

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: GABE OSBURN, ACTING DIRECTOR
PLANNING AND ECONOMIC DEVELOPMENT
SUBJECT: RESILIENT CITY DEVELOPMENT MEASURES ORDINANCE
EXTENSIONS

AGENDA ACTION: ORDINANCE INTRODUCTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council introduce an ordinance amending Title 20 of the Santa Rosa City Code to extend the expiration date of Zoning Code Chapter 20-16, Resilient City Development Measures, and Zoning Code Section 20-28.100, Resilient City (-RC) Combining District, by one year, from December 31, 2023 to December 31, 2024.

EXECUTIVE SUMMARY

The Resilient City (-RC) Combining District, [Zoning Code Section 20-28.100](#), was adopted by the City Council on October 24, 2017 to facilitate and expedite the rebuild process in those areas of the City that were most severely impacted by the 2017 Tubbs and Nuns wildfires (Fires), with subsequent amendments adopted in 2018, 2019 and 2020 to address technical issues, impacts related to the Glass Fire, and to extend the life of the Ordinance. The Resilient City Development Measures, [Zoning Code Chapter 20-16](#), was adopted by Council on April 10, 2018 to address housing needs and economic development within the City following the 2017 fires, with subsequent amendments adopted in 2019, 2020 and 2021 to address technical updates, impacts related to the COVID-19 pandemic, and to extend the life of the Ordinance. Both Ordinances are set to expire on December 31, 2023. This Zoning Code Text Amendment would extend the life of the Ordinances by one year, to December 31, 2024, to allow staff time to complete a comprehensive update and recommendations to Council, including additional community and developer outreach, for codification of the Resilient City Development Measures and -RC Combining District into appropriate sections of the Zoning Code, with no sunset date.

BACKGROUND

On October 8, 2017, and continuing for days thereafter, a series of wildfire events, identified as the Tubbs and Nuns Fires, burned over 90,000 acres in Sonoma County and damaged or destroyed approximately 3,000 homes and 100 commercial structures within the City of Santa Rosa.

On October 9, 2017, the City Manager, in their capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Santa Rosa.

On October 9, 2017, Governor Jerry Brown declared a State of Emergency for Sonoma and other counties because of multiple wildfires including the Tubbs and Nuns Fires.

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.

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.

On October 24, 2017, the 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, which included language that the Ordinance would be in effect for three years from the date of declaration of local emergency, until October 9, 2020. The Council also adopted Ordinance No. ORD-2017-019, an urgency ordinance, adding the -RC Combining District to the base District of those parcels impacted by the Fires.

On December 5, 2017, the Council held a study session to discuss the Resilient City ordinance and how to streamline and expedite housing and other needed uses Citywide.

On April 10, 2018, the Council adopted Ordinance No. ORD-2018-006, adding Zoning Code Chapter 20-16, Resilient City Development Measures; specifically, Sections 20-16.010 through 20-16.050, related to temporary housing, temporary structures and accessory dwelling units, and including language that the Ordinance would be in effect for three years, until May 11, 2021.

On May 22, 2018, the Council adopted Ordinance No. ORD-2018-012, adding Zoning Code 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 a requirement for an annual review.

RESILIENT CITY DEVELOPMENT MEASURES ORDINANCE EXTENSIONS
PAGE 3 OF 6

On June 26, 2018, the Council adopted Ordinance No. ORD-2018-015, amending Zoning Code Section 20-28.100, the -RC District, to allow projection into public and private easements to assist with the rebuilding process for areas affected by the fires.

On October 2, 2018, the Council adopted Ordinance No. ORD-2018-019, adding Zoning Code Section 20-16.030, to address waiving of Capital Facilities, Housing, and Park Impact Fees for temporary housing.

On January 8, 2019, the Council adopted Ordinance No. ORD-2019-001, adding Zoning Code Section 20-16.120, to allow a one-time automatic 12-month extension for approved tentative subdivision maps and associated entitlements that were active as of October 9, 2017.

On June 25, 2019, the Council adopted Ordinance No. ORD-2019-006, amending Zoning Code Section 20-28.100, -RC Combining District, to exempt construction activities associated with rebuilding from adherence to the City's Noise Ordinance and establish specific construction hours that may be modified by the City Manager as needed.

On October 1, 2019, the Council adopted Ordinance No. ORD-2019-013, amending Zoning Code Section 20-28.100, -RC Combining District, to add Mobile Home Park closure procedures for those severely impacted by the fires.

On February 25, 2020, the Council adopted Ordinance No. ORD-2020-002, amending Zoning Code Chapter 20-16, Resilient City Development Measures, to allow a second automatic 12-month extension for tentative maps and associated entitlements that benefitted from the first automatic 12-month extension.

On September 15, 2020, the Council adopted Ordinance No. ORD-2020-011, amending Zoning Code Section 20-28.100, -RC Combining District, extending the expiration date of the Ordinance for a period of three years, to October 9, 2023.

On September 27, 2020, the Glass Fire burned multiple properties within the Santa Rosa City limits. The City Manager, in their capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Santa Rosa.

On September 28, 2020, the Governor of the State of California proclaimed a State of Emergency for the Glass Fire.

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.

On October 28, 2020, the Council adopted Ordinance No. ORD-2020-012, amending Zoning Code Section 20-28.100, -RC Combining District, to add recognition of new recovery needs as a result of the Glass Fire, rezoning impacted properties, and extending the expiration date of the Ordinance to December 31, 2023.

RESILIENT CITY DEVELOPMENT MEASURES ORDINANCE EXTENSIONS

PAGE 4 OF 6

On December 1, 2020, the Council adopted Ordinance No. ORD-2020-017, amending Zoning Code Chapter 20-16, Resilient City Development Measures, to address housing needs and economic development within the City following community emergency events including fires and the COVID-19 pandemic. The amendments specifically included expanding opportunities for mobile food vending, large family daycares and childcare centers, extending time limits for temporary uses, consolidating and streamlining review processes for certain land use entitlements, providing flexibility for nonconforming uses, and extending the expiration date of the Ordinance to December 31, 2023.

On November 9, 2021, the Council adopted Ordinance No. ORD-2021-012, amending Zoning Code Chapter 20-16, Resilient City Development Measures, to incorporate Zoning Code interpretations to address technical corrections.

On February 14, 2023, the Council adopted Resolution No. RES-2023-034, amending the General Plan to update the Housing Element for the period of 2023-2031 including affirmatively furthering fair housing and compliance with State housing element law. The Housing Element includes Program H-37 which includes language to evaluate and continue the housing streamlining processes that are within the Resilient City Development Measures.

Between April 2023 and August 2023 City staff from all departments met to provide comprehensive review and feedback on both Ordinances.

In July 2023, outreach was conducted with developers who have utilized the reduced review authority sections of Zoning Code Chapter 20-16, to receive feedback and suggestions on codification of these sections into the Code, with no sunset date.

Between July 18, 2023 and August 18, 2023, a survey was open to the general public requesting feedback on both the Resilient City Development Measures and the -RC Combining District.

On July 20, 2023, staff received comments and recommendations from the Design Review Board related to the sections of both the Resilient City Development Measures and the -RC Combining District that pertain to Design Review.

On September 13, 2023, staff received comments and recommendations from the Cultural Heritage Board related to proposed Zoning Code text amendments that pertain to historic preservation.

Without extension, both the Resilient City Development Measures and -RC Combining District sections of the Zoning Code will sunset on December 31, 2023.

PRIOR CITY COUNCIL REVIEW

See Background section above.

ANALYSIS

The text amendment would extend Zoning Code Chapter 20-16, Resilient City Development Measures and Zoning Code Section 20-28.100, -RC Combining District for a period of one year, until December 31, 2024. The additional time would allow staff the ability to complete a comprehensive update and recommendations to Council, including additional community and developer outreach, for codification of both Ordinances into appropriate sections of the Zoning Code, with no sunset date.

The expiration date is referenced in the following two sections of the Zoning Code and will be amended as follows:

- Zoning Code Section 20-16.020, Application of this Chapter

Notwithstanding any other provisions of the City Code, the following provisions are effective until December 31, ~~2023~~ 2024, unless otherwise amended by subsequent action of the Council.

- Zoning Code Section 20-28.100(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~~ 2024 unless otherwise amended by subsequent action of the Council.

Without extension, both Ordinances will expire on December 31, 2023, ending all permit expediting and other initiatives for projects located within the -RC Combining District, and all streamlining measures for housing and certain economic incentives included in the Resilient City Development Measures. Rebuild, housing and economic efforts would instead be governed by all standard City Code provisions and standard City processing procedures and timelines.

FISCAL IMPACT

Adoption of this ordinance will not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The proposed Zoning Code amendment is exempt under the “common sense exemption” set forth in CEQA Guidelines Section 15061(b)(3), which provides that CEQA applies only to projects having the potential to cause a significant effect on the environment. “Where it can be seen with certainty that there is no possibility that the

RESILIENT CITY DEVELOPMENT MEASURES ORDINANCE EXTENSIONS

PAGE 6 OF 6

activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The proposed ordinance would amend the City’s Zoning Code to extend the timeline for provisions in response to continued recovery from the wildfires and the COVID-19 pandemic and such time extension would not result in any significant effects on the environment.

The proposed Zoning Code amendment is also exempt 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.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

The proposed Zoning Code Amendment to extend Chapter 20-16, Resilient City Development Measures, and Section 20-28.100, -RC Combining District, for a period of one year, until December 31, 2024, 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.

NOTIFICATION

Government Code Sections 65853 and 65854 require that the Planning Commission hold a public hearing on a proposed new Zoning Ordinance or an amendment to a Zoning Ordinance, which amendment changes a property from one zone to another or imposes or removes zoning regulations. In this case, the City is not changing zoning districts or imposing any new regulations or modifying or removing any existing modification. Rather, staff is recommending extending the effective date of the existing regulations for a period of one year, to December 31, 2024. As such, the requirement to go to Planning Commission for a recommendation to Council and to hold public hearings does not apply. No notification was required for this report item.

ATTACHMENTS

- Attachment 1 – City Council Ordinance ORD-2021-012
- Attachment 2 – City Council Resolution RES-2023-034
- Ordinance

PRESENTER

Christian Candelaria, City Planner