

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
May 10, 2018

PROJECT TITLE

Resilient City Building Envelopes and
Setbacks Certificates of Correction

APPLICANT

City of Santa Rosa

ADDRESS/LOCATION

Various

PROPERTY OWNER

Various

ASSESSOR'S PARCEL NUMBER

Various

FILE NUMBER

PRJ18-031

APPLICATION DATE

N/A

APPLICATION COMPLETION DATE

N/A

REQUESTED ENTITLEMENTS

None

FURTHER ACTIONS REQUIRED

Recordation of Certificates of Correction

PROJECT SITE ZONING

Various - Residential (RR, R-1, and PD)

GENERAL PLAN DESIGNATION

Very Low Density Residential

Low Density Residential

PROJECT PLANNER

Amy Nicholson and Bill Rose

RECOMMENDATION

Recommendation of Approval

For Planning Commission Meeting of: May 10, 2018

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR EDMUNDSON AND MEMBERS OF THE COMMISSION
FROM: BILL ROSE, SUPERVISING PLANNER
GABE OSBURN, DEPUTY DIRECTOR OF DEVELOPMENT
SERVICES
PLANNING AND ECONOMIC DEVELOPMENT
SUBJECT: RESILIENT CITY BUILDING ENVELOPES CERTIFICATES OF
CORRECTION
AGENDA ACTION: RECOMMENDATION OF APPROVAL

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission recommend that the City Engineer execute and record the proposed certificates of correction removing references to building envelopes and setbacks on subdivision final maps within the Coffey Park and Fountaingrove Resilient City zones.

BACKGROUND

Beginning on October 8, 2017, and continuing for days thereafter, the Tubbs and Nuns Fires (Fires) destroyed approximately 3,000 residential and 100 commercial structures within the City of Santa Rosa. Based on the urgent need to rebuild and repopulate those areas affected by the Fires, the Resilient City (-RC) Combining Zoning District was established to be applied to the base zoning of each property impacted by the Fires.

The Resilient City Combining Zoning District was applied to five zones within the City, including: Coffey Park, Highway 101 Corridor/Roundbarn, Fountainview, Fountaingrove, Montecito Heights, and Oakmont. The -RC zoning district allows for projects to utilize development standards from either the Planned Development or base zoning district which implements the General Plan land use designation.

Based on several requests for flexibility within the Coffey Park area for rebuilding, Planning and Economic Development staff began to explore ways to remove overly burdensome development constraints within the Resilient City zones. A total of 29 final subdivision maps, which include building envelopes or references to setbacks, were identified in the Resilient City zones of Coffey Park and Fountaingrove. The removal of the recorded building envelopes and setbacks would reduce an obstacle to property owners rebuilding residential units in that new development and replacement structures

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would not be bound by the envelopes or setbacks as shown on recorded maps, but rather subject to Zoning Code development standards and any appropriate conditions of approval for the subdivision. Final maps with recorded building envelopes and setbacks, in some cases, do not allow for property owners to develop their properties consistent with the City's existing zoning, since the recorded map takes precedence. This requirement places the burden on the property owner to have the map amended in order to build consistent with City zoning.

On January 1, 1987, a statute amended the Subdivision Map Act requiring any information that did not affect title to be excluded from the final map (Government Code Section 66434.2). In concert with the State legislation, the City adopted Ordinance 2622, which required that information that did not affect title, including but not limited to building setbacks and envelopes, flood hazard zones and seismic lines, to be recorded on an additional sheet rather than on the map. Prior to 1987, final maps throughout the City were regularly recorded with building setbacks and envelopes. Information included on the recorded final map is considered enforceable by the City, where information included on any supplemental sheets is for reference only. The adoption of Ordinance 2622 allowed for flexibility of subdivision development, consistent with City zoning, instead of requiring property owners to develop consistent with the building envelopes or setbacks as indicated on the subdivision final map.

Government Code Section 66472.1 provides a process for amending a recorded final map if there are changed circumstances and if specific findings are made by the City. If the criteria are met, a recorded map can be modified by an amending map or a certificate of correction, which achieve the same outcome. Either must be prepared and signed by a registered civil engineer or licensed land surveyor. The City Engineer is seeking to execute and record certificates of correction instead of an amending map to reduce the time and cost associated with the process. Certificates of correction are attached to the existing final map without requiring the redrafting and recordation of an amended map.

1. Project Description

The City Engineer is seeking to remove any building envelopes and setbacks (References) from existing subdivision final maps within the Resilient City zones to reduce constraints, eliminate conflicts with existing zoning, and provide for flexibility for rebuilding. The removal of these References will allow for the new structures to be built consistent with the existing City zoning while in some cases, allowing for property owners to have a wider selection rebuild options. In addition, the removal of these References will adjust the format of existing maps to maintain consistency with the current departmental processes. Without the City initiated certificates of correction for each of the below named 29 subdivisions, property owners would be required to initiate an amendment to each of the affected subdivisions, requiring individual public hearings and application fees. The currently proposed process would save property owners the time, cost, and unpredictability associated with applicant initiated process.

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The Coffey Park and Fountaingrove area subdivisions that would be affected by the proposed certificates of correction are as follows:

Subdivision Name	Book	Page
Parcel Map No. 121	203	13
Sharon Park Subdivision No. 1	224	43-45
Sharon Park Subdivision No.2	229	36-38
Hillview Manor Subdivision Unit 1	235	9-10
Hillview Manor Subdivision Unit 2	242	30-31
Sharon Park Subdivision No.3	242	43-45
San Miguel	280	37-40
Coffey Creek Estates	346	48-49
Willow Grove Subdivision No.1	354	37-39
Parcel Map No. 407	371	8-9
Coffey Meadows Subdivision	376	46-48
San Miguel Acres	378	8-10
Coffey Park Unit 1	386	35-38
Barnes Meadow Subdivision	389	48-49
Coffey Park Unit 2	390	4-6
Marovich Brothers Subdivision	390	48-50
Hidden Valley Estates Subdivision No.4	172	3-6
Hidden Valley Estates Subdivision No.5	191	7-9
Hidden Valley Estates Subdivision No.7	200	50-51
Hidden Valley Estates Subdivision No.7A	212	12-13
Parcel Map No. 160	214	18
Hidden Valley Estates Subdivision No.6	215	44-47
Hidden Pines Estates Subdivision No.1	261	35-37
Parcel Map No. 287	295	16-17
Quail Ridge	359	47-49

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Southridge at Fountaingrove	376	38-41
Fir Ridge at Fountaingrove	378	17-19
Southridge II at Fountaingrove	393	8-10
Lomas Heights	88	1-6

Each property within the above listed subdivisions will be impacted differently. In cases when the final map shows setbacks generally consistent with City zoning, the removal of these References will have a negligible impact on the siting of development. In cases where the map contains building envelopes, or very restrictive setbacks, the removal will be more impactful. Additionally, should the City Council approve the proposed urgency ordinance on May 8, 2018, lots less than 6,000 square feet in area would have the ability to utilize setbacks allowed by small lot subdivisions.

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

1. General Plan

The subject sites include two types of residential land use designations, Very Low Density Residential which allows between 0.2-2 units/acre, and Low Density Residential which allows between 2-8 units/acre. The proposal does not include any development, but would facilitate residential development within the burned areas of the City without affecting density. As this proposal would encourage the rebuilding of housing consistent with the existing land use designations in the City, Staff has found it to be consistent with the General Plan.

2. Zoning

The previously identified subdivisions include a variety of zoning classifications including RR (Rural Residential), R-1 (Single-Family Residential), and a variety of Planned Developments (PDs) intended for residential uses. In addition, each of the subject sites is part of the Resilient City Combining District created by the City Council to facilitate the reconstruction of areas impacted by the Fires of October 2017. Staff has found the proposal to be consistent with the existing zoning classifications, in that although no new development is proposed, property owners would be able to develop each affected property to be consistent with the development standards indicated in each applicable primary zoning district, and would not be bound by the more restrictive standards currently shown on some final maps.

3. Subdivision Map Act

Pursuant to Government Code Section 66472.1, recorded final maps may be modified by a certificate of correction if authorized by local ordinance, if the local agency finds there are changes in circumstance that make any or all of the conditions of the map no longer appropriate or necessary, if the modifications do not impose any additional burden on the fee owners of the real property, if the modifications do not alter any right, title, or interest in the real property reflected on the recorded map, and if the map as modified conforms to Government Section 66474 which indicates grounds for denial for a tentative or parcel map.

City Code Chapter 19-40 authorizes a process for the proposed certificates of correction, and as such, the necessary findings to approve the requested certificates of correction are as follows:

- A. There are changes in circumstance that make any or all of the conditions of the maps no longer appropriate or necessary in that the requested correction consists of the removal of building envelope or setback references for the subdivisions that sustained destruction or damage from the Fires. The recorded building envelope and setback references are no longer necessary in that there are existing zoning development standards in place to achieve privacy, open space, and neighborhood compatibility, and the removal of these specific building envelopes may reduce obstacles for property owners to rebuild residential units. Furthermore, since the adoption of Ordinance 2622 in 1987, in concert with the State legislation incorporated as Government Code Section 66434.2, the City of Santa Rosa has not allowed building envelopes or references to setbacks on recorded final maps, and therefore the proposed correction would allow these recorded maps to be consistent with subsequently adopted local and state law; and
- B. The modifications would not impose any additional burden on the on the fee owners of the real property in that the removal of building envelopes or reference to setbacks from the recorded final maps will provide additional flexibility for fee owners to rebuild residential units consistent with the City's current zoning standards; and
- C. The modifications would not alter any right, title, or interest in the real property reflected on the recorded maps in that removal of the building envelope to match the Zoning Code requirements would not change the property owner's ownership interest or rights in his or her property; and
- D. The maps as modified conform to Government Section 66474 in that the removal of building envelopes and setback references from recorded final maps in the Resilient City zones would not: create maps in conflict with the City's General Plan, impact the physical suitability of the sites to be redeveloped, cause

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substantial environmental damage, cause serious public health problems, or conflict with existing easements acquired by the public at large.

3. Public Outreach

Planning and Economic Development (PED) staff held a meeting with the property owners of the Coffey Creek Estates subdivision on March 26, 2018, and the Coffey Strong group on April 23, 2018, to discuss the proposal. PED staff have been in contact with several property owners in other affected areas since the March 26th meeting. No additional formal outreach has occurred.

4. Public Improvements/On-Site Improvements

Not applicable.

ENVIRONMENTAL IMPACT

This proposal 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 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.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

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 certificates of correction proposal would affect properties Citywide, therefore, a one-eighth page advertisement was placed in the Press Democrat. Consistent with Government Code Section 66451.3(1), the notice was also mailed to the owners of the subject real property. The notice was also emailed to the City's Community Advisory Board, and the notice was posted at City Hall.

ISSUES

Staff received several comments with concerns about the potential impacts of the elimination of References on neighborhood character in the affected subdivisions.

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Substantial changes to the siting of residential units are not anticipated as each development is required to remain consistent with the existing City zoning district. In addition, any proposed development varying from previous construction would receive additional review upon plan check to ensure any conditions of approval of the subdivision are met.

ATTACHMENTS

Attachment 1 – Large Scale Map of Affected Subdivisions with Key

Attachment 2 – Recorded Maps to be Corrected

Attachment 3 – Ordinance 2017-018 – Resilient City Zoning District Resolution 1

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