

ORDINANCE NO. ORD-2020-012

URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE TO ADD RECOGNITION OF
NEW RECOVERY NEEDS AS A RESULT OF THE GLASS FIRE, REZONING IMPACTED
PROPERTIES, AND TEXT AMENDMENTS TO SECTION 20-28.100, RESILIENT CITY
COMBINING DISTRICT, FILE NUMBER REZ20-009

WHEREAS, on October 24, 2017, in response to the 2017 Tubbs and Nuns wildfires (Fires), the Council of the City of Santa Rosa 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 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 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 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, beginning on September 27, 2020 the Glass Fire burned multiple properties within the Santa Rosa City limits; and

WHEREAS, on September 27, 2020, 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 September 28, 2020, the Governor of the State of California proclaimed a State of Emergency for the Glass Fire; and

WHEREAS, on September 29, 2020 the Council adopted Resolution No. RES-2020-157 ratifying the City Manager's proclamation of the existence of a local emergency; and

WHEREAS, the Council recognizes the urgent need to rebuild and assist in recovery in areas impacted by both the 2017 and 2020 fires and has identified several measures by which the

permit process can be expedited and facilitated, as set forth within Exhibit A and incorporated herein; and

WHEREAS, 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 considered habitable but with damage. The impacted properties require expedited rebuilding and are listed in Exhibit B, attached and incorporated hereto; and

WHEREAS, Government Code Sections 36937(b) and 36934 allow 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 authorizes the City Council to adopt an urgency measure to take effect immediately upon its adoption 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 shall be in effect immediately upon its adoption.

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 allow for the rebuilding and recovery from the Glass Fire and the Council further finds and determines that:

- A. The proposed amendments are 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 expedited permitting for structures allowed consistent with existing General Plan regulations.
- B. The proposed amendments 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 Glass Fire to their previous land uses and intensities, with modifications for compliance with current codes and added resiliency.
- C. The proposed amendments are internally consistent with other applicable provisions of this Zoning Code, in that the amendment will implement the General Plan through standards for zoning districts already adopted into the Zoning Code.
- D. 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.

Section 2. Zoning Code Section 20-28.100, Resilient City (-RC) combining district is hereby amended and replaced to read as follows:

“20-28.100 Resilient City (-RC) combining district

- A. Purpose. The –RC Combining District is intended to facilitate the reconstruction and resilience of areas impacted by the Tubbs and Nuns fires of October 2017 and the Glass Fire of 2020.
- B. Applicability. The –RC Combining District shall apply to properties within the Santa Rosa City limits that were impacted by the Tubbs and Nuns fires of October 2017 and the Glass Fire of 2020, as set forth in subsection C. The –RC Combining District may be combined with any primary zoning district established by Section 20-20.020 (Zoning Map and Zoning Districts).
- C. Locations of combining district. The standards of this section shall apply to all properties directly impacted by the Tubbs, Nuns, and Glass fires, as follows:
 - 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 2-18, Coffey Park Area.

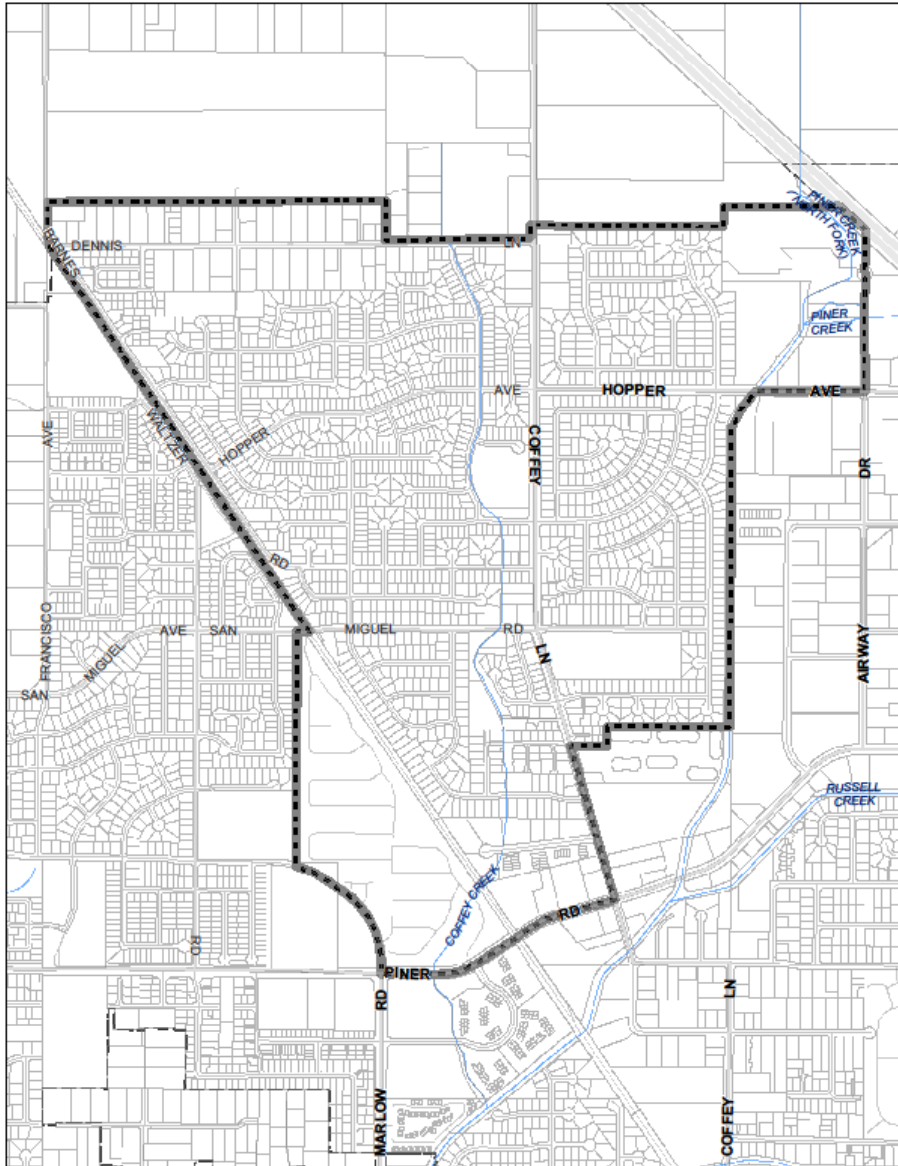


Figure 2-18 – Coffey Park Area

2. Highway 101 Corridor/Round Barn 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 Round Barn Boulevard to the east, and Piner Creek and Airway Drive to the west, as depicted in Figure 2-19, Highway 101 Corridor/Round Barn Area.

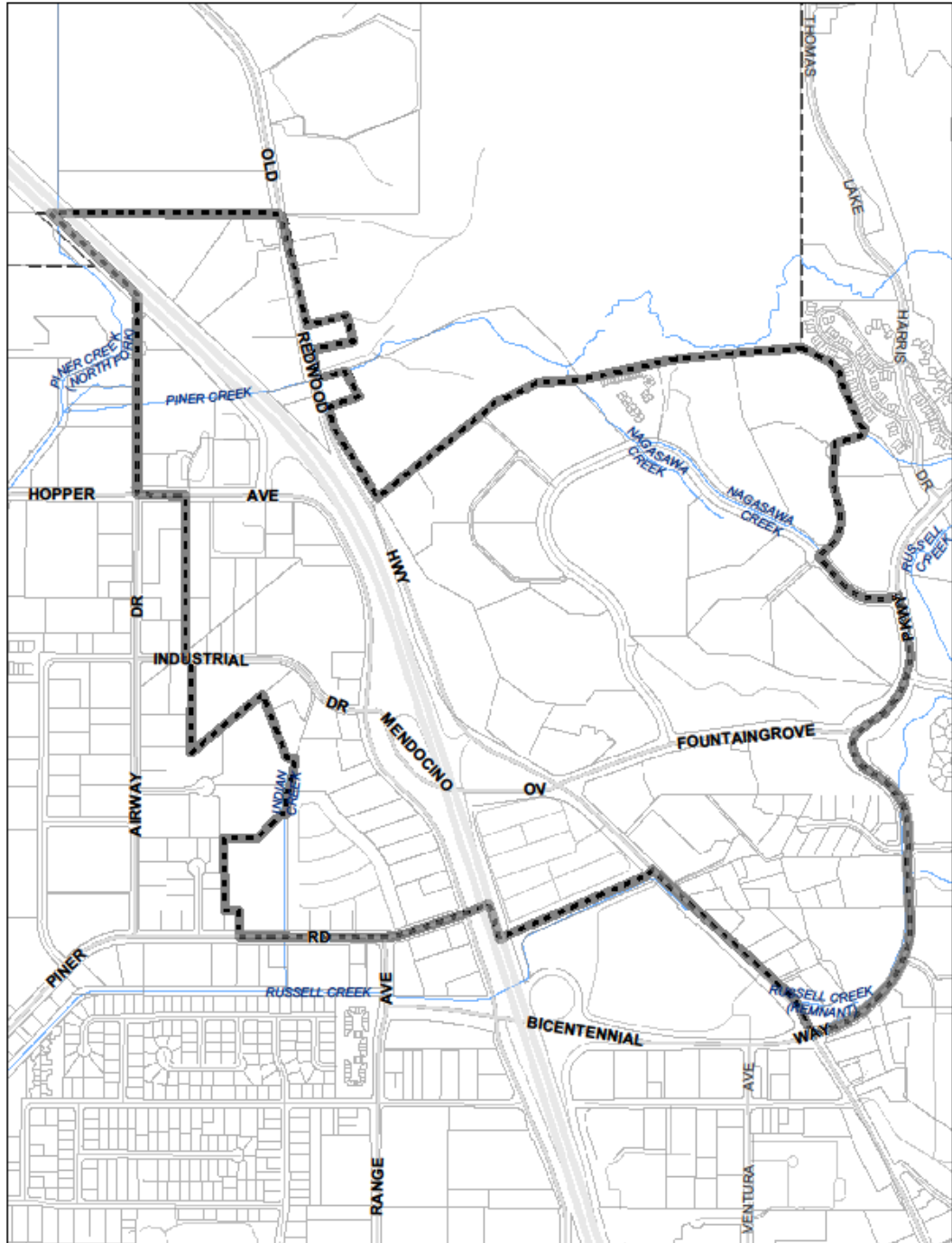


Figure 2-19 – Highway 101 Corridor/Round Barn Area

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 2-20, Fountainview Area.

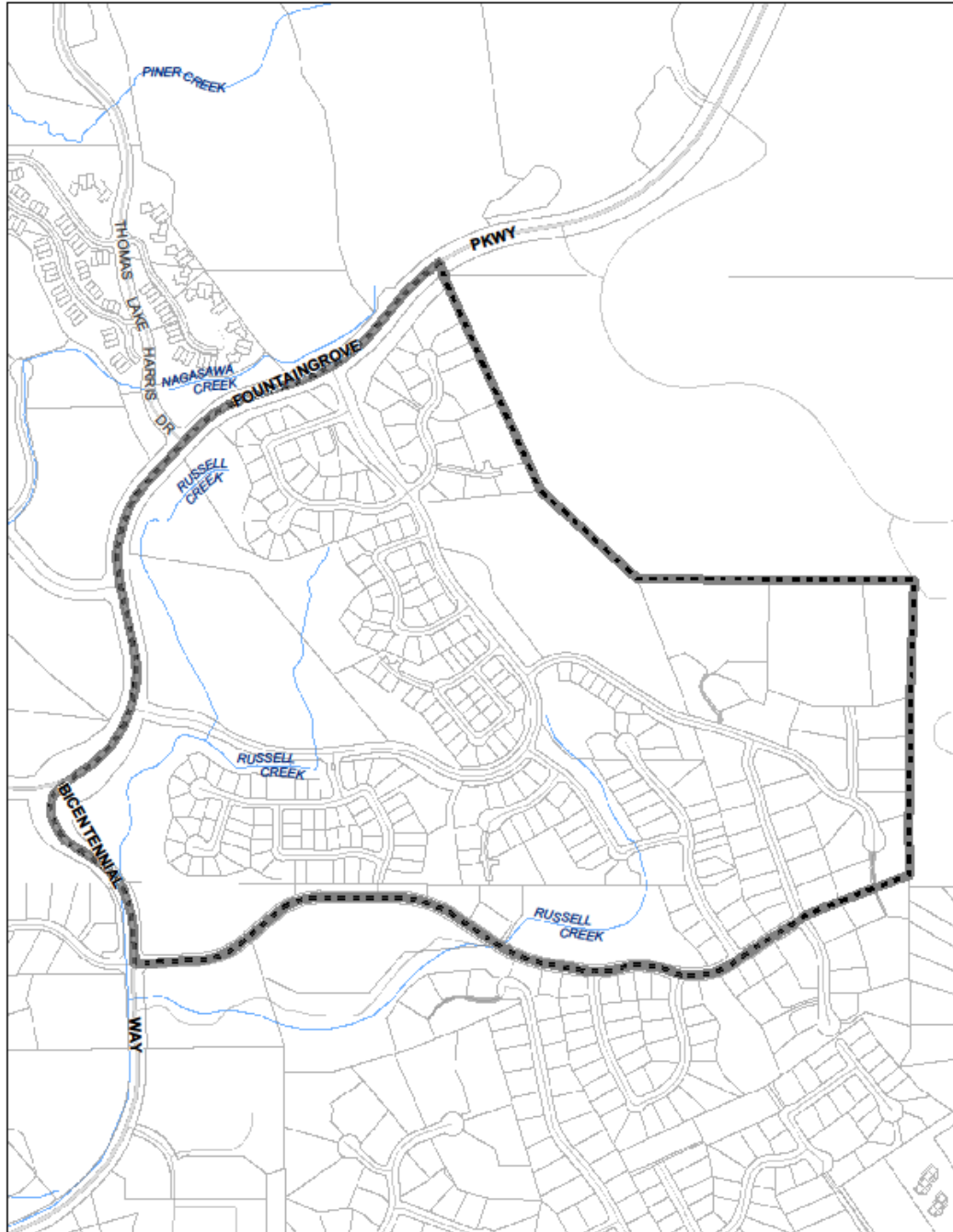


Figure 2-20 – Fountainview Area

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 2-21, Fountaingrove Area.

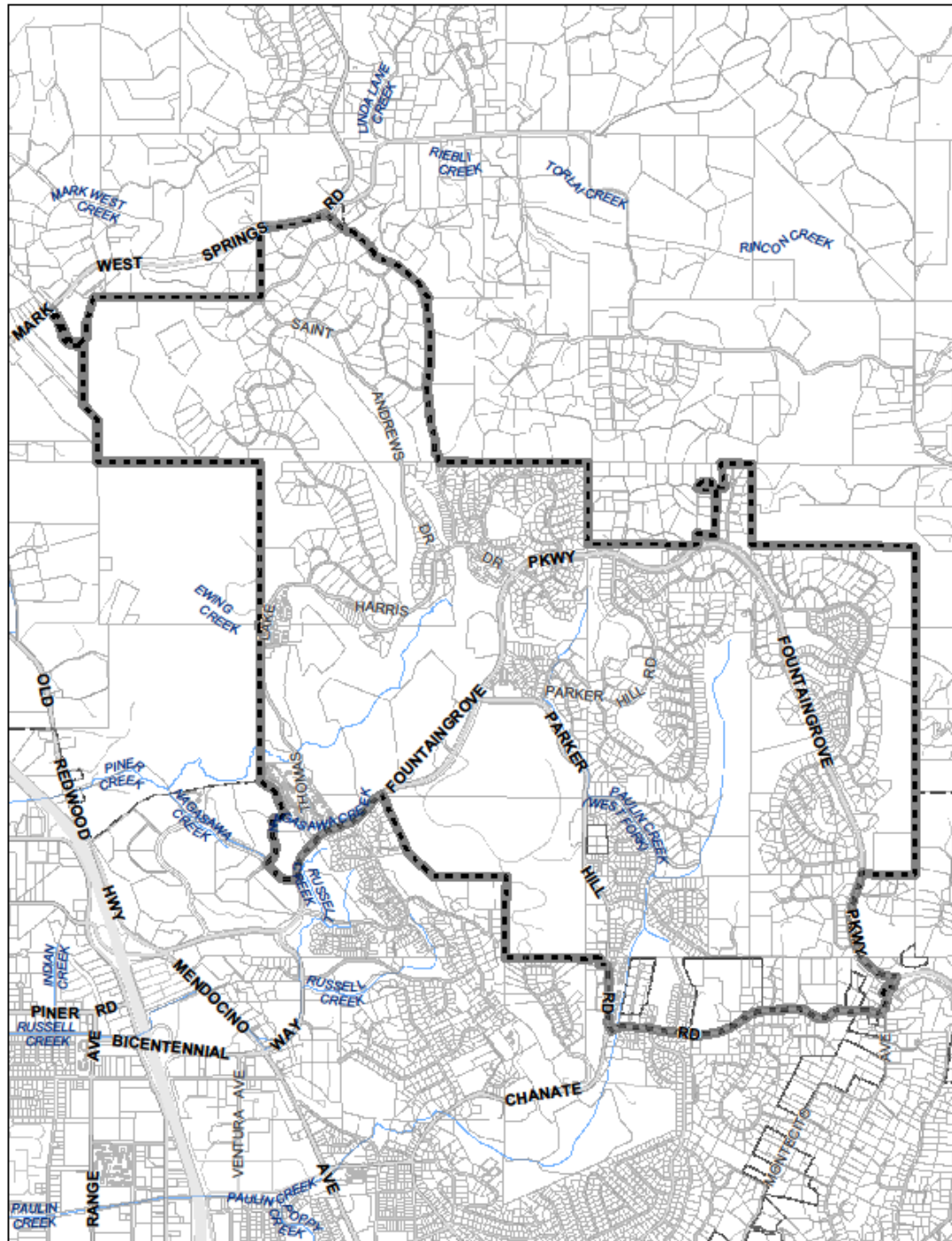


Figure 2-21 – Fountaingrove Area

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 2-22, Montecito Heights Area.

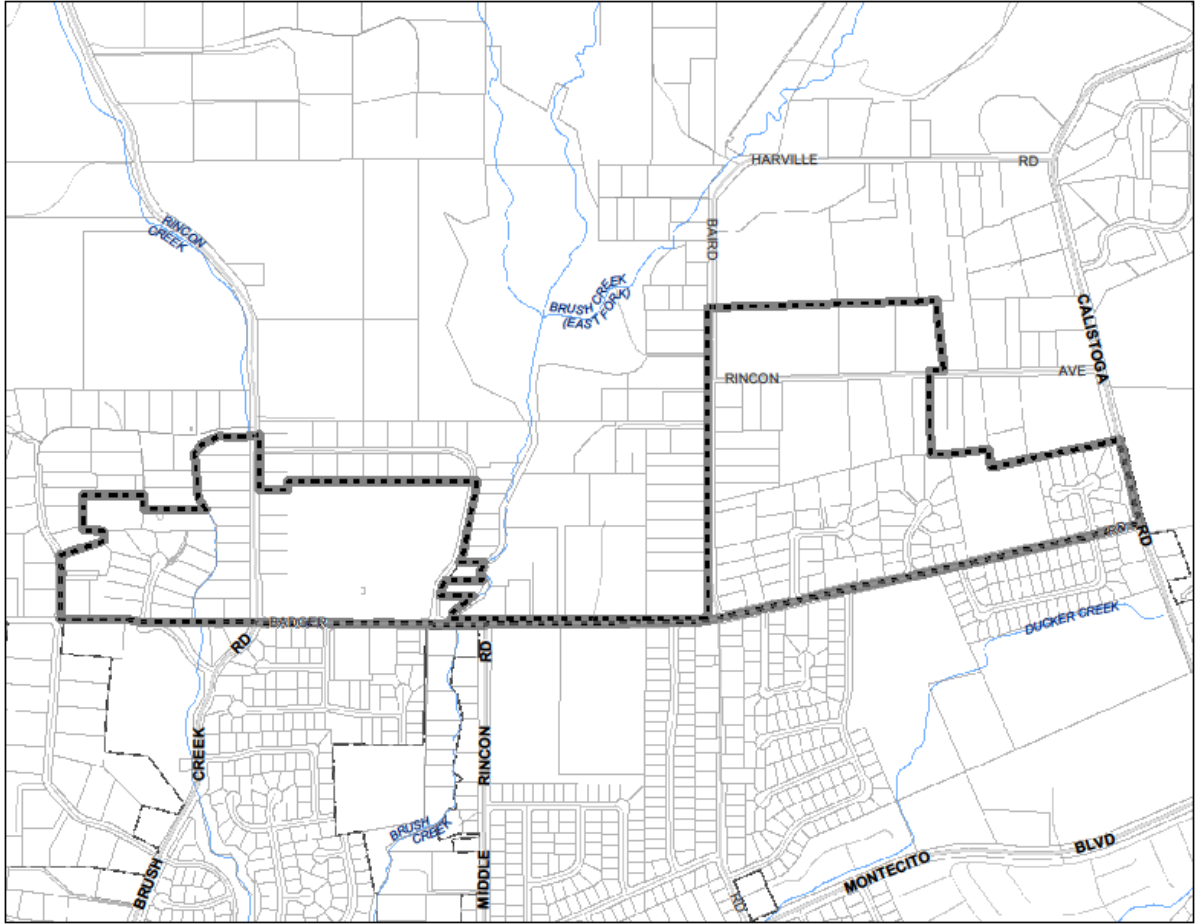


Figure 2-22 – Montecito Heights Area

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 2-23, Oakmont Area.

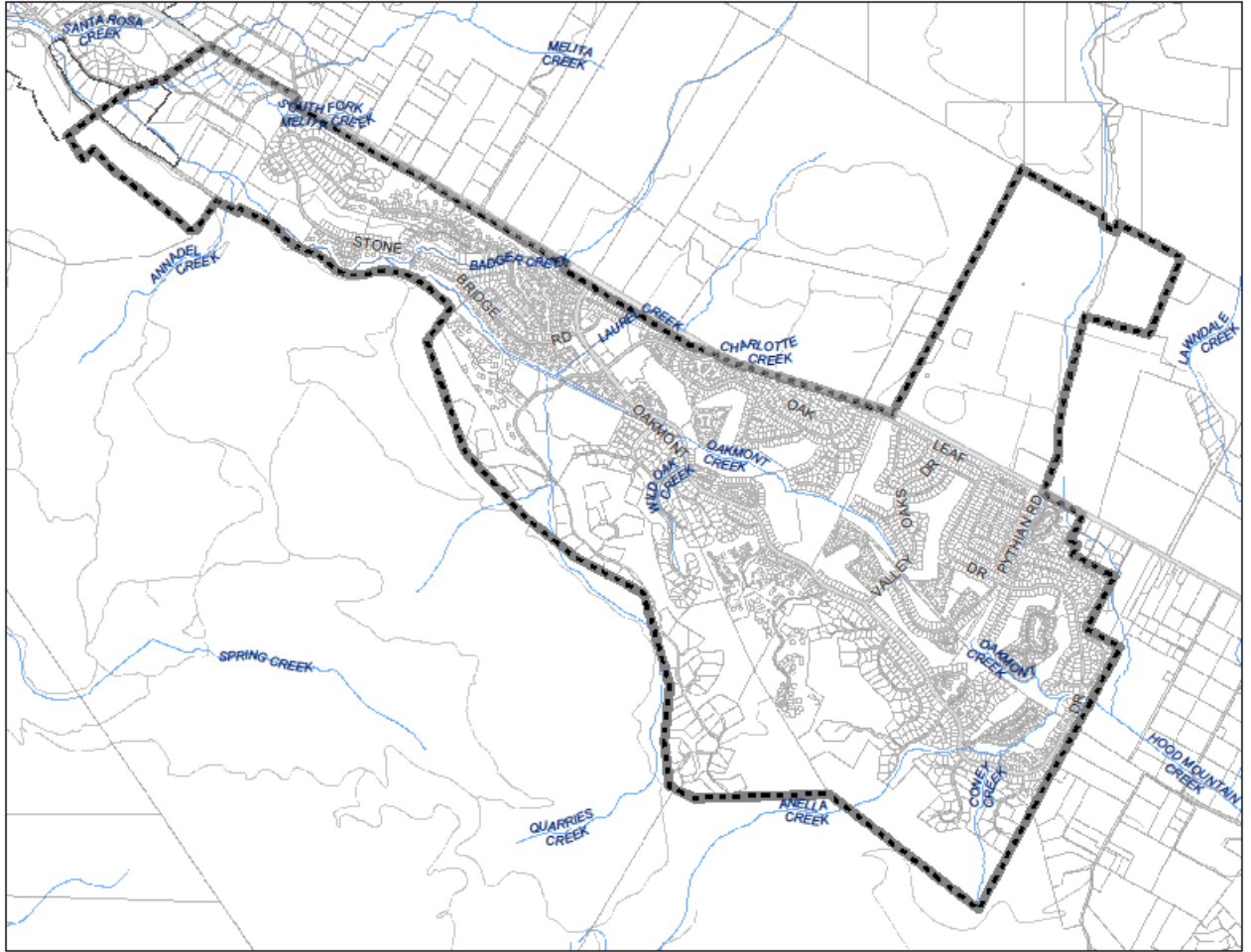


Figure 2-23 – Oakmont Area

7. Skyhawk Area. Residential parcels generally bounded by Sunhawk Drive to the north; San Ramon Way, Great Heron Drive, and Los Alamos Road to the west; Los Alamos Road and Melita Road to the east; and Melita Road to the south, as depicted in Figure 2-24, Skyhawk Area.

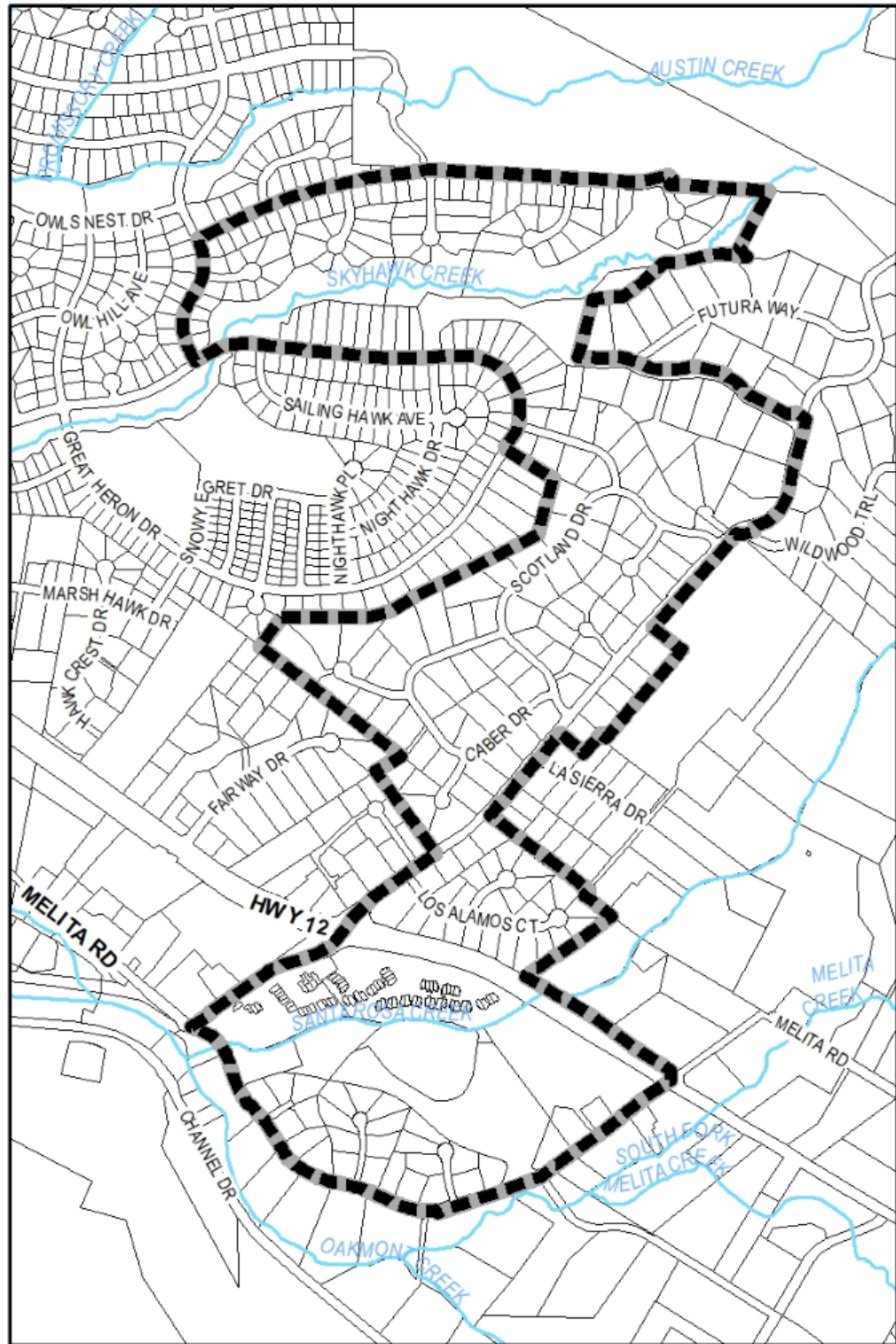


Figure 2-24 – Skyhawk Area

8. Piedmont area. Residential parcels generally bounded by the City jurisdictional boundary to the north; Calistoga Road to the West, Piedmont Drive and Piedmont Court to the south, and Escalero Road to the east, as depicted in Figure 2-25, Piedmont Area.

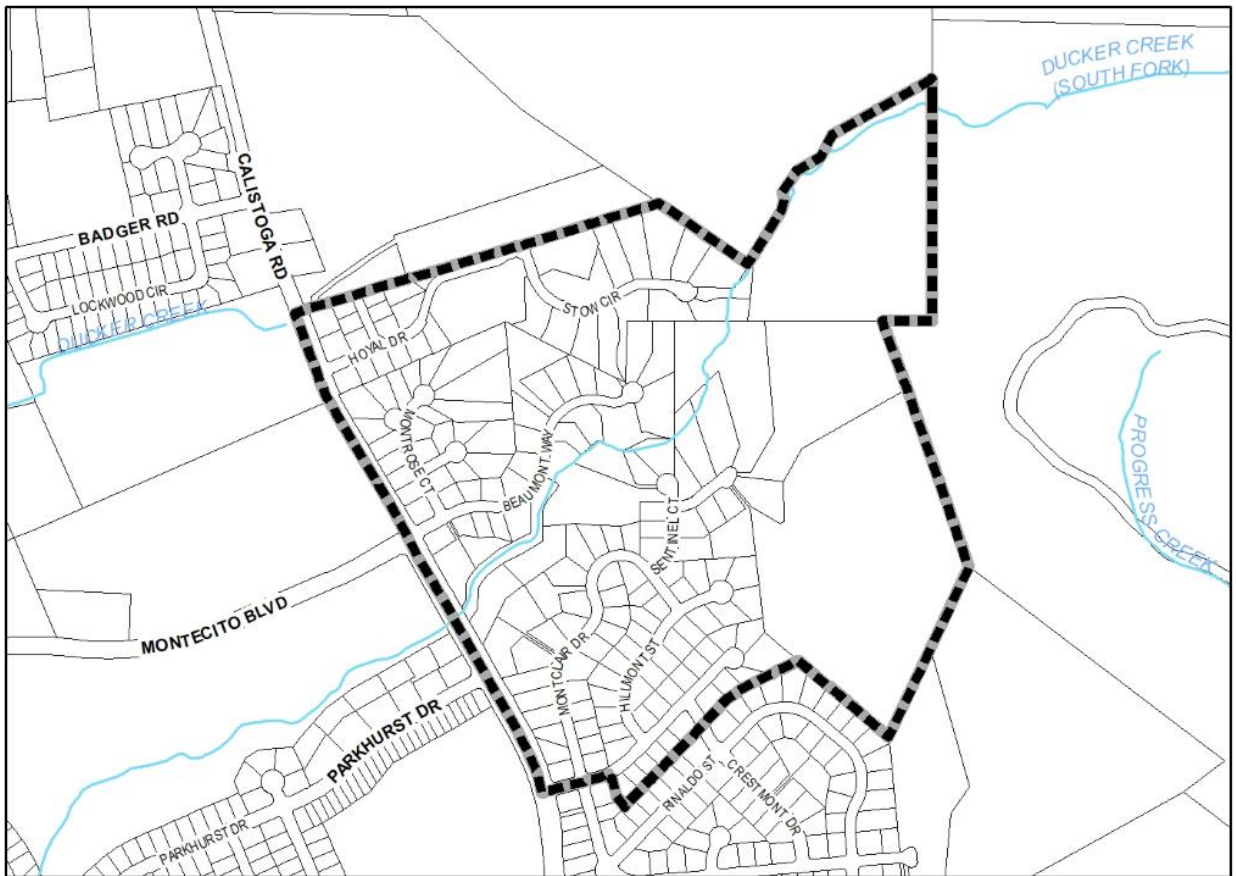


Figure 2-25 – Piedmont Area

D. Reconstruction and repair of damaged structures and allowed land uses.

1. Reconstruction and repair of damaged or destroyed structures within the –RC Combining District shall be consistent with all applicable zoning regulations and General Plan land use designations in effect as of the date of declaration of local emergency, with the exception of non-conforming uses, addressed in Section 20-28.100(D)(5).
2. All building permit applications within the –RC Combining District shall be prioritized over building permits in other areas of the City.
3. Reconstruction of conforming structures. Conforming residential or non-residential structures within the –RC Combining District may be reconstructed as originally permitted (including permitted additions), but shall comply with State and local building, fire and other State and local code standards in effect at the time of building permit application, with the exception of Code Section 18-33.150.0(t) which requires all electric building. All permit review for such structures shall be as follows:

- a. Building permit applications for structures replicating the original footprint and building height, including permitted additions, and meeting current State and local building and fire code standards shall receive expedited review. No impact fees are applicable. If new water or sewer connections are needed, demand fees are required.
 - b. Building permit applications for replacement structures that vary from the originally permitted footprint or building height, and that meet current State and local building and fire code standards, will be processed based on application submittal date. No impact fees are applicable. If new water or sewer connections are needed, demand fees are required.
4. Reconstruction of legal nonconforming structures. Notwithstanding Zoning Code Section 20-61.030(B), structures within the –RC Combining District that were legally established, but do not conform to current City standards, and have been damaged or destroyed may be reconstructed or repaired in-kind, meeting current State and local building and fire code standards with the exception of Code Section 18-33.150.0(t) which requires all electric building, provided that:
- a. The building is reconstructed in the same configuration, square-footage, height, and use as originally permitted (including permitted additions); and
 - b. Building overhangs in public and private easements.
 - (1) Public easements. Any portions of the building overhanging into an existing public service or access easements are determined by the City Engineer, Director of Planning and Economic Development, to have existed prior to the October 2017 fires, and no expansion of the pre-existing encroachment is proposed. The City Engineer will render a final determination regarding the approval of the easement encroachment in consultation with the Director of the City Department that is charged with the responsibility for any and all City activities within the easement area, and
 - (2) Private easements. Any portions of the building overhanging into an existing private service or access easements are determined by the City Engineer, Director of Planning and Economic Development, to have existed prior to the October 2017 fires, and no expansion of the pre-existing encroachment is proposed. The City Engineer will render a final determination regarding the approval of the easement encroachment upon receiving written permission from the easement beneficiaries supporting the encroachment, and
 - (3) Required covenant. The property owner(s) shall execute and record a covenant acknowledging that the City shall have no obligation, responsibility, or liability for the repair, replacement, erection, installation, or reconstruction of any portions of the structure overhanging a public service easement that are damaged or removed by the City as part of the installation, repair or maintenance of public utilities within or around the easement corridor, and

- c. Repair or reconstruction shall commence within six (6) years of the date of declaration of local emergency and be diligently pursued to completion.

5. Continuanance of Non-Conforming Uses. Notwithstanding Zoning Code Section 20-61.020(D), legal non-conforming uses of structures within the –RC Combining District that have been damaged or destroyed may be reconstructed or repaired in-kind, meeting current building and fire code standards, and reoccupied with a similar or less intense use, provided that:

- a. Enlargement or expansion of the use is not allowed; and
- b. Repair or reconstruction shall commence within six (6) years of the date of declaration of local emergency and be diligently pursued to completion. If reoccupancy does not commence within twelve 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.

6. Continuanance of Legal Uses. Legally permitted land uses in effect, or in operation, as of the date of local emergency, are able to recommence operations consistent with previous approvals. This section allows for an extension of the provisions of Section 20-54.070 if such uses recommence before the effective date of this ordinance.

7. Accessory Dwelling Units.

- a. General Provisions. Notwithstanding other provisions of this Zoning Code, an accessory dwelling unit within the –RC Combining District may be constructed and occupied prior to the construction of a single-family dwelling on the same parcel.
- b. Internal conversions. If a reconstructed residence is built to the previously permitted dimensions, without changing the footprint or square footage of the original residence, an accessory dwelling unit may be incorporated into the interior, consistent with State law, and shall receive expedited review. The extent of the accessory dwelling unit shall be identified in the building permit submittal. No impact fees are applicable.
- c. Detached Accessory Dwelling Unit. Construction of a new detached accessory dwelling unit shall be allowed with reconstruction of a single-family dwelling. Building permit applications for the new detached accessory dwelling unit will be processed based on application submittal date. Impact fees for new detached accessory dwelling units shall be as follows, or as otherwise approved by Council:

Unit Size (Square Feet)		Percentage of Standard Accessory Dwelling Unit Impact Fees Assessed
Larger Than	Up To	

Internal Conversion		0%
-	750	0%
751	950	25%
951	1,200	50%

8. Temporary housing. Temporary structures for habitation within the –RC combining district, including trailers, recreational vehicles, manufactured homes, tiny homes, and similar configurations are permitted on residential and non-residential parcels with a building permit and Zoning Clearance where zoning district development standards are met. Water, wastewater and electrical service shall be available on the site proposed for temporary housing structures unless an alternative source is approved by Santa Rosa Water.

- a. Water – To protect the public water system, the appropriate approved backflow device shall be required. Initial testing certification of backflow devices is required and shall be performed by an entity as determined by the Director of Santa Rosa Water. Permit and connection fees shall be waived.
- b. Wastewater – To protect public health, connection to the wastewater system is required. The Director of Santa Rosa Water will determine the appropriate connection requirement. Permit and connection fees shall be waived.

A building permit application and Zoning Clearance shall be required for temporary housing. All temporary structures shall be removed from the site prior to issuance of a certificate of occupancy for a permanent residence on site, or within three (3) years of building permit issuance, whichever is sooner. Application processing, review and inspection fees shall be waived. No impact fees are applicable.

- E. Planned Development Zoning Districts. Properties within the –RC combining district that have a base zoning district of Planned Development shall comply with the development standards of the policy statement for that district. Where the development standards in the Policy Statement are silent, or inconsistent with the current Zoning Code, the implementing standard zoning district consistent with the General Plan land use designation for the parcel(s) may be utilized, subject the determination of the Director of Planning and Economic Development.
- F. Hillside Development. New structures within the –RC combining district that replicate pre-fire footprint and building height and which are designed in compliance with development standards set forth in Zoning Code Chapter 20-32, Hillside Development, are hereby subject to review and approval by the Director of Planning and Economic Development. Hillside Development application fees shall be waived. New development within the –RC combining district that increases pre-fire footprint by at least 10-percent or that otherwise increases visual or environmental impact, or a new land use on that portion of a site with a slope of 10-percent or greater, or any new structures within the –RC combining district that would otherwise require Planning Commission review for

Hillside Development shall require Zoning Administrator review. Application fees shall apply.

- G. Design Review. New structures within the –RC combining district that are designed to support the same or a less intensive use than existed pre-fire, and which are in compliance with development standards pursuant to Zoning Code Chapter 20-52, and that further would otherwise be subject to Zoning Administrator review pursuant to Zoning Code Section 20-52.030, are hereby subject to review and approval by the Director of Planning and Economic Development. Design Review application fees shall be waived. New structures within the –RC combining district that are designed to support a more intensive or substantially different use than existed pre-fire, or that would otherwise require Design Review Board review pursuant to Zoning Code Section 20-52.030, are hereby subject to Zoning Administrator review. Application fees shall apply.
1. Structures rebuilt within the Oakmont Area shall be reconstructed within keeping of the neighborhood, substantially similar to the pre-fire design, and will be subject to approval of the Oakmont Homeowners Association.
- H. At least ten (10) calendar days prior to taking action on any Design Review or Hillside Development Permit applications for replacement structures that vary from the originally permitted footprint or building height, the Director of Planning and Economic Development shall notify, by mail, all persons or entities as set forth in Section 20.66.020(C)(1). No public hearing shall be required.
- I. Final Map Requirements. New structures within the –RC combining district that would otherwise be subject to discretionary review with public hearing per the conditions of a Final Subdivision Map, are hereby subject to review and approval by the Director of Planning and Economic Development. Applicable discretionary permit application fees shall be waived.
1. Final maps may contain setbacks on the face of the map that are more restrictive than those published within the base zoning development standards in effect at the time of building permit application. Final maps may be amended through a Certificate of Correction to reduce the setbacks to align with the base zoning requirements, provided that the original setbacks were not a condition of the original unit construction and intended to mitigate an impact created by the original site development.
- J. Land use, zoning or related Code provisions not addressed. Other than City Code provisions within the jurisdiction of the Director of Santa Rosa Water or the Board of Public Utilities, the Director of Planning and Economic Development shall have the authority to make determinations regarding the applicability of any land use, zoning or related City Code provision not addressed in this ordinance.
- 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 until

expiration on December 31, 2023 unless otherwise amended by subsequent action of the Council.”

Section 3. The Zoning Map of the City of Santa Rosa is amended to change the classification of the Assessor Parcel Numbers as set forth in Exhibit A, and incorporated herein, to the “RC” to the base zone to reflect the Glass Fire.

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. This ordinance shall take effect immediately following its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 27th day of October, 2020.

AYES: (7) Mayor Schwedhelm, Vice Mayor Fleming, Council Members Dowd, Olivares, Rogers, Sawyer, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit A – APNs Glass Fire