

ORDINANCE NO. ORD-2020-008

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – ADDING SECTION 20-16.070A(1)(b) TO CHAPTER 20-16, RESILIENT CITY DEVELOPMENT MEASURES, TO DEFINE THE APPEAL BODY FOR CERTAIN LAND USE PROJECTS- FILE NUMBER REZ 2020-005

WHEREAS, on October 24, 2017, in response of the 2017 Tubbs and Nuns wildfires (Fires), the City 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 those parcels impacted by the fire; and

WHEREAS, on December 5, 2017, the City Council held a study session to discuss the Resilient City Ordinance and how to streamline and expedite housing and other needs related to economic and disaster recovery Citywide; and

WHEREAS, on February 8, 2018, the Planning Commission voted unanimously to recommend that the Council adopt Chapter 20-16, Resilient City Development Measures; and

WHEREAS, on April 10, 2018, the City Council adopted an ordinance adding Chapter 20-16, Resilient City Development Measures, and specifically Sections 20-16.010 through 20-16.050, related to temporary housing, temporary structures and accessory dwelling units, to address housing needs and economic development; and

WHEREAS, on May 22, 2018, the City Council adopted expansions to the Resilient City Development Measures including Sections 20-16.060 through 20-16.110, related to reduced review authority for certain uses, modifications to the Design Review process, changes to an approved residential, lodging or childcare facility project, Zoning Administrator meetings, appeal fees, and the requirement for an annual review; and

WHEREAS, this streamlined Design Review process has only recently been invoked and, as codified, the Design Review Board acts as the review authority for both conceptual design review and appeals of the Zoning Administrator decisions, creating a dual authority over the same project which was not the intent of the original ordinance; and

WHEREAS, the intent of the Resilient City Development Measures was to provide an efficient and streamlined process for development concluding with the Zoning Administrator actions for certain land use projects; and

WHEREAS, the proposed Zoning Code Amendment to add a new Section 20-16.070A(1)(b) to Chapter 20-16, Resilient City Development Measures, provides clarity to applicants and the public, and eliminates the dual authority of the Design Review Board for certain land uses; and

WHEREAS, the proposed Zoning Code Amendment to add a new Section 20-16.070A(1)(b) to Chapter 20-16, Resilient City Development Measures 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

WHEREAS, the proposed Zoning Code Amendment to add a new Section 20-16.070A(1)(b) to Chapter 20-16, Resilient City Development Measures is exempt from the California Environmental Quality Act Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and that this procedural change in appeal authority is not subject to CEQA.

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

Section 1. The Council finds, based on evidence and records presented, that amending Title 20 (Zoning) of the Santa Rosa City Code, as follows, is required to provide an elevated appeal process under the Resilient City Development Measures.

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 change or interpret any substantive policy language within these documents but only enhances the review of land use projects and their respective General Plan and Specific Plan consistency determinations; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City as this is a minor procedural amendment that provides clarity to applicants and the public and any resulting land use projects would undergo a separate individual review; and
3. The proposed Zoning Code Amendment to add a new Section 20-16.070A(1)(b) to Chapter 20-16, Resilient City Development Measures is a 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 Zoning Code Amendment is exempt from the California Environmental Quality Act Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and that this procedural change in appeal authority is not subject to CEQA; and
5. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code as this amendment is a minor and procedural in form and does not conflict with any other areas of the Zoning Code.

Section 2. Add section 20-16.070(A)(1)(b) to Zoning Code Chapter 20-16, Resilient City Development Measures, to read and provide as follows:

“b. Appeals. Any appeal from a decision by the Zoning Administrator under this section shall be heard and determined by the City Council.”

Section 3. Environmental Determination. The Council finds that the adoption and implementation of the proposed Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and that this procedural change in appeal authority is not subject to CEQA.

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 on the 31st day following its adoption. Upon the effective date, this ordinance shall apply to any pending appeals of Zoning Administrator actions under Section 20-16.070A.

This ordinance was introduced by the Council of the City of Santa Rosa on August 11, 2020.

IN COUNCIL DULY PASSED AND ADOPTED this 25th day of August, 2020.

AYES: (6) Mayor Schwedhelm, Vice Mayor Fleming, Council Members Dowd, Olivares, Rogers, Sawyer

NOES: (0)

ABSENT: (1) Council Member Tibbetts

ABSTAIN: (0)

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney