

ORDINANCE NO. ORD-2017-019

URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – RECLASSIFICATION OF
THE PROPERTIES DIRECTLY IMPACTED BY THE TUBBS AND NUNS FIRES OF
OCTOBER 2017 TO ADD THE RESILIENT CITY (-RC) COMBINING DISTRICT TO THE
BASE ZONING DISTRICT OF EACH PARCEL TO FACILITATE REBUILDING AND
IMPLEMENT RESILIENCY INITIATIVES

WHEREAS, beginning on the evening of October 8, 2017, and continuing for days thereafter, a series of wildfire events, identified as the Tubbs and Nuns Fires (Fires) burned over 90,000 acres in Sonoma County and damaged or destroyed approximately 3000 homes and 100 commercial structures within the City of Santa Rosa; and

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

WHEREAS, on October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties; 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, beginning on October 8, 2017; 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, the Council recognizes the urgent need to rebuild and repopulate those areas affected by the Fires and has identified several measures by which the process could be expedited and facilitated; and

WHEREAS, Government Code Section 36937(b) allows 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; and

WHEREAS, Section 8 of the Santa Rosa City Charter allows the City Council to adopt an urgency measure to take effect immediately upon its adoption if necessary to preserve the public peace, health or safety if such ordinance contains the reasons for its urgency; and

WHEREAS, such an urgency measure requires a five-sevenths vote of the City Council for adoption; and

WHEREAS, as provided herein, the Ordinance shall be in effect immediately upon its adoption; and

WHEREAS, 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; and

WHEREAS, the City Council has been provided with information upon which the findings and actions set forth in this Ordinance are based, allowing the Council to adopt this urgency ordinance to be effective upon adoption; and

WHEREAS, for the reasons set forth above, this Ordinance is declared by the City Council to be necessary for preserving the public peace, welfare, health or safety and to avoid a current, immediate and direct threat to the peace, health, safety or welfare of the community and the recitals above taken together constitute the City Council's statements of the reasons for adopting this Ordinance on an urgency basis.

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

Section 1. The Council finds, based on the evidence and records presented, that the proposed Resilient City (-RC) combining district identified in Section 2 is appropriate for the properties identified below ("Subject Properties"), and that the reclassification to the -RC is appropriate for the properties identified in Section 2, due to Subject Properties physical configuration and their location within the areas most directly impacted by the Tubbs and Nuns fires. The Council further finds and determines that:

1. The reclassification of the Subject Properties to add the -RC to the base zoning district is consistent with the City's General Plan and any applicable specific plan in that the reclassification exercises the land use powers of the City to protect the health, safety and welfare of the public which would be put at risk if fire-damaged neighborhoods were not quickly repaired and repopulated; and
2. The reclassification of the Subject Properties to add the -RC to the base zoning district would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that it will provide a means by which to restore portions of the City damaged by the Fire to their previous land uses and intensities, with modifications for compliance with current codes and added resiliency; and
3. The sites are physically suitable for reclassification to add the -RC to the base zoning district, including absence of physical constraints, access and compatibility with adjoining land uses, and provision of utilities for the proposed reclassification.

Section 2. All conditions required by law having been satisfied and all findings with relation thereto having been made, Title 20 of the Santa Rosa City Code is amended by amending the “Zoning Map of the City of Santa Rosa,” as described in Section 20-20.020, so as to add the –RC combining district classification to the parcels located within the following areas:

1. Coffey Park Area. Residential and non-residential parcels generally bounded by the city jurisdictional boundary to the north, Piner Road and Pinercrest Drive to the south, Piner Creek to the east, and the SMART rail corridor and Waltzer Road to the west, as depicted in Figure 1, Coffey Park Area.

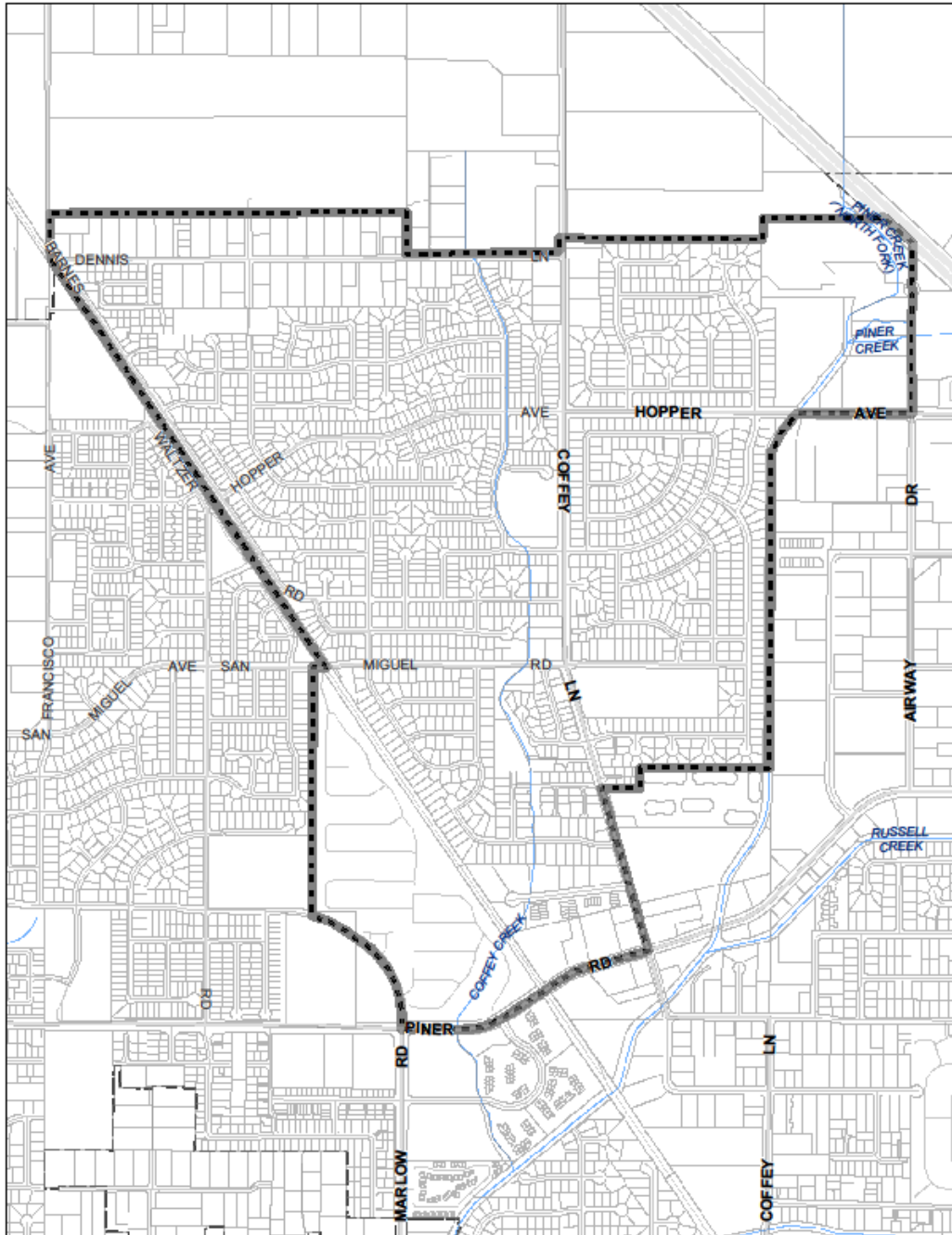


Figure 1 – Coffee Park Area

2. Highway 101 Corridor/Roundbarn Area. Residential and non-residential parcels generally bounded by the city jurisdictional boundary to the north, Piner Road and Bicentennial Way to the south, Fountaingrove Parkway/Bicentennial Way and Roundbarn Boulevard to the east, and Piner Creek and Airway Drive to the west, as depicted in Figure 2, Highway 101 Corridor/Roundbarn Area.

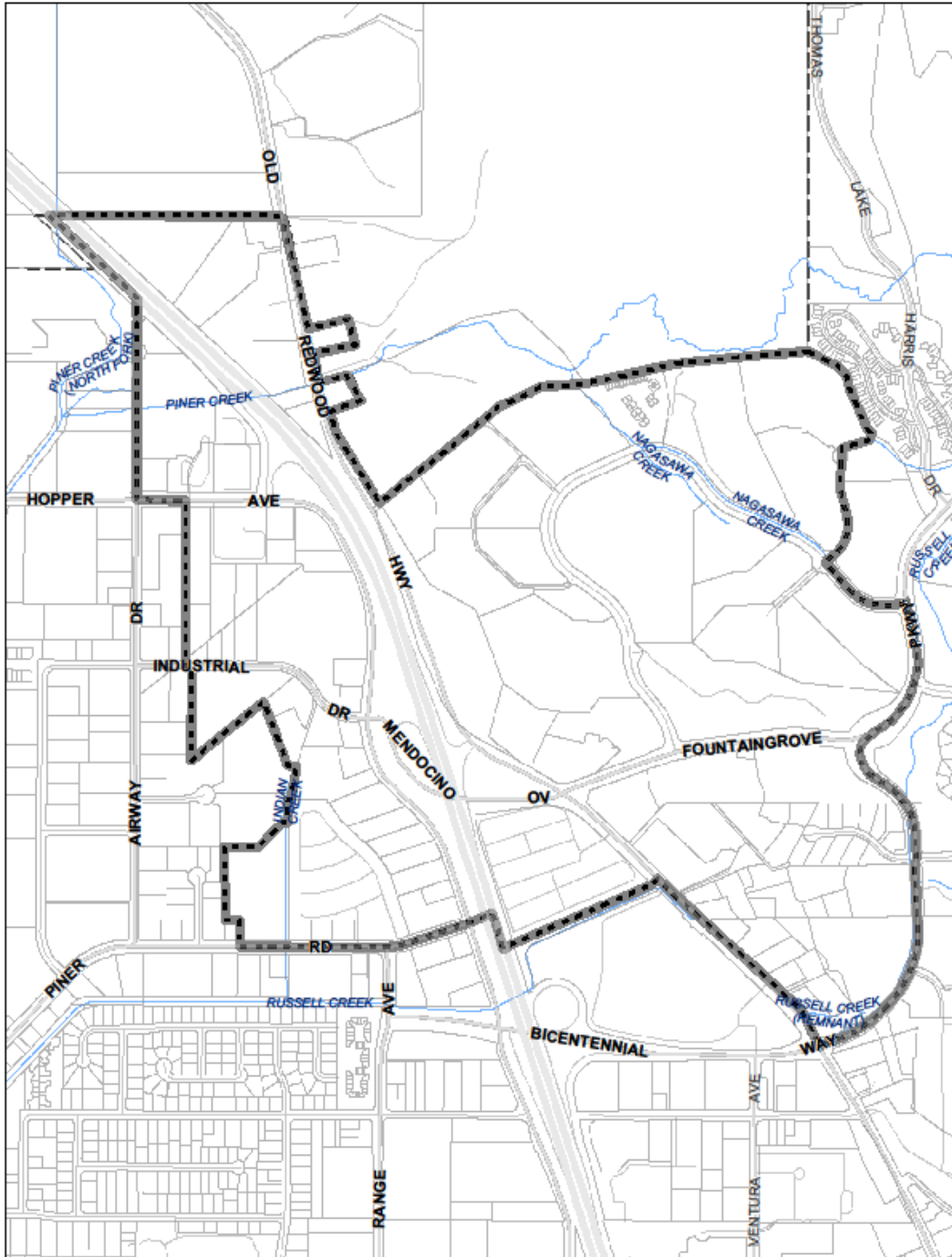


Figure 2 – Highway 101 Corridor/Roundbarn Area

3. Fountainview Area. Residential and non-residential parcels generally bounded by Fountaingrove Parkway to the north, Lake Park Drive to the south, Altruria Drive, Glenview Place and Kelsey Knolls to the east, and Bicentennial Way and Fountaingrove Parkway to the west, as depicted in Figure 3, Fountainview Area.

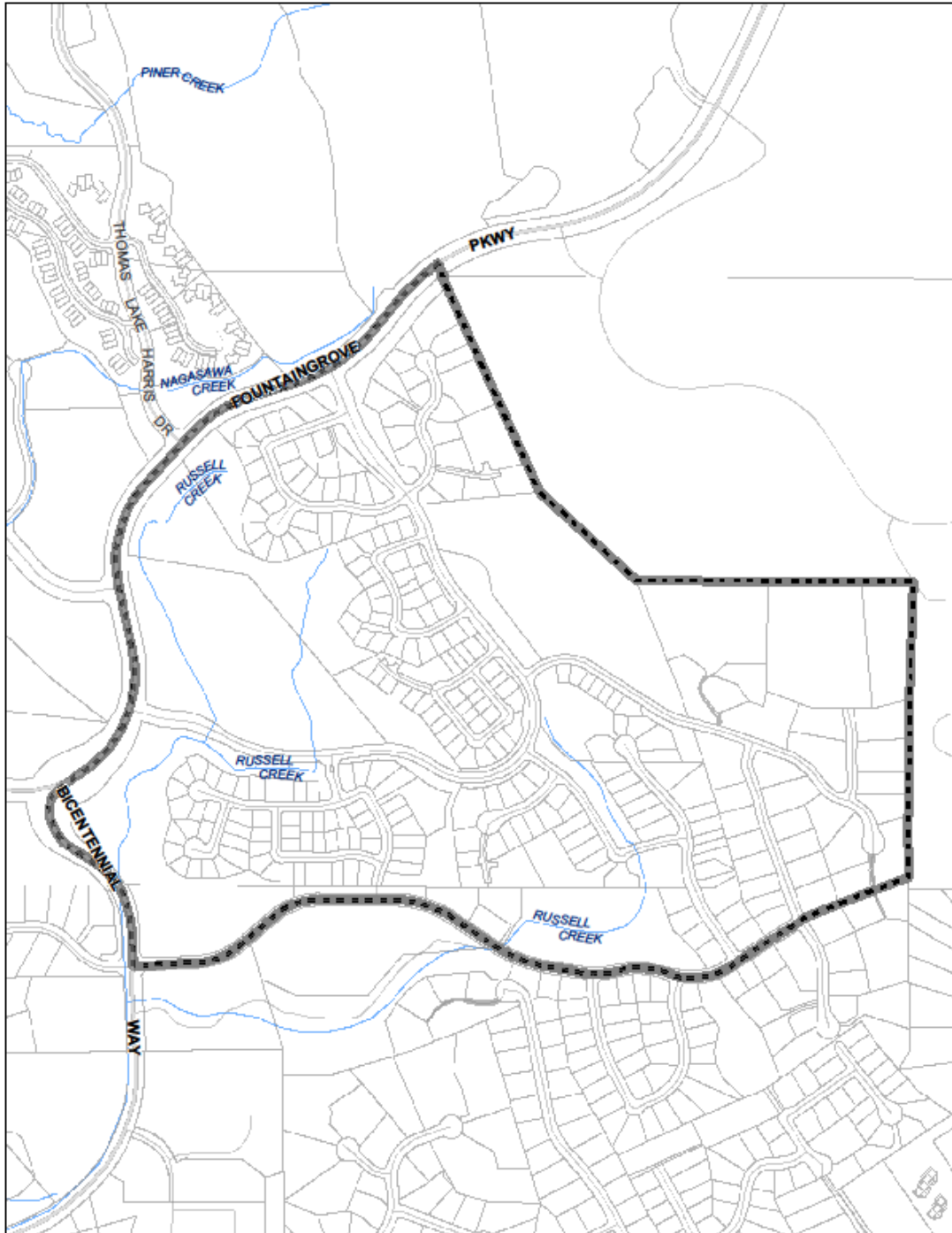


Figure 3 – Fountainview Area

4. Fountaingrove Area. Residential and non-residential parcels generally bounded by the city jurisdictional boundary to the north, east and west, and Fountaingrove

Parkway, Keysight Technology campus and Chanate Road to the south, as depicted in Figure 4, Fountaingrove Area.

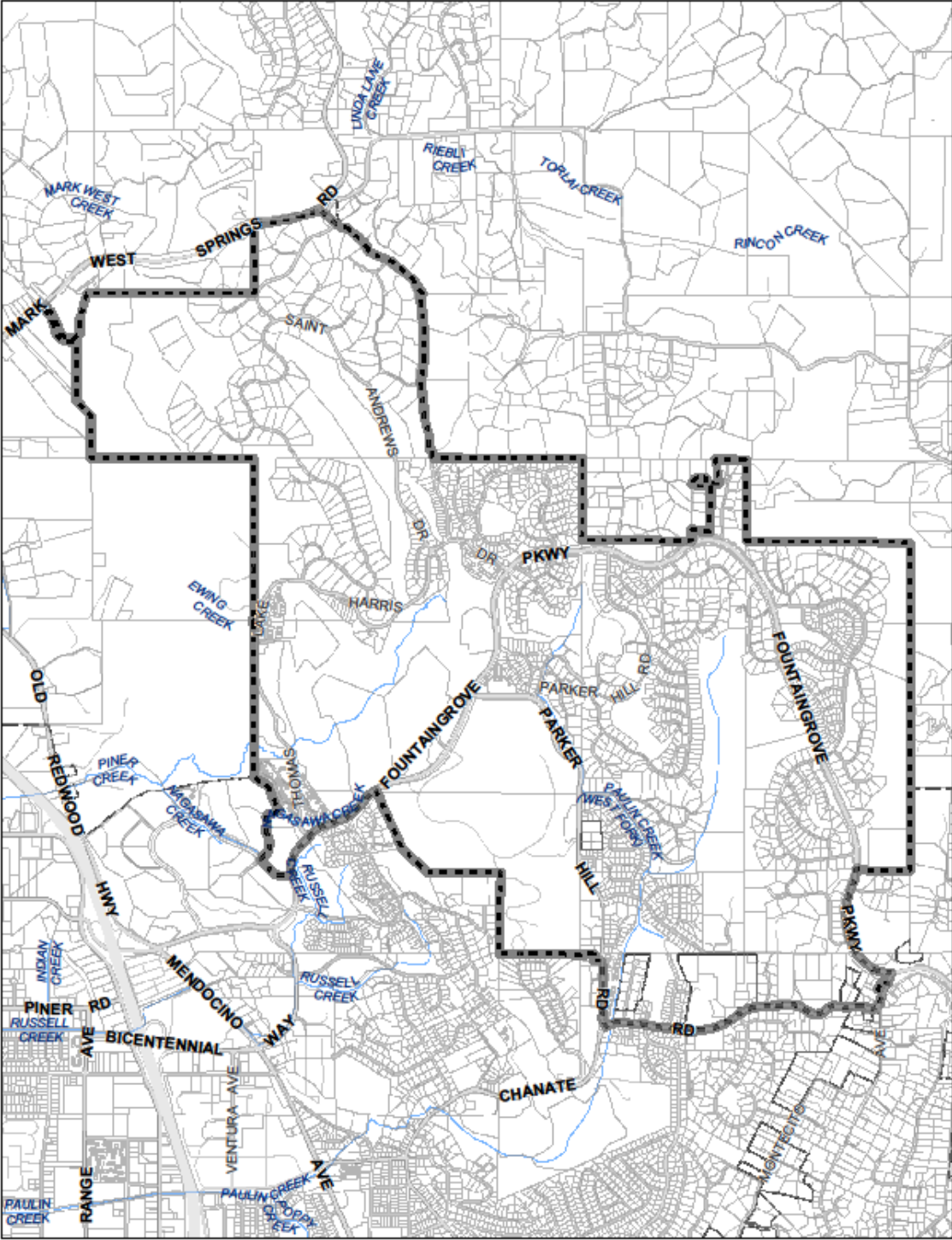


Figure 4 – Fountaingrove Area

- 5. Montecito Heights Area. Residential and non-residential parcels generally bounded by the city jurisdictional boundary to the north and west, Badger Road to

the south, and Calistoga Road to the east, as depicted in Figure 5, Montecito Heights Area.

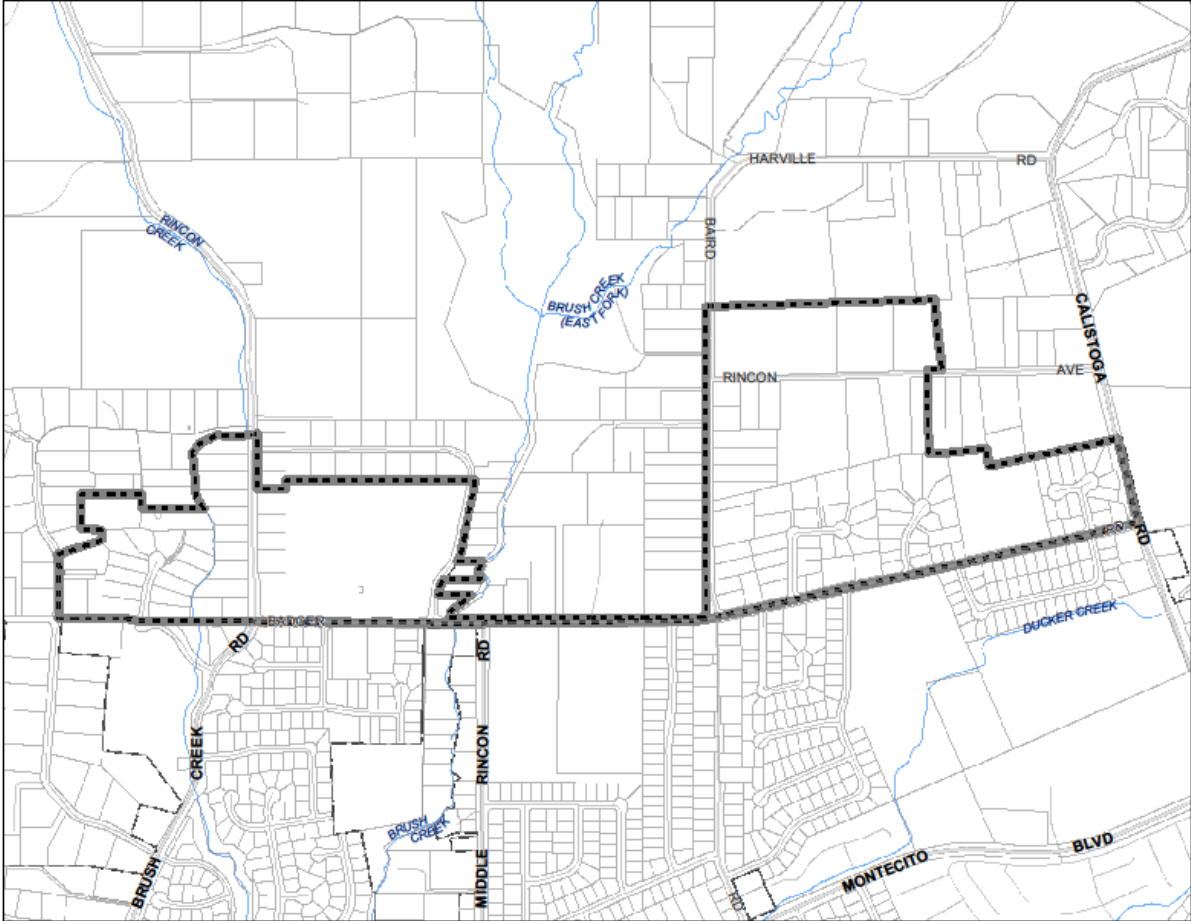


Figure 5 – Montecito Heights Area

- 6. Oakmont Area. Residential and non-residential parcels generally bounded by the city jurisdictional boundary to the north, south and east, and Melita Road to the west, as depicted in Figure 6, Oakmont Area.

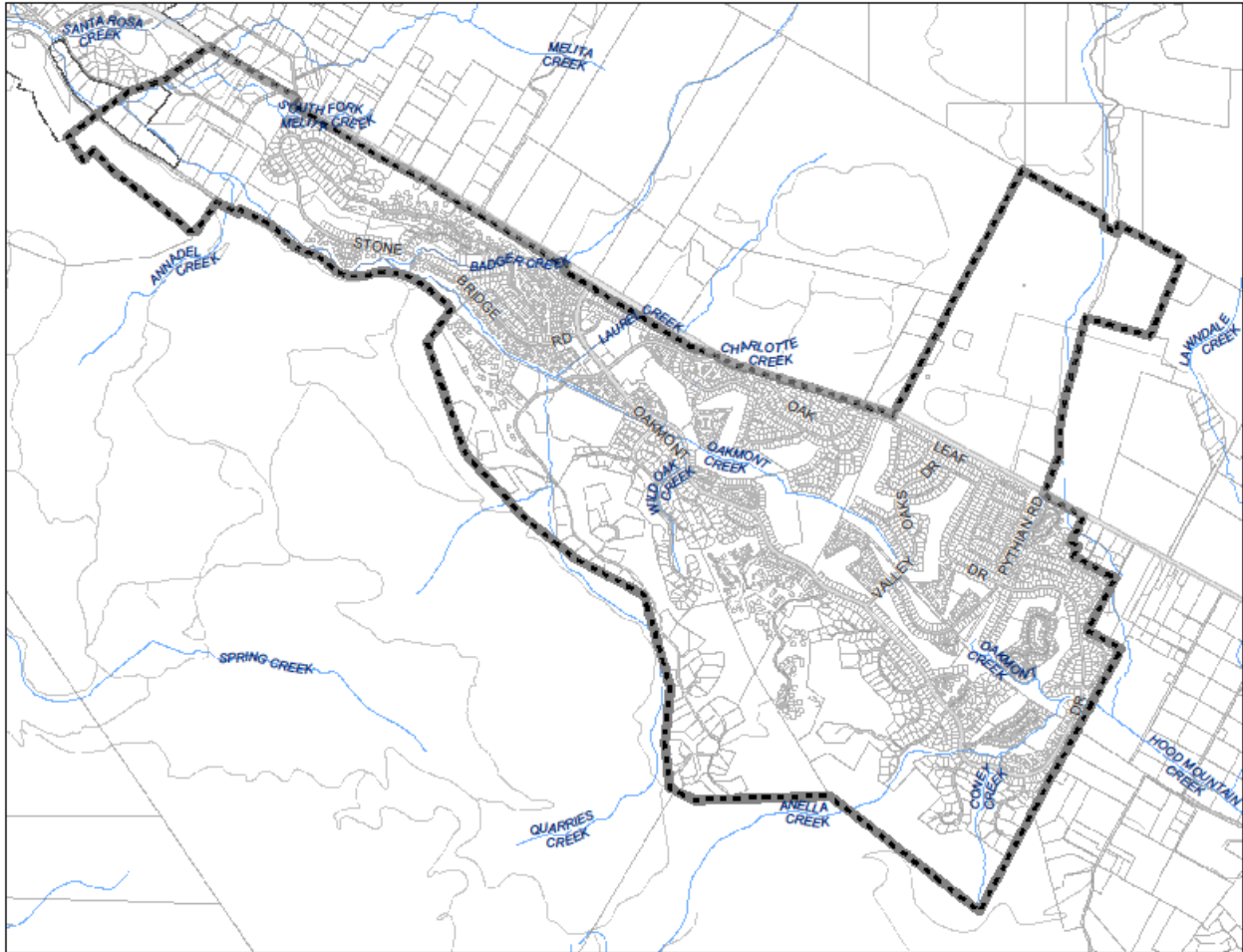


Figure 6 – Oakmont Area

Section 3. In addition to any other conditions that are deemed appropriate or necessary at the time a Use Permit or other development permit is applied for, any development approval for these properties shall be expressly conditioned to require the applicant to fulfill the following condition:

Sewer connections for development, or any part thereof, will be allowed only in accordance with the requirements of the California Regional Water Quality Control Board, North Coast Region, in effect at the time that the building permit(s) for the development, or any part thereof, are issued.

Section 4. Environmental Determination. The Council finds that the adoption and implementation 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.

Section 5. 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 6. Effective Date. This Ordinance shall take effect immediately upon its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 24th day of October, 2017.

AYES: (6) Mayor Coursey, Vice Mayor Tibbetts, Council Members Combs, Olivares, Rogers, Sawyer

NOES: (0)

ABSENT: (0)

ABSTAIN/

RECUSED: (1) Council Member Schwedhelm

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney