

ORDINANCE NO. ORD-2018-010

URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – RECLASSIFICATION OF
TWENTY-ONE ADDITIONAL 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 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, on October 24, 2017 the City Council adopted Ordinance No. ORD-2017-018 adding Section 20-28.100, Resilient City (-RC) Combining District to the City Code to facilitate rebuilding and implement resiliency initiatives to those parts of the City most severely impacted by the Fires, and adopted Ordinance No. ORD-2017-019 reclassifying properties directly impacted by the Fires to add the -RC Combining District to the base zoning district of each parcel; and

WHEREAS, following the initial site assessments, performed immediately following the Fires, further field surveys were completed and new information became available regarding structures within the fire area resulting in the identification of twenty-one additional properties with destroyed or damaged structures located outside the originally established -RC Combining Zoning District boundaries; 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 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 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 expand the Resilient City (–RC) Combining District to add twenty-one additional fire affected parcels is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that doing so 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. 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 change the classification of the following Assessor’s Parcel Numbers to the Districts listed under New Zone:

APN	ADDRESS	PREVIOUS ZONE	NEW ZONE
015-710-025	3170 RANGE AVE	CG	CG-RC
034-510-001	2042 SAN MIGUEL AVE	PD 0327	PD 0327-RC
034-510-002	2165 FRIDA ST	PD 0327	PD 0327-RC
034-510-003	2163 FRIDA ST	PD 0327	PD 0327-RC
034-510-004	2159 FRIDA ST	PD 0327	PD 0327-RC
034-510-005	2155 FRIDA ST	PD 0327	PD 0327-RC
034-510-006	2151 FRIDA ST	PD 0327	PD 0327-RC
034-510-025	2158 FRIDA ST	PD 0327	PD 0327-RC
034-510-029	2032 SAN MIGUEL AVE	PD 0327	PD 0327-RC
034-510-030	2185 BOCK ST	PD 0327	PD 0327-RC
034-510-031	2183 BOCK ST	PD 0327	PD 0327-RC
034-510-032	2179 BOCK ST	PD 0327	PD 0327-RC
034-510-033	2175 BOCK ST	PD 0327	PD 0327-RC
034-510-048	2046 SAN MIGUEL AVE	R-1-6	R-1-6-RC
034-510-049	2152 WALTZER RD	R-1-6	R-1-6-RC
034-610-035	2089 SEVILLE ST	R-1-6	R-1-6-RC
034-610-038	2134 AVILAR PL	R-1-6	R-1-6-RC
034-640-070	2300 WALTZER RD	PD 0338	PD 0338-RC
034-750-007	2145 GLODLEAF LN	R-1-6	R-1-6-RC
173-060-019	200 BICENTENNIAL WAY	R-3-18	R-3-18-RC
173-080-004	311 ENCINA CT	RR-40	RR-40-RC

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 this 8th day of May, 2018.

AYES: (5) Mayor Coursey, Vice Mayor Rogers, Council Members Combs, Sawyer, Tibbetts

NOES: (0)

ABSENT: (2) Council Members Olivares, Schwedhelm

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney