

ORDINANCE NO. _____

URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – AMENDING SECTION 20-
28.100, RESILIENT CITY (–RC) COMBINING DISTRICT, TO ADD SMALL LOT
SUBDIVISION STANDARDS FOR PARCELS LESS THAN 6,000 SQUARE-FEET TO
FACILITATE REBUILDING AND IMPLEMENT RESILIENCY INITIATIVES TO THOSE
PARTS OF THE CITY OF SANTA ROSA MOST SEVERELY IMPACTED BY THE TUBBS
AND NUNS FIRES OF OCTOBER 2017

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 boundaries of 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 authorizes 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, the proposed Zoning Code Amendment to add Section 20-28.100, Resilient City (–RC) Combining District, to Title 20 (Zoning) is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that adding Section 20-28.100 to the Santa Rosa City Code, as follows, 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

WHEREAS, the proposed amendment 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 Fires to their previous land uses and intensities, with modifications for compliance with current codes and added resiliency; and

WHEREAS, the proposed amendment is 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; 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 statement 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 evidence and records presented, that this Ordinance is necessary for the protection of the public peace, health and safety.

Section 2. The proposed amendment is 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.

Section 3. Amend Section 20-28.100, Resilient City (-RC) Combining District, to add a new subsection F to address residential small lot development standards, to read and provide as follows:

F. Residential Small Lot Development Standards. Existing residential properties, less than 6,000 square-feet in total lot area, within the -RC Combining District may apply either the development standards set forth in Section 20-42.140.F., Residential Small Lot Standards, as identified below, or the existing base zoning district standards, whichever is less restrictive:

1. Setback requirements.

a. Front setback. A minimum front setback of 10 feet shall be required, provided that a one-story covered porch may project up to six feet into the setback, and provided that no front porch shall have a depth of less than six feet.

b. Side setbacks. The one-story portions of a proposed structure shall be set back a minimum of four feet from side property lines, and the two-story portions of a structure shall be set back a minimum of eight feet from side property lines.

c. Rear setbacks. A minimum rear setback of 15 feet shall be required, except as provided for garages in Subsection A.d.2.

d. Garage.

(1) Garage facing or near the street. A garage entrance facing a street shall be set back as follows:

(a) 19 feet from the rear of the public sidewalk, or 19 feet from the street property line or street plan line, whichever is greater.

(b) 19 feet from the back of the driveway approach on a private lane with no sidewalks.

(2) Garage near the rear lot line.

(a) A garage entrance facing an alley shall be placed either at a point three to five feet from the edge of the alley, or at a point 19 feet from the edge of the alley.

(b) A garage placed in a rear yard without alley access shall be placed a minimum of four feet from the rear or side property line.

2. Private open space. Each single-family parcel shall provide a minimum of 400 square feet of usable private open space with no dimension less than 15 feet.
3. Height limits. Proposed structures shall not exceed a maximum height of 35 feet for primary structures. Accessory structures shall comply with Section 20-42.030 (Accessory Structures and Uses). Proposed second dwelling units shall comply with Section 20-42.130 (Accessory Dwelling Units).
4. Site coverage. Proposed structures shall not cover more than 65 percent of the lot.
5. Two-story structures. Proposed dwellings shall be designed so that:
 - a. The floor area of a second story is no more than 50 percent of all the roofed first floor area of the dwelling (including covered porch area and an attached garage, but not a detached garage); or
 - b. All two-story units have one-story elements.

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 disaster within 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. The Ordinance shall be in effect immediately upon its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this _____ day of _____, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney