

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND MEMBERS OF THE COUNCIL
FROM: SHARI MEADS, CITY PLANNER
SUBJECT: PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
ZONING ORDINANCE- PROCEDURAL AMENDMENT TO
EXTEND RESILIENT CITY (-RC) COMBINING DISTRICT, FOR A
PERIOD OF THREE YEARS, UNTIL
OCTOBER 9, 2023, FILE NUMBER REZ20-006

AGENDA ACTION: ORDINANCE INTRODUCTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the City Council introduce an ordinance to amend City Code Section 20-28.100, to extend the Resilient City (-RC) combining district for a period of three years, until October 9, 2023.

EXECUTIVE SUMMARY

Zoning Code Section 20-28.100, Resilient City (-RC) combining district, was adopted to facilitate and expedite the rebuild process in those areas of the City that were most severely impacted by the 2017 Tubbs and Nuns wildfires (Fires). Section 20-28.100, Resilient City (-RC) combining district, provides initiatives that: expedite permit processing, allow the construction and occupancy of an accessory dwelling unit prior to construction of the primary residence, allow the reconstruction of certain legal nonconforming structures, extend hours of construction, and allow the continuance of certain non-conforming uses, among others.

The original ordinance was approved for a period of three years from the date of the proclamation of local emergency (October 9, 2017), and will expire on October 9, 2020 without Council action. The proposed Zoning Code text amendment would extend Section 20-28.100, Resilient City (-RC) combining district, for a period of three years, until October 9, 2023.

BACKGROUND

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).

On October 24, 2017, in response to the Fires, the 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 -RC combining district to the base District of parcels impacted by the Fires.

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.

On June 26, 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 grant the City Engineer and Director of Planning and Economic Development authority to approve the installation of any structure proposed to overhang onto an existing public or private service or access easement within the RC district.

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.

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.

ANALYSIS

The text amendment will extend the -RC combining district for an additional three years, until October 9, 2023. The October 9, 2020 expiration date is referenced three times within the current 20-28.100 language and will be amended as follows:

- A. *20-28.100(D)(5)(c) Reconstruction of legal nonconforming structures.*
- *Repair or reconstruction shall commence within ~~three~~ **six** years of the date of declaration of local emergency (October 9, 2017), by October 9, ~~2020~~*

2023, and be diligently pursued to completion.

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

- *Repair or reconstruction shall commence within ~~three~~ **six** years of the date of declaration of local emergency (October 9, 2017), by October 9, ~~2020~~ **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.*

C. 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 ~~three~~ **six** years from the date of declaration of local emergency (October 9, 2017), until October 9, ~~2020~~ **2023**, unless otherwise amended by subsequent action of the Council.*

Without extension, the RC combining district will expire on October 9, 2020, ending all permit expediting and other initiatives for projects located within the RC combining district. Rebuild area projects would instead be governed by all standard City Code provisions and standard City processing procedures and timelines.

FISCAL IMPACT

Approval of this action will not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The proposed Zoning Code amendment is exempt under the “common sense exemption” set forth in CEQA Guidelines 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 to extend provisions in response to continued recovery from the 2017 Fires.

The proposed Zoning Code amendment is also 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,

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commencing with Section 8550 of the Government Code, and Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency.

BOARD/COMMISSION/COMMITTEE REVIEW

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.

ISSUES

Not applicable.

ATTACHMENTS

- Attachment 1 – Revisions to Section 20-28.100
- Ordinance

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