

Urgency Ordinance Public and Private Easement Encroachments Overhanging Structures

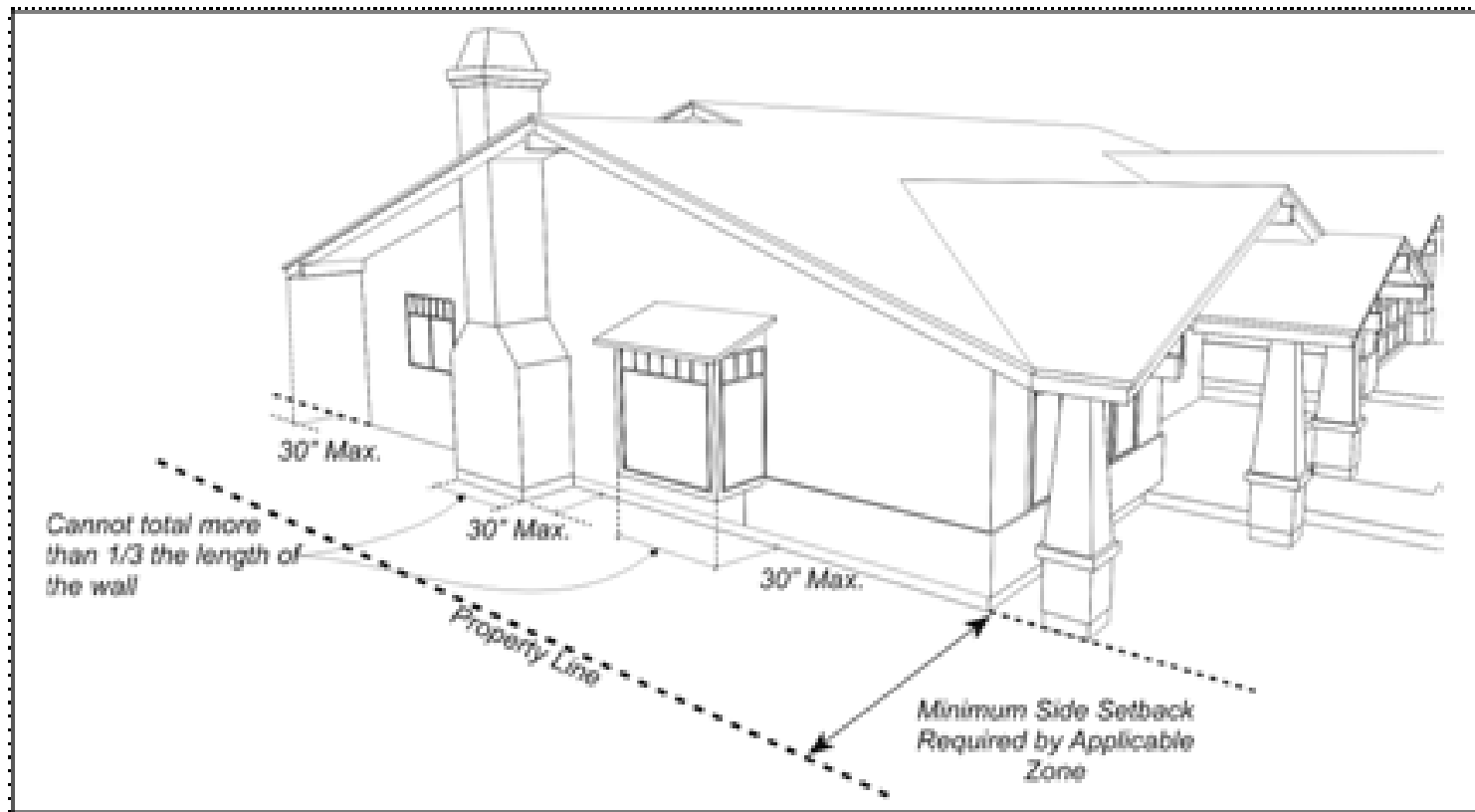
Resilient City Zones

June 26, 2018

Planning and Economic Development

- October 8, 2017: Wildfire damaged or destroyed thousands of residential and commercial structures
- October 24, 2017: Council adopted urgency ordinances related to the Resilient City (-RC) Combining District

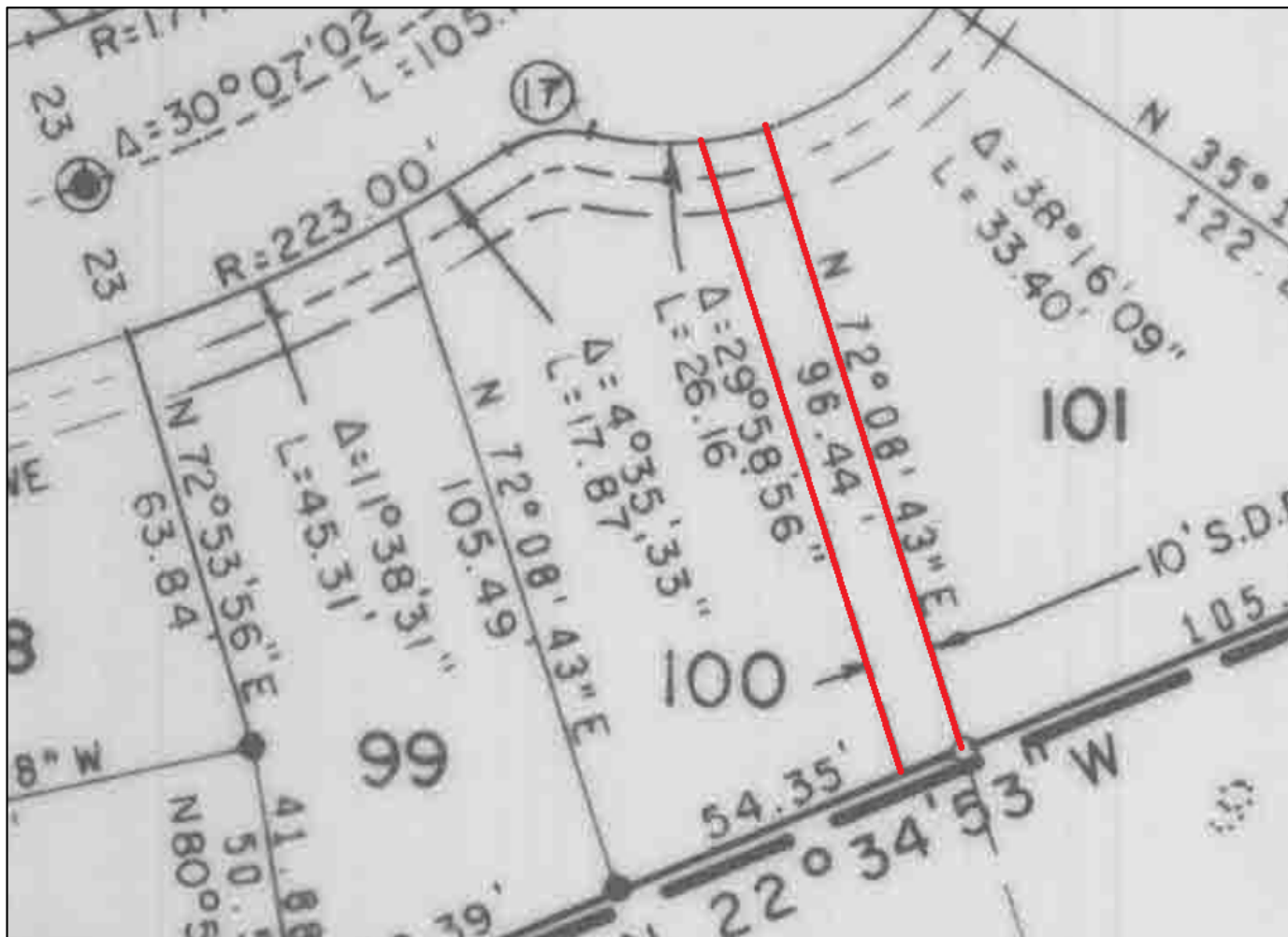
- Historically, the Zoning Code has also allowed architectural features to cantilever or project into front, side, and rear setbacks



- Since public/private service or access easements typically exist within building setback areas, many of these architectural features, particularly eaves, project into these easements.
- Section 20-30.110(B) of the Zoning Code prohibits any structure, including eaves or roof overhangs to extend into a public or private service easement, or street right-of-way.
- The current -RC Combining District allows damaged/destroyed structures to be reconstructed or repaired, in-kind, so long as the repaired or new building meets current Building and Fire codes.







Public Service Easements

- The proposed amendment to -RC Combining District, will grant the City Engineer and the Director of Planning and Economic Development authority to approve the installation of any structure proposed to overhang into an existing public/private service or access easement, when it can be shown that the encroachment existed before the fire and no expansion of the structure is proposed.
- The City Engineer will render a final determination regarding the encroachment, in consultation with the Director of the City Department that is charged with the responsibility for any and all City activities that occur within the easement area.

Private Easements

- The proposed amendment to -RC Combining District, will grant the City Engineer and the Director of Planning and Economic Development authority to approve the installation of any structure proposed to overhang into an existing public/private service or access easement, when it can be shown that the encroachment existed before the fire and no expansion of the structure is proposed.
- The City Engineer will render a final determination after receiving written approval from the easement beneficiary.

Environmental Review

California Environmental Quality Act (CEQA)

Exempt from the California Environmental Quality Act (CEQA):

Public Resources Code Section 21080(b)(3): repairs and replacement work after a state-declared disaster

Public Resources Code Section 21080(b)(4): actions to mitigate or prevent an emergency

CEQA Section 15269(a): maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area

CEQA Section 15269(c): specific actions necessary to prevent or mitigate an emergency.

- Allows additional flexibility in the rebuild of fire damaged homes
- Allows the development of the same structure that existed prior to the fire

It is recommended by the Planning and Economic Development Department that the Council:

- Amend Section 20-28.100 of the Santa Rosa City Code, -RC Combining District, to grant the City Engineer and Director of Planning and Economic Development, authority to approve the installation of any structure proposed to overhang an existing public or private service or access easement, when it can be shown that the encroachment existed before the fire, and no expansion of the structure is proposed.

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