

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA  
RECOMMENDING THAT THE CITY ENGINEER EXECUTE AND RECORD  
CERTIFICATES OF CORRECTION TO REMOVE REFERENCES TO BUILDING  
SETBACKS AND BUILDING ENVELOPES ON SPECIFIED SUBDIVISION FINAL MAPS  
WITHIN THE RESILIENT CITY ZONES – PRJ18-031

WHEREAS, on October 8, 2017, and for several days thereafter, approximately 3,000 residential units were destroyed by the Nuns and Tubbs Fires (Fires) in the City of Santa Rosa;

WHEREAS, on October 24, 2017, the City Council adopted an Ordinance creating the Resilient City (-RC) combining zoning district to facilitate the reconstruction and resilience of areas impacted by the Fires;

WHEREAS, based on several requests for flexibility within the Coffey Park area for rebuilding, Planning and Economic Development staff identified a total of 29 subdivision final maps which include building envelopes or references to setbacks in the Resilient City zones of Coffey Park and Fountaingrove;

WHEREAS, the removal of the recorded building envelopes or setbacks would reduce an obstacle to property owners rebuilding residential units in that future development would not be bound by the envelopes or setbacks as shown on recorded maps, but instead would require new construction to build conformant to City zoning;

WHEREAS, in September 1985, the Governor of California signed a statute which 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. Therefore, the proposed certificates of correction would bring the existing 29 final maps into conformance with local and state law;

WHEREAS, 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. 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;

WHEREAS, after the May 10, 2018, public hearing, the Planning Commission of the City of Santa Rosa believes that the reference to setbacks and building envelopes on existing final subdivision maps within Resilient City (-RC) zones of the City should be removed through certificates of correction to facilitate the rebuilding of replacement residential units;

WHEREAS, the Planning Commission, pursuant to Government Code Section 66472.1

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hereby finds and determines:

- 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, and 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 local and state law; and
- B. The modifications do not impose any additional burden on the on the fee owners of the real property in that the removal of building envelopes or setback references from the recorded final map will provide additional flexibility for fee owners to rebuild residential units consistent with the City's zoning districts; and
- C. The modifications would not alter any right, title, or interest in the real property reflected on the recorded maps in that title to one's property may be modified by encumbrances, such as easements liens or covenants, which are not proposed by this correction. In addition, removal of the building envelope to match the Zoning Code requirements would not change the property owner's ownership interest or right in his or her property, nor would it change the neighbors' ownership interests in their own properties; and
- D. The maps as modified conform to Government Section 66474 which indicates grounds for denial for a tentative or parcel map in that the removal of building envelopes and setback references from recorded final maps in the Resilient City (-RC) zones would not: create map in conflict with the City's General Plan, impact the physical suitability of the sites to be redeveloped, cause substantial environmental damage, cause serious public health problems, or conflict with existing easements acquired by the public at large.
- E. 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.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Engineer execute and record certificates of correction to remove the existing building envelopes and setback references from subdivision final maps within the Resilient City zones as listed in the attachment to this Resolution.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 10<sup>th</sup> day of May 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
EXECUTIVE SECRETARY

Attachment –Subdivisions for Certificates of Correction

DRAFT