

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: AMY LYLE, SUPERVISING PLANNER
PLANNING AND ECONOMIC DEVELOPMENT
SUBJECT: URGENCY ORDINANCE RESILIENT CITY COMBINING
DISTRICT – GLASS FIRE, FILE NUMBER REZ20-009

AGENDA ACTION: URGENCY ORDINANCE ADOPTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the City Council adopt an urgency ordinance to recognize the Glass Fire, making text amendments to Zoning Code Section 20-28.100, Resilient City Combining District, and rezoning impacted properties in order to facilitate streamlined rebuilding and community resiliency.

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. 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, and allow the continuance of certain non-conforming uses, among others.

The recommended action includes an urgency ordinance to add recognition of the Glass Fire, making text amendments to Zoning Code Section 20-28.100, and rezoning impacted properties to add the “RC” to the base zoning.

The Glass Fire has impacted eastern Santa Rosa including the communities of Oakmont, Melita/Los Alamos Road area, Skyhawk subdivision, and Piedmont Heights off Calistoga Road. A total of 30 homes have been destroyed or determined to be uninhabitable and 13 homes are considered habitable but with damage.

The proposed urgency ordinance also includes text amendments to the RC Combining District to remove language that is no longer necessary based on completed rebuilding

URGENCY ORDINANCES - RESILIENT CITY (-RC) COMBINING DISTRICT
PAGE 2 OF 5

efforts, to add clarifying language regarding permit processing, and to extend the ordinance to December 31, 2023.

The proposed urgency ordinance would be effective immediately upon enactment. Under the City Charter, five affirmative votes are necessary to adopt an urgency ordinance.

BACKGROUND

On October 24, 2017, in response to the 2017 Tubbs and Nuns 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 2017 fires.

On September 1, 2020, the Council adopted a Zoning Ordinance for a procedural amendment to extend Resilient City (-RC) Combining District, for a period of three years until October 9, 2023 (REZ20-006).

On September 27, 2020, the Glass Complex Fire damaged and destroyed multiple properties within the Santa Rosa City Limits.

URGENCY ORDINANCES - RESILIENT CITY (-RC) COMBINING DISTRICT
PAGE 3 OF 5

On September 27, 2020, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of another local emergency in the City of Santa Rosa.

On September 28, 2020, the Governor of the State of California proclaimed a State of Emergency for the Glass Fire.

On September 29, 2020 the City Council adopted Resolution No. RES-2020-157 Ratifying the City Manager's proclamation of the existence of a local emergency.

ANALYSIS

The proposed urgency ordinance includes recognition of the areas impacted by the Glass Complex Fire, text amendments to remove language that is no longer needed based on completed rebuilding efforts, clarifying language regarding permit processing, and extension of the ordinance to December 31, 2023.

Section 8 of the City Charter authorizes adoption of an interim urgency ordinance, to take effect immediately upon passage, when deemed necessary by the Council to preserve the public peace, health or safety. In addition, Government Code Sections 36937(b) and 36934 allow the Council to adopt an ordinance to take effect immediately, if it is an ordinance for the immediate preservation of public peace, health or safety, and it contains a declaration of the facts constituting the urgency. Under the City Charter, five affirmative votes are necessary to adopt an urgency ordinance.

Resilient City (-RC) Combining District- New Areas

The Glass Fire has impacted eastern Santa Rosa including the communities of Oakmont, Melita/Los Alamos Road area, Skyhawk subdivision, and Piedmont Heights off Calistoga Road. A total of 30 homes have been destroyed or determined to be uninhabitable and 13 homes are considered habitable but with damage.

The proposed ordinance includes two new maps to reflect the properties impacted by the Glass Fire, to be added to the published Zoning Code. The recommended action also includes rezoning these properties to include the RC Combining District, in the same way properties were rezoned in 2017.

Construction Hours and Noise Ordinance

The existing ordinance includes an exemption from the Noise Ordinance to allow for extended construction hours. This was necessary to expedite the rapid rehousing needed after the 2017 Fires. At the time, the impact of relaxing these noise limitations was minimal because rebuilding was occurring in large areas with very little impact on existing housing. These areas are now substantially rebuilt, and staff is recommending that protections under the Noise Ordinance be reinstated. In addition, the areas

requiring rebuilding as a result of the Glas Fire are within existing established neighborhoods and also warrant Noise Ordinance protections.

Mobile Home Park Conversion Language

Staff recommends the removal of the ordinance language related to mobile home park conversions because it is no longer necessary. The mobile home park impacted by the 2017 Fires has completed the necessary process for closure and conversion. No additional mobile homes were destroyed in the Glass Fire.

All Electric Building

State Assembly Bill 178 (Public Resources Code Section 25402.13) exempts the 2017 Fire rebuilds from a requirement to construct housing under the All-Electric Building Code Requirements. For consistency, staff proposes to carry forward this exemption to properties impacted by the Glass Fire. This exemption will apply to any building permits for reconstruction, within the "RC" zoned areas, for the life of this ordinance, until December 31, 2023.

Additional Amendments

Additional amendments are proposed to the RC Combining District which can be seen in detail in Attachment 1. These include an extension of the ordinance until December 31, 2023, clarification that new connection fees apply for new structures built beyond pre-fire conditions, extending timelines for existing approved uses, a zoning clearance requirement for temporary housing for tracking purposes, clarifying language for hillside development and design review processes, and allowing setback for some subdivision areas if requested.

FISCAL IMPACT

Incremental costs that the City will incur associated with the additional parcels added to the -RC Combining District will be funded by the General Fund.

ENVIRONMENTAL IMPACT

The adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) 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.

ATTACHMENTS

- Attachment 1 - Redline Changes to 20-28.100
- Attachment 2 – APNs and Addresses of Properties Affected by Glass Fire in City
- Urgency Ordinance

CONTACT

Amy Lyle, Supervising Planner
(707) 543-3410
Alyle@srcity.org