 65853; and
4. The proposed Zoning Code amendment is exempt from CEQA under the “common sense exemption” set forth in 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 ordinance would amend the City’s Zoning Code, for a period of three years to extend provisions in response to continued recovery from the Fires.
The proposed Zoning Code amendment is also CEQA exempt pursuant to Public Resources Code Section 21080(b)(3) regarding repairs and replacement work after a state-declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, and Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency; and
5. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code as this amendment includes a time extension of existing code language which does not conflict with any other areas of the Zoning Code.

Section 2. The following Subsections of Zoning Code Section 20-28.100, Resilient City (-RC) combining district are amended as follows:

20-28.100(D)(5)(c) Reconstruction of legal nonconforming structures.

“Repair or reconstruction shall commence within six years of the date of declaration of local emergency (October 9, 2017), by October 9, 2023, and be diligently pursued to completion.”

20-28.100(D)(6)(b) Continuance of nonconforming uses.

“Repair or reconstruction shall commence within six years of the date of declaration of local emergency (October 9, 2017), by October 9, 2023, and be diligently pursued to completion. If reoccupancy does not commence within six months of the issuance of a certificate of occupancy, the legal non-conforming status shall terminate, and the property shall thereafter be subject to all current City Codes.”

20-28.100(K)

“Duration of -RC combining district. Notwithstanding any other provision of the City Code, the provisions of the -RC combining district shall control and prevail for a period of six years from the date of declaration of local emergency (October 9, 2017), until October 9, 2023, unless otherwise amended by subsequent action of the Council.”

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. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on September 1, 2020.

IN COUNCIL DULY PASSED AND ADOPTED this 15th day of September, 2020.

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

NOES: (0)

ABSENT: (0)

ABSTAIN: (1) Council Member Tibbetts

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney