

ORDINANCE NO. ORD-2017-018

URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING TITLE 20 OF THE SANTA ROSA CITY CODE – ADDING SECTION 20-28.100, RESILIENT CITY (-RC) COMBINING DISTRICT, TO FACILITATE REBUILDING AND IMPLEMENT RESILIENCY INITIATIVES TO THOSE PARTS OF THE CITY OF SANTA ROSA MOST SEVERELY IMPACTED BY THE TUBBS AND NUNS FIRES OF OCTOBER 2017

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, 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 Section 36937(b) allows 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 add Section 20-28.100, Resilient City (-RC) Combining District, to Title 20 (Zoning) is consistent with the goals and policies of all elements of the General Plan, and any applicable specific plan in that adding Section 20-28.100 to the Santa Rosa City Code, as follows, 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. Add Section 20-28.100, Resilient City (–RC) Combining District, to Chapter 20-28 the City of Santa Rosa City Code to read and provide as follows:

“20-28.100 Resilient City (–RC) Combining District.

- A. **Purpose.** The –RC Combining District is intended to facilitate the reconstruction and resilience of areas impacted by the Tubbs and Nuns fires of October 2017.
- B. **Applicability.** The –RC Combining District shall apply to properties within the Santa Rosa City limits that were impacted by the Tubbs and Nuns fires of October 2017, as set forth in subsection C. The –RC Combining District may be combined with any primary zoning district established by Section 20-20.020 (Zoning Map and Zoning Districts).
- C. **Locations of combining district.** The standards of this section shall apply to all properties directly impacted by the Tubbs and Nuns fires, as follows:
 - 1. **Coffey Park Area.** Residential and non-residential parcels generally bounded by the city jurisdictional boundary to the north, Piner Road and Pinercrest Drive to the south, Piner Creek to the east, and the SMART rail corridor and Waltzer Road to the west, as depicted in Figure 2-18, Coffey Park Area.

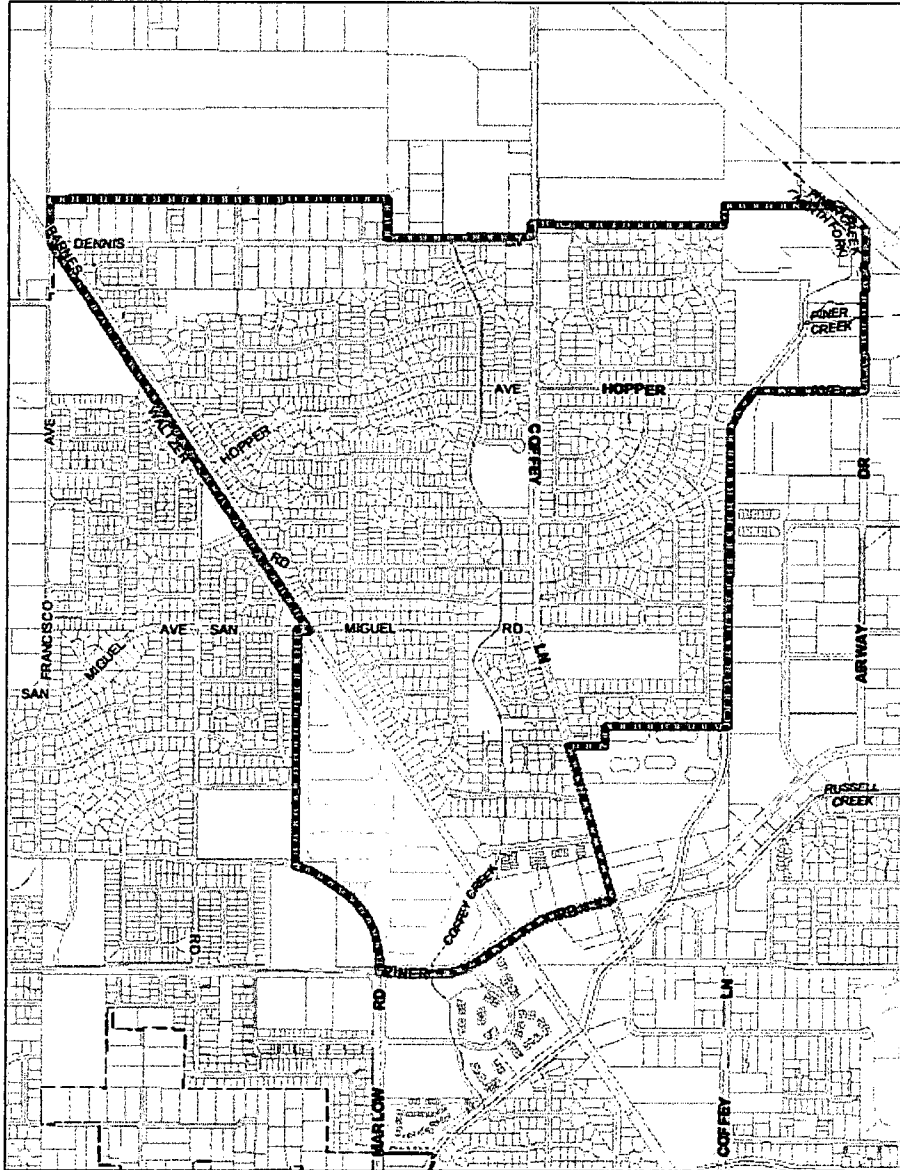


Figure 2-18 – Coffee Park Area

2. Highway 101 Corridor/Roundbarn Area. Residential and non-residential parcels generally bounded by the city jurisdictional boundary to the north, Piner Road and Bicentennial Way to the south, Fountaingrove Parkway/Bicentennial Way and Roundbarn Boulevard to the east, and Piner Creek and Airway Drive to the west, as depicted in Figure 2-19, Highway 101 Corridor/Roundbarn Area.

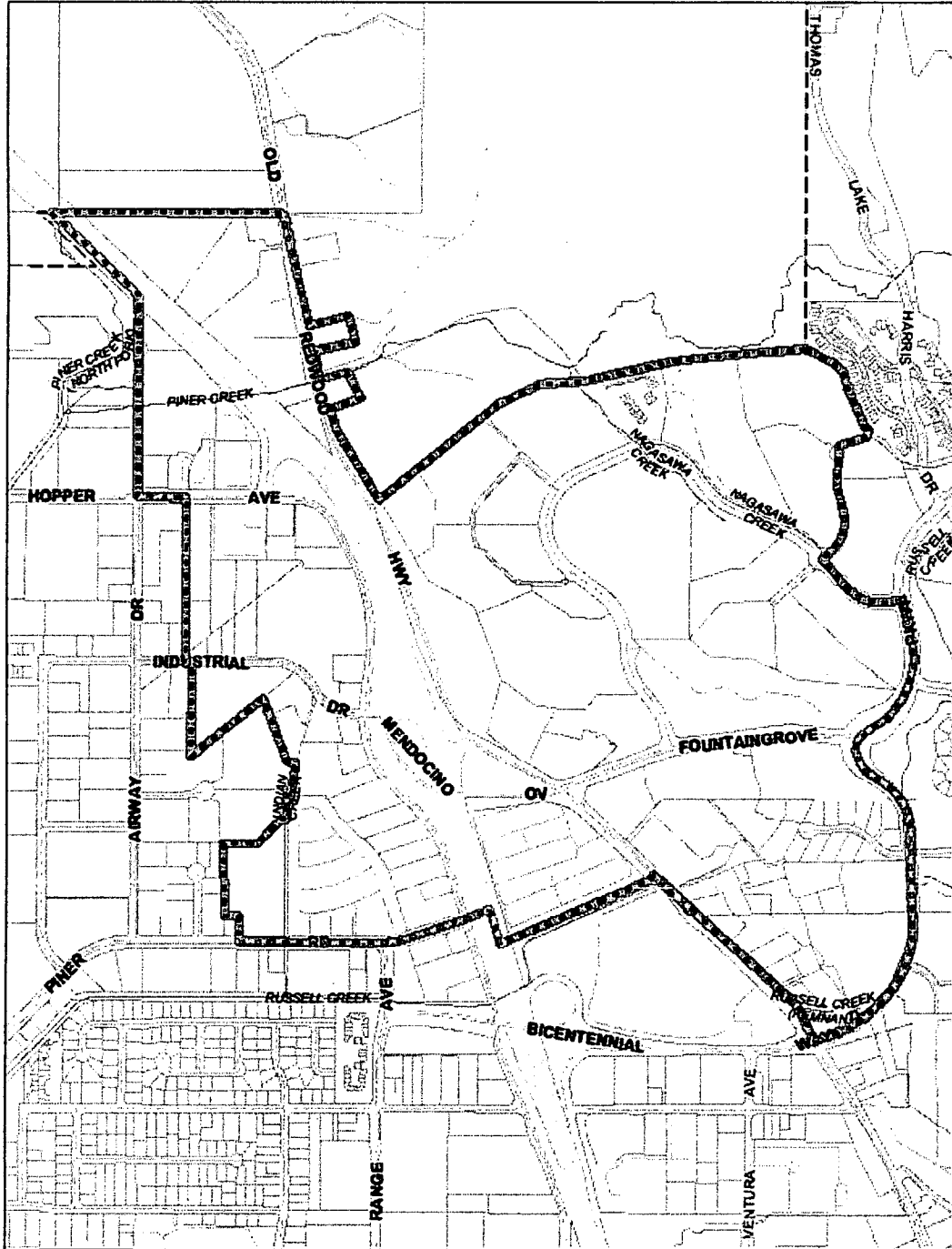


Figure 2-19 – Highway 101 Corridor/Roundbarn Area

3. Fountainview Area. Residential and non-residential parcels generally bounded by Fountaingrove Parkway to the north, Lake Park Drive to the south, Altruria Drive, Glenview Place and Kelsey Knolls to the east, and Bicenennial Way and Fountaingrove Parkway to the west, as depicted in Figure 2-20, Fountainview Area.

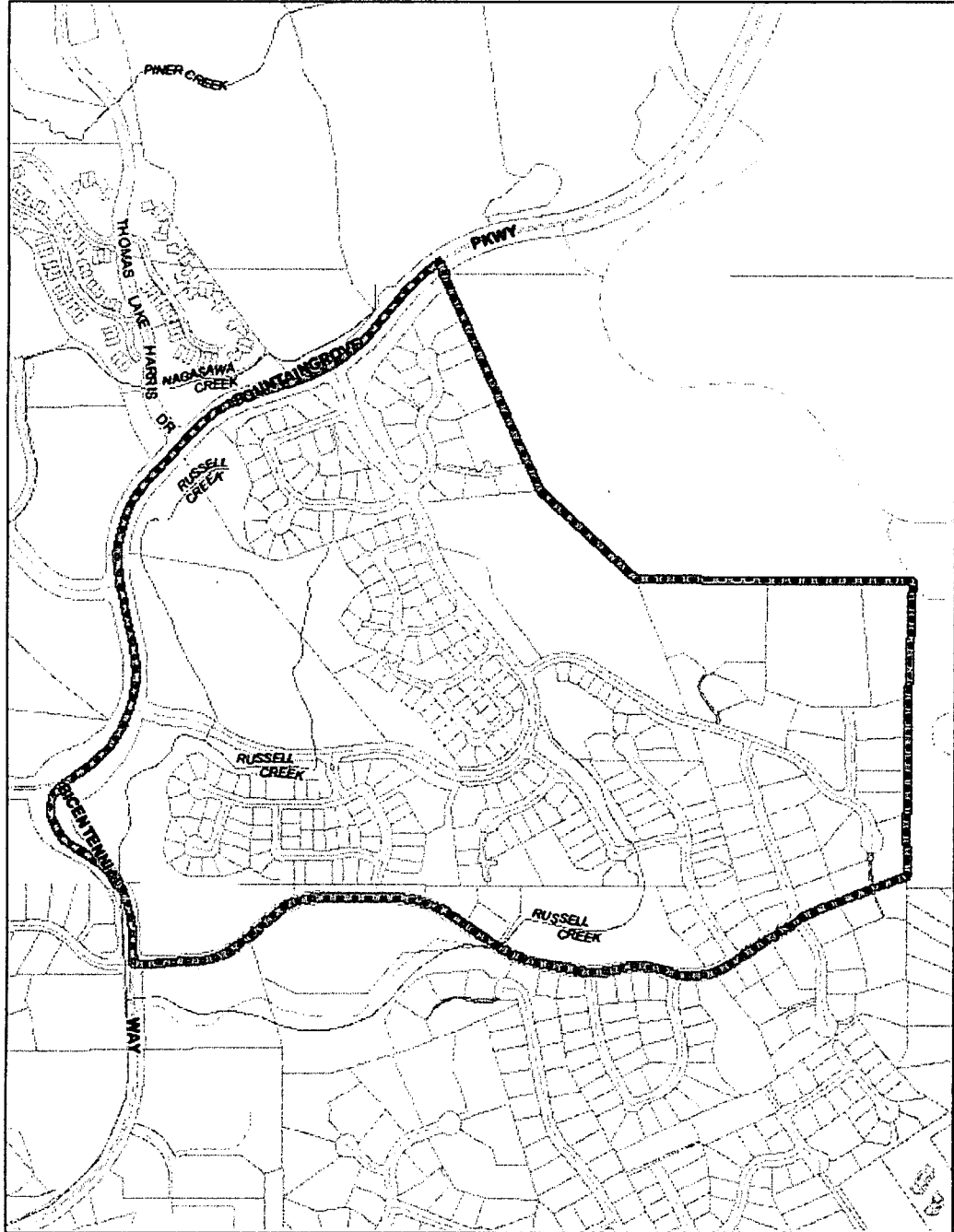


Figure 2-20 – Fountainview Area

4. Fountaingrove Area. Residential and non-residential parcels generally bounded by the city jurisdictional boundary to the north, east and west, and Fountaingrove Parkway, Keysight Technology campus and Chanate Road to the south, as depicted in Figure 2-21, Fountaingrove Area.

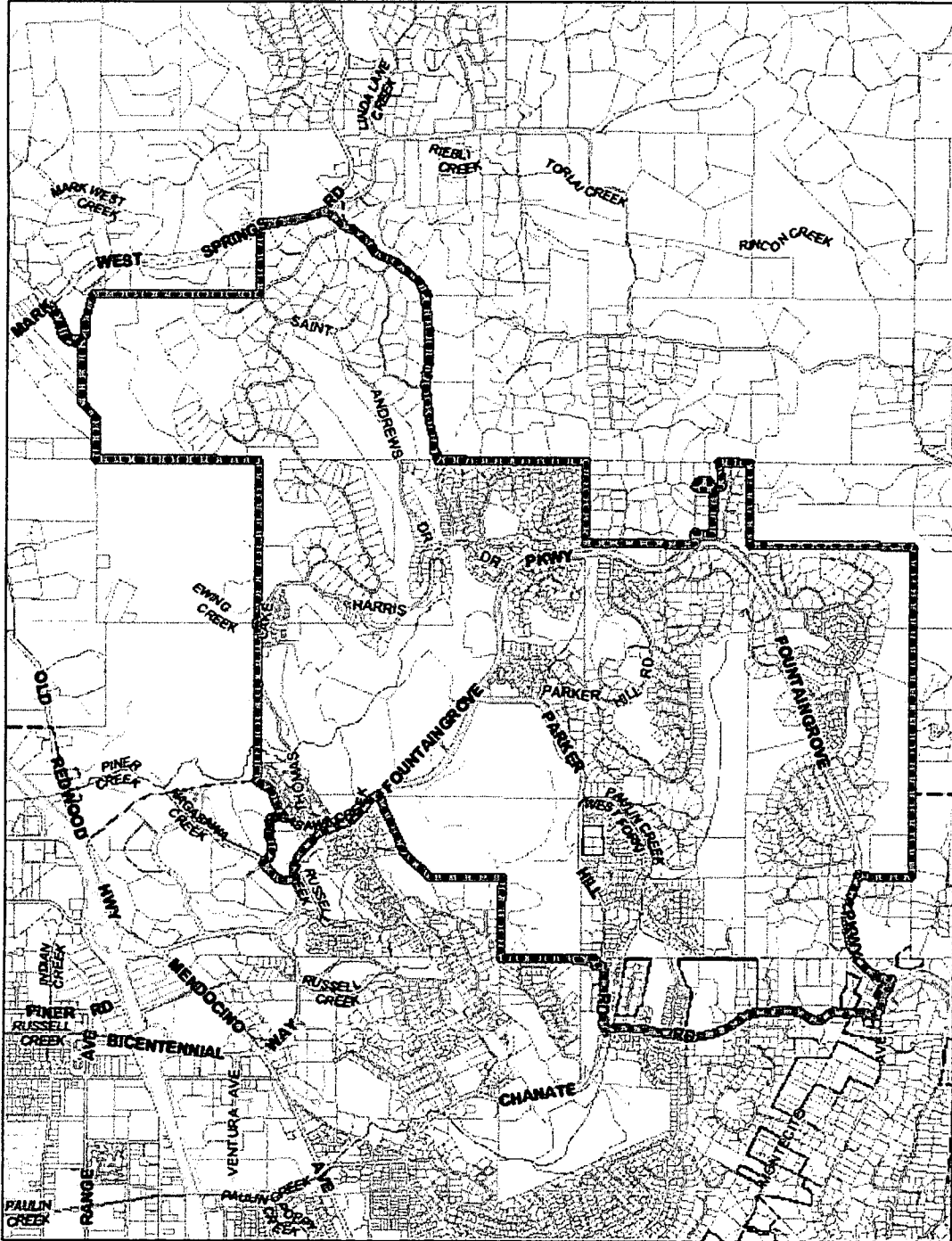


Figure 2-21 – Fountaingrove Area

5. Montecito Heights Area. Residential and non-residential parcels generally bounded by the city jurisdictional boundary to the north and west, Badger Road to the south, and Calistoga Road to the east, as depicted in Figure 2-22, Montecito Heights Area.

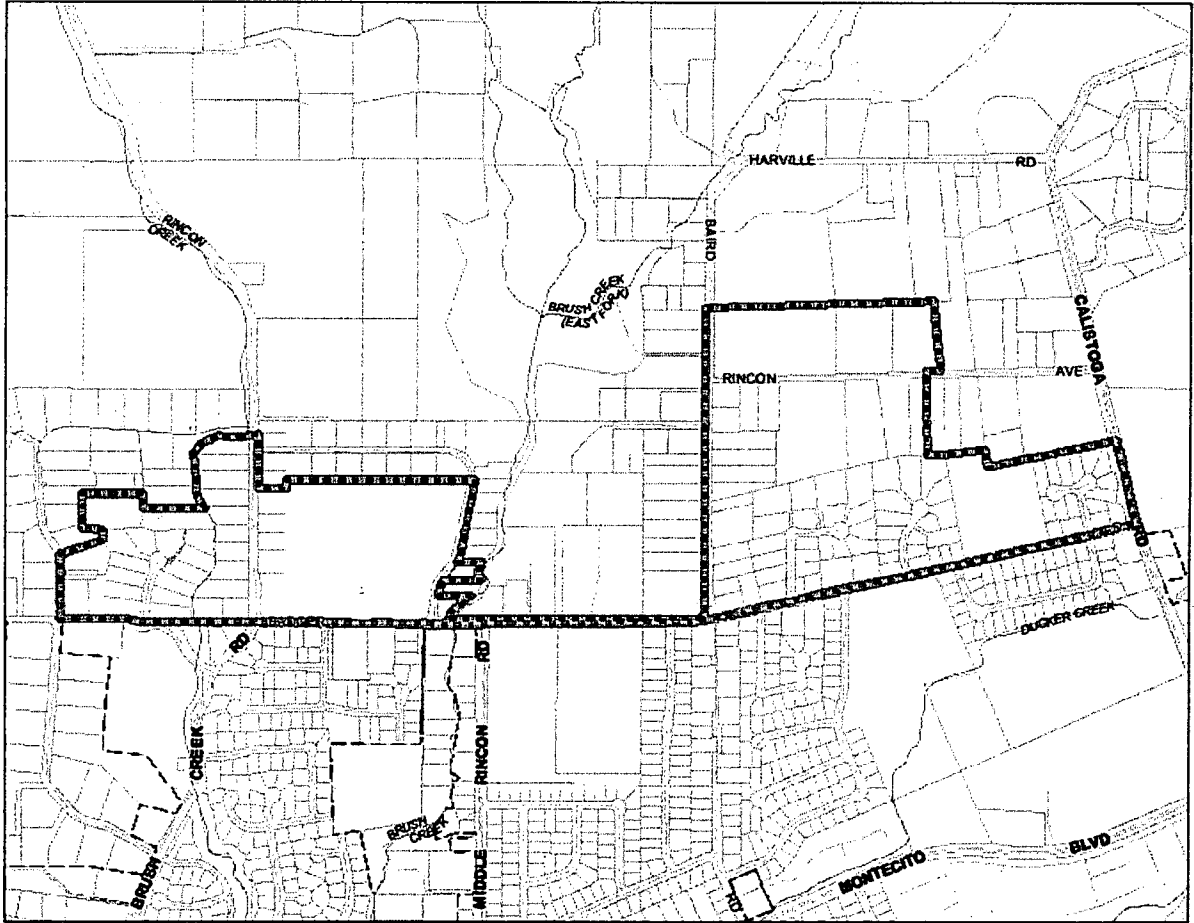


Figure 2-22 – Montecito Heights Area

6. Oakmont Area. Residential and non-residential parcels generally bounded by the city jurisdictional boundary to the north, south and east, and Melita Road to the west, as depicted in Figure 2-23, Oakmont Area.

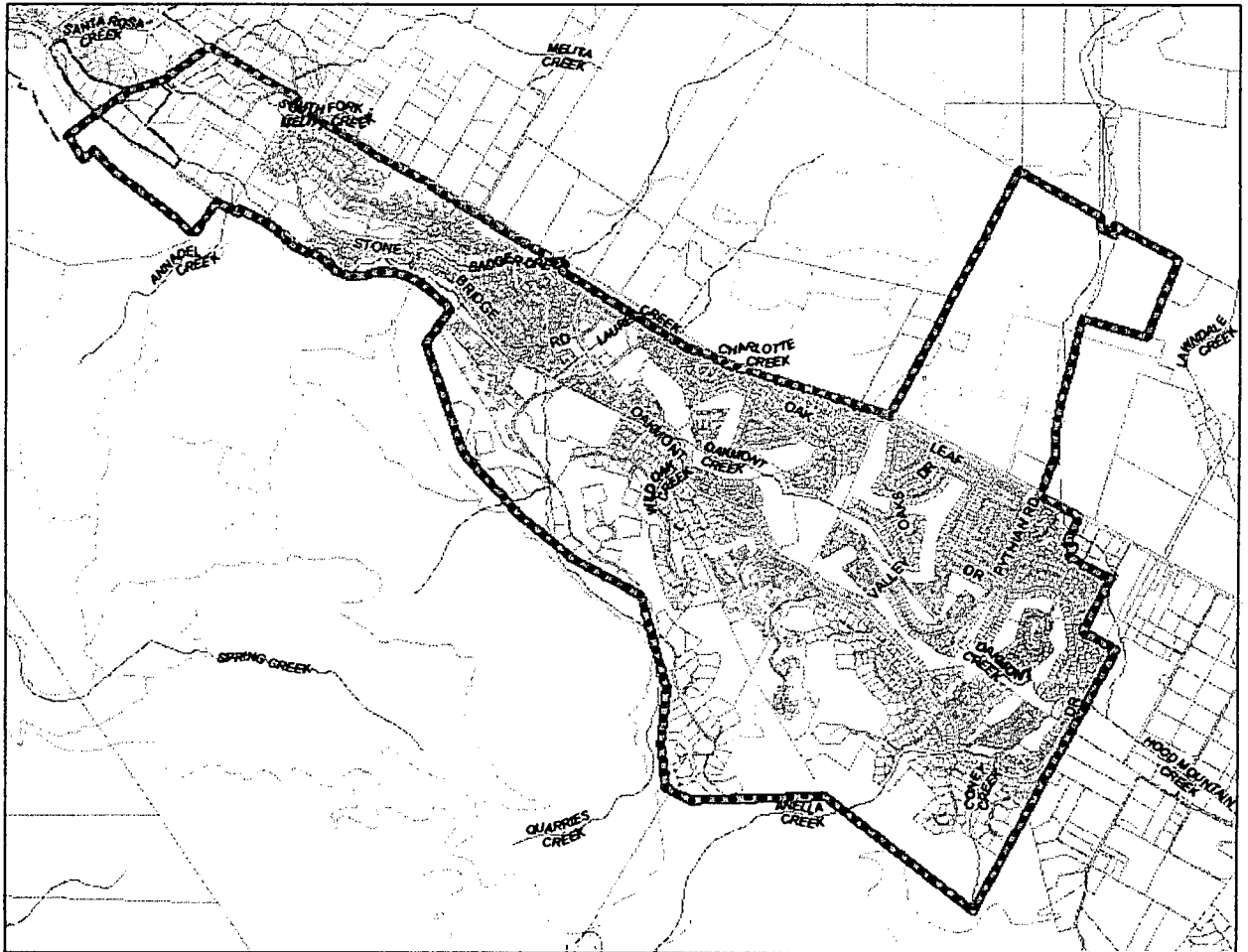


Figure 2-23 – Oakmont Area

- D. Reconstruction and Repair of Damaged Structures and Allowed Land Uses.
1. Reconstruction and repair of damaged or destroyed structures within the –RC Combining District shall be consistent with all applicable zoning regulations and General Plan land use designations in effect as of the date of declaration of local emergency (October 9, 2017), with the exception of non-conforming uses, addressed in Section 20-28.100(D)(5).
 2. All building permit applications within the –RC Combining District shall be prioritized over building permits in other areas of the City.
 3. Demolition of damaged structures. Building permit applications for the demolition of damaged structures within the –RC Combining District shall receive expedited review. All fees for demolition permits shall be waived.
 4. Reconstruction of conforming structures. Conforming residential or non-residential structures within the –RC Combining District may be reconstructed as originally permitted (including permitted additions), but shall comply with State

and local building, fire and other State and local code standards in effect at the time of building permit application. All permit review for such structures shall be as follows:

- a. Building permit applications for structures replicating the original footprint and building height, including permitted additions, and meeting current State and local building and fire code standards shall receive expedited review. No impact fees are applicable.
 - b. Building permit applications for replacement structures that vary from the originally permitted footprint or building height, and that meet current State and local building and fire code standards, will be processed based on application submittal date. No impact fees are applicable.
5. Reconstruction of Legal Non-Conforming Structures. Notwithstanding Zoning Code Section 20-61.030(B), structures within the –RC Combining District that were legally established, but do not conform to current City standards, and have been damaged or destroyed may be reconstructed or repaired in-kind, meeting current State and local building and fire code standards, provided that:
- a. The building is reconstructed in the same configuration, square-footage, height, and use as the original structure; and
 - b. Repair or reconstruction shall commence within three (3) years of the date of declaration of local emergency (October 9, 2017), by October 9, 2020, and be diligently pursued to completion.

Building permit applications will be processed based on application submittal date. No impact fees are applicable.

6. Continuance of Non-Conforming Uses. Notwithstanding Zoning Code Section 20-61.020(D), legal non-conforming uses of structures within the –RC Combining District that have been damaged or destroyed may be reconstructed or repaired in-kind, meeting current building and fire code standards, and reoccupied with a similar or less intense use, provided that:
- a. Enlargement or expansion of the use is not allowed; and
 - b. Repair or reconstruction shall commence within three (3) years of the date of declaration of local emergency (October 9, 2017), by October 9, 2020, and be diligently pursued to completion. If reoccupancy does not commence within six (6) months of the issuance of a certificate of occupancy, the legal non-conforming status shall terminate and the property shall thereafter be subject to all current City Codes.

7. Accessory Dwelling Units.

- a. General Provisions. Notwithstanding other provisions of this Zoning Code, an accessory dwelling unit within the –RC Combining District may be constructed and occupied prior to the construction of a single-family dwelling on the same parcel.
- b. Internal conversions. If a reconstructed residence is built to the previously permitted dimensions, without changing the footprint or square-footage of the original residence, an accessory dwelling unit may be incorporated into the interior, consistent with State law, and shall receive expedited review. The extent of the accessory dwelling unit shall be identified in the building permit submittal. No impact fees are applicable.
- c. Detached Accessory Dwelling Unit. Construction of a new detached accessory dwelling unit shall be allowed with reconstruction of a single-family dwelling. Building permit applications for the new detached accessory dwelling unit will be processed based on application submittal date. Impact fees for new detached accessory dwelling units shall be as follows, or as otherwise approved by Council:

Unit Size (Square Feet)		Percentage of Standard Accessory Dwelling Unit Impact Fees Assessed
Larger Than	Up To	
Internal Conversion		0%
-	750	0%
751	950	25%
951	1,200	50%

8. Temporary housing. Temporary structures for habitation within the –RC Combining District, including trailers, recreational vehicles, manufactured homes, tiny homes, and similar configurations are permitted on residential and non-residential parcels with a building permit. Water, wastewater and electrical service shall be available on the site proposed for temporary housing structures unless an alternative source is approved by Santa Rosa Water.

- a. Water – To protect the public water system, the appropriate approved backflow device shall be required. Initial testing certification of backflow devices is required and shall be performed by an entity as determined by the Director of Santa Rosa Water. Permit and connection fees shall be waived.
- b. Wastewater – To protect public health, connection to the wastewater system is required. The Director of Santa Rosa Water will determine the

appropriate connection requirement. Permit and connection fees shall be waived.

A building permit application shall be issued administratively for temporary housing. All temporary structures shall be removed from the site prior to issuance of a certificate of occupancy for a permanent residence on site, or within three (3) years of building permit issuance, whichever is sooner. Application processing, review and inspection fees shall be waived. No impact fees are applicable.

- E. **Planned Development Zoning Districts.** Properties within the –RC Combining District that have a base zoning district of Planned Development shall comply with the development standards of the policy statement for that district. Where the development standards in the Policy Statement are silent, or inconsistent with the current Zoning Code, the implementing standard zoning district consistent with the General Plan land use designation for the parcel(s) may be utilized, subject the determination of the Director of Planning and Economic Development. Any required discretionary planning permits, including, but not limited to, conditional use permit, design review or hillside development permit, are hereby subject to review and approval by the Director of Planning and Economic Development. Discretionary planning permit fees shall be waived.
- F. **Hillside Development.** New structures within the –RC Combining District designed in compliance with development standards set forth in Zoning Code Chapter 20-32, Hillside Development, that would otherwise be subject to Zoning Administrator or Planning Commission review for Hillside Development, are hereby subject to review and approval by the Director of Planning and Economic Development. Hillside Development application fees shall be waived.
- G. **Design Review.** New structures within the –RC Combining District that are designed in compliance with development standards pursuant to Zoning Code Chapter 20-52 that would otherwise be subject to Zoning Administrator or Design Review Board review pursuant to Zoning Code Section 20-52.030, are hereby subject to review and approval by the Director of Planning and Economic Development. Design Review application fees shall be waived.
- H. **At least ten (10) calendar days prior to taking action on any Design Review or Hillside Development Permit applications for replacement structures that vary from the originally permitted footprint or building height, the Director of Planning and Economic Development shall notify, by mail, all persons or entities as set forth in Section 20.66.020(C)(1). No public hearing shall be required.**
- I. **Final Map Requirements.** New structures within the –RC Combining District that would otherwise be subject to discretionary review with public hearing per the conditions of a Final Subdivision Map, are hereby subject to review and approval by the Director of Planning and Economic Development. Applicable discretionary permit application fees shall be waived.

- J. Land use, zoning or related Code provisions not addressed. Other than City Code provisions within the jurisdiction of the Director of Santa Rosa Water or the Board of Public Utilities, the Director of Planning and Economic Development shall have the authority to make determinations regarding the applicability of any land use, zoning or related City Code provision not addressed in this ordinance.
- 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 for a period of three (3) years of the date of declaration of local emergency (October 9, 2017), until October 9, 2020, unless otherwise amended by subsequent action of the Council.”

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.

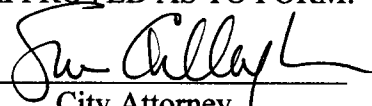
Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6. The Ordinance shall be in effect immediately upon its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 24th day of October, 2017.

AYES: (6) Mayor Coursey, Vice Mayor Tibbetts, Council Members Combs, Olivares, Rogers, Sawyer
 NOES: (0)
 ABSENT: (0)
 ABSTAIN/
 RECUSED: (1) Council Member Schwedhelm

ATTEST:  City Clerk APPROVED:  Mayor

APPROVED AS TO FORM:

 City Attorney