

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: AMY NICHOLSON, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: ONE-TIME, AUTOMATIC, 12-MONTH TENTATIVE MAP EXTENSION

AGENDA ACTION: ORDINANCE

RECOMMENDATION

It is recommended by the Planning Commission and the Planning and Economic Development Department that the City Council introduce an ordinance amending City Code Chapter 20-16, Resilient City Development Measures, to add a one-time, automatic, 12-month extension for all tentative map and associated entitlements valid on October 9, 2017, to address housing needs within the City following the Tubbs and Nuns fires of October 2017.

EXECUTIVE SUMMARY

Beginning on the evening of October 8, 2017, and continuing for days thereafter, a series of wildfire events damaged or destroyed thousands of residential and commercial structures within the City of Santa Rosa. On October 9, 2017, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City, which proclamation was ratified by the City Council on October 13, 2017. Prior to the wildfires, the Council had identified "housing for all" as a priority due to the City's ongoing, unmet housing needs. As a result of both the devastation of the wildfires and the previously existing significant shortage of housing, the Council has stated the need for measures to address housing Citywide. The proposed ordinance to add a one-time automatic 12-month tentative map extension was prepared to facilitate the urgent housing need. The draft ordinance was unanimously recommended for approval by the Planning Commission on November 29, 2018.

BACKGROUND

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.

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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.

On 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 3,000 homes and 100 commercial structures within the City of Santa Rosa.

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.

On October 9, 2017, the Governor of the State of California proclaimed a State of Emergency for Sonoma and other counties.

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.

On October 13, 2017, the 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. 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 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.

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.

The Council has 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.

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The housing units destroyed by the Fires increased the housing shortage by several orders of magnitude in the City.

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 for the recording of approved tentative subdivision maps, vesting tentative subdivision maps, and tentative parcel maps, along with associated entitlements that may have been impacted by economic hardships, in addition to the shortage of professional services, labor, and materials, as a result of the Fires.

On November 29, 2018, the Planning Commission voted unanimously to recommend that the Council adopt the Zoning Code Text Amendment to amend Chapter 20-16, Resilient City Development Measures, to include an automatic 12-month extension for previously approved tentative maps and associated entitlements that were valid on October 9, 2017.

PRIOR CITY COUNCIL REVIEW

See Background section above.

ANALYSIS

The proposed text amendment to Zoning Code Chapter 20-16, Resilient City Development Measures, which would apply to properties Citywide, was developed to address housing needs within the City following the Tubbs and Nuns fires of October 2017.

Pursuant to the Subdivision Map Act, an approved or conditionally approved tentative map shall expire 24 months after its approval or conditional approval, or after any additional period of time as may be prescribed by local ordinance, not to exceed an additional 12 months. (Gov. Code § 66452.6, subd. (a)(1).) The time at which the map expires may be extended by the City for a period or periods not exceeding a total of six years. (*Id.*, subd. (e).)

The City Code provides that the Planning Commission may grant an extension of time, not to exceed one year, for filing the final map with the City Council. Four subsequent extensions of time, each not to exceed one year, may thereafter be granted, for a period not to exceed a total of five years. (Code, § 19-28.030.)

Recognizing that the economic hardship and shortages of professional services, labor and materials caused by the October 2017 Fires may delay completion of already permitted projects, staff recommends the City Council adopt an ordinance to amend Chapter 20 of the Santa Rosa City Code, approving a one-time, 12-month map extension of any tentative 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, provided such extension would not exceed the maximum number of extensions allowed under the Subdivision Map Act and City Code.

The Ordinance would provide the following:

- Tentative subdivision maps, vesting tentative subdivision maps and tentative parcel maps that have been approved or conditionally approved and have not expired as of October 9, 2017, would be automatically extended by one year. This automatic extension would substitute for one extension under Code Section 19-28.030 and would not increase the total number of extensions allowed under the Code.
- Discretionary land use approvals that have been approved in conjunction with the map approval and have not expired as of October 9, 2017, would be automatically extended by one year, consistent with the extended tentative subdivision map, vesting tentative subdivision map or tentative parcel map.

The extension provided by this ordinance would not affect a subdivider's ability to request additional extensions up to the maximum period allowed by law.

ENVIRONMENTAL IMPACT

Adoption of the proposed 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. (*Surfrider Foundation v. California Coastal Com.* (1994) 26 Cal.App.4th 151 [if a project involves various activities, and each falls within one or more exemption(s), then the entire project is exempt].)

- 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.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On November 29, 2018, the Planning Commission voted unanimously to recommend that the Council adopt the Zoning Code Text Amendment to amend Chapter 20-16, Resilient City Development Measures, to include an automatic 12-month extension for previously approved tentative maps and associated entitlements that were valid on October 9, 2017.

NOTIFICATION

Pursuant to Zoning Code Section 20-66.020(D), Alternative to Mailing, if the number of property owners to whom notice would be mailed would exceed 1,000, the City may, as an alternative to mailing and on-site posting, provide notice by placing an advertisement of at least one-eighth page in at least one newspaper of general circulation 10 days prior to the hearing. The proposed City Code amendments would affect properties Citywide, therefore, a one-eighth page advertisement was placed in the Press Democrat. The notice was also emailed to the City’s Community Advisory Board and was posted at City Hall.

ISSUES

Not applicable.

ATTACHMENTS

Attachment 1 – List of affected subdivisions
Ordinance

CONTACT

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