

ORDINANCE NO. ORD-2023-015

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO EXTEND THE EXPIRATION DATE OF ZONING CODE CHAPTER 20-16, RESILIENT CITY DEVELOPMENT MEASURES, AND ZONING CODE SECTION 20-28.100, RESILIENT CITY (-RC) COMBINING DISTRICT, BY ONE YEAR, FROM DECEMBER 31, 2023 TO DECEMBER 31, 2024

WHEREAS, on October 8, 2017, and continuing for days thereafter, a series of wildfire events, identified as the Tubbs and Nuns Fires, burned over 90,000 acres in Sonoma County and damaged or destroyed approximately 3,000 homes and 100 commercial structures within the City of Santa Rosa; and

WHEREAS, on October 9, 2017, the City Manager, in their capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Santa Rosa; and

WHEREAS, on October 9, 2017, Governor Jerry Brown declared a State of Emergency for Sonoma and other counties because of multiple wildfires including the Tubbs and Nuns Fires; and

WHEREAS, on October 10, 2017, President Donald J. Trump declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires; and

WHEREAS, on October 13, 2017, the City Council adopted Resolution No. RES-2017-201, ratifying the City Manager's proclamation of the existence of a local emergency; and

WHEREAS, on October 24, 2017, 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, which included language that the Ordinance would be in effect for three years from the date of declaration of local emergency, until October 9, 2020. The Council also adopted Ordinance No. ORD-2017-019, an urgency ordinance, adding the -RC Combining District to the base District of those parcels impacted by the Fires; and

WHEREAS, on April 10 and May 22, 2018, the Council adopted Ordinance Nos. ORD-2018-006 and ORD-2018-012, adding Zoning Code Chapter 20-16, Resilient City Development Measures; and

WHEREAS, subsequent amendments to the -RC Combining District and Resilient City Development Measures were adopted by Council in 2018, 2019, 2020 and 2021; and

WHEREAS, on February 14, 2023, the Council adopted Resolution No. RES-2023-034, amending the General Plan to update the Housing Element for the period of 2023-2031

including affirmatively furthering fair housing and compliance with State housing element law. The Housing Element includes Program H-37 which includes language to evaluate and continue the housing streamlining processes that are within the Resilient City Development Measures; and

WHEREAS, between April 2023 and August 2023 City staff from all departments met to provide comprehensive review and feedback on both Ordinances; and

WHEREAS, in July 2023, outreach was conducted with developers who have utilized the reduced review authority sections of Zoning Code Chapter 20-16, to receive feedback and suggestions on codification of these sections into the Code, with no sunset date; and

WHEREAS, between July 18, 2023 and August 18, 2023, a survey was open to the general public requesting feedback on both the Resilient City Development Measures and the -RC Combining District; and

WHEREAS, on July 20, 2023, staff received comments and recommendations from the Design Review Board related to the sections of both the Resilient City Development Measures and the -RC Combining District that pertain to Design Review; and

WHEREAS, on September 13, 2023, staff received comments and recommendations from the Cultural Heritage Board related to proposed Zoning Code text amendments that pertain to historic preservation; and

WHEREAS, both the Resilient City Development Measures and -RC Combining District sections of the Zoning Code will sunset on December 31, 2023; and

WHEREAS, the City of Santa Rosa City Council desires to extend the Resilient City Development Measures and -RC Combining District sections of the Zoning Code to December 31, 2024 to allow staff time to complete a comprehensive update and recommendations to Council, including additional community and developer outreach, for codification of the Resilient City Development Measures and -RC Combining District into appropriate sections of the Zoning Code, with no sunset date.

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 Development Measures and 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 Resilient City Development Measures and -RC combining district which would otherwise expire on December 31, 2023, to facilitate and expedite the rebuild process in those areas of the City that were most severely impacted by wildfires, and to address residential needs and economic development in response to continued recovery from the fires and the COVID-19 pandemic; and
3. The proposed Zoning Code amendment to extend Chapter 20-16, Resilient City Development Measures, and Section 20-28.100, -RC combining district, for a period of one year, until December 31, 2024, 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 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. Zoning Code Chapter 20-16, Section 20-16.020, Application of this Chapter, is amended to read and provide as follows:

“Notwithstanding any other provisions of the City Code, the following provisions are effective until December 31, 2024, unless otherwise amended by subsequent action of the Council.”

Section 3. Zoning Code Chapter 20-28, Section 20-28.100(K), Duration of -RC Combining District, is amended to read and provide as follows:

“K. Notwithstanding any other provision of the City Code, the provisions of the -RC combining district shall control and prevail until expiration on December 31, 2024 unless otherwise amended by subsequent action of the Council.”

Section 4. 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.

Section 5. Environmental Determination. 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 one year to extend provisions in response to continued recovery from the wildfires and COVID-19 pandemic and such time extension would not result in any significant effects on the environment.

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

Section 6. 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.

Section 7. Effective Date. 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 November 14, 2023.

IN COUNCIL DULY PASSED AND ADOPTED this 28th day of November, 2023.

AYES: (7) Mayor N. Rogers, Vice Mayor MacDonald, Council Members Alvarez, Fleming, Okrepkie, C. Rogers, Stapp

NOES: (0)

ABSENT: (0)

ABSTAIN/RECUSE: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney