

ORDINANCE NO. ORD-2019-001

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – ADDING SECTION 20-16.120, ONE-TIME, AUTOMATIC, 12 MONTH EXTENSION FOR TENTATIVE MAPS AND ASSOCIATED ENTITLEMENTS, TO ADDRESS HOUSING NEEDS WITHIN THE CITY FOLLOWING THE TUBBS AND NUNS FIRES OF OCTOBER 2017 - FILE NUMBER REZ18-012

WHEREAS, in October 2016, the Council accepted the Housing Action Plan, which was prepared to address the City’s ongoing unmet housing needs and to implement the City’s General Plan Housing Element; and

WHEREAS, in June 2017, the Council adopted the City’s current top priorities, which include implementation of a comprehensive housing strategy, “Housing for All”, and include increasing housing Citywide; and

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 a 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, the President of the United States of America 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, on October 24, 2017, 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 Fires; 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 needed uses Citywide; 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 within the City following the Tubbs and Nuns fires of October 2017; and

WHEREAS, on May 22, 2018, the City Council adopted the remaining sections of Chapter 20-16, including Sections 20-16.060 through 20-16.110, related to reduced review authority for residential, lodging and childcare facilities; and

WHEREAS, the City Council previously found that the City of Santa Rosa is experiencing a housing crisis, and that, prior to the Fires, there existed a severe lack of housing for residents available Citywide; and

WHEREAS, the housing units destroyed by the Fires increased the housing shortage by several orders of magnitude in the City; and

WHEREAS, the Santa Rosa City Code includes provisions for development of new housing, which has been recently modified to address the streamlining and expedition of such development, pursuant to Zoning Code Chapter 20-16. However, the Santa Rosa City Code has not been modified to provide relief to development projects with approved tentative subdivision maps, vesting tentative subdivision maps, and tentative parcel maps, along with associated entitlements, which have in some instances been adversely impacted or delayed due to economic hardships and the shortage of professional services, labor, and materials, as a result of the Fires; 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 encourage and facilitate the development of new housing Citywide following the Fires and the pre-existing housing shortage.

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 address housing needs within the City of Santa Rosa following the Tubbs and Nuns fires of October 2017.

The Council further finds and determines that:

- A. The proposed amendment is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that it would not allow density beyond what is currently provided in the General Plan or any applicable specific plan, nor would it allow new uses to be established in areas inconsistent with the General Plan;

- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that it would amend the City Code to allow for additional time to record previously approved Tentative Maps that were previously determined to have no detrimental effect to the public interest, health, safety convenience, or welfare of the City;
- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA) as indicated below; and
- D. The proposed amendment is internally consistent with other applicable provisions of the Zoning Code.

Section 2. Add the following section to Zoning Code Chapter 20-16, Resilient City Development Measures, to read and provide as follows:

“20-16.120 – One-Time, 12-Month Extension for Tentative Maps and Associated Entitlements

A. One Time Map Extension. Notwithstanding any contrary provisions of this Code, the expiration date of any tentative subdivision map, vesting tentative subdivision map or parcel map for which a tentative map or vesting tentative map has been approved, that has not expired as of October 9, 2017, shall be extended by 12 months. This automatic extension shall substitute for one extension under Code Section 19-28.030 and shall not increase the total number of extensions allowed under the Code.

B. Concurrent Land Use Approvals. Notwithstanding any contrary provisions of this Code, for maps extended pursuant to Section (A), above, any discretionary land use approval that was granted in conjunction with the subdivision map, vesting tentative subdivision map or parcel map for which a tentative map or vesting tentative map has been approved, and that has not expired as of October 9, 2017, shall be extended by 12 months consistent with the extension granted pursuant to section (A).”

Section 3. Environmental Determination. The Council finds that the adoption and implementation of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to the following exemptions set forth in the Public Resources Code and CEQA Guidelines.

- Adoption of the ordinance 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 activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The proposed project would amend Chapter 20-16 of the Zoning Code, to provide a one time, 12-month map extension of any tentative subdivision map, vesting tentative subdivision map or parcel map, and associated entitlements, for which a tentative map or vesting tentative map have

been approved and that have not expired as of October 9, 2017. CEQA review has been completed for each of the previously approved tentative maps and associated entitlements, and projects will be reviewed to ensure they fall within the scope of the prior review, pursuant to CEQA Guidelines 15162. If the projects do not fall within the previous scope, additional CEQA review will be required.

- Adoption of the ordinance is exempt under CEQA Guidelines Section 15183, which provides that “projects which are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.”

The proposed ordinance would not allow density or uses beyond what is currently provided in the General Plan and would continue to require consistency with the requirements of the Zoning Code.

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. Effective Date. This ordinance shall take effect on the 31st day following its adoption.

This ordinance was introduced by the Council of the City of Santa Rosa on December 18, 2018.

IN COUNCIL DULY PASSED AND ADOPTED this 8th day of January, 2019.

AYES: (6) Mayor Schwedhelm, Vice Mayor Rogers, Council Members Combs, Olivares, Sawyer, Tibbetts

NOES: (0)

ABSENT: (1) Council Member Fleming

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney