

ORDINANCE O2012 __

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING NAPA MUNICIPAL CODE SECTIONS 16.20.090, 16.20.100, 16.28.080 AND 16.28.090 GRANTING AUTOMATIC TIME EXTENSIONS OF TENTATIVE MAPS IN ACCORDANCE WITH STATE LAW AND EXTENDING OF DISCRETIONARY LAND USE APPROVALS ASSOCIATED WITH TENTATIVE MAPS

WHEREAS, under the Municipal Code, tentative subdivision maps and tentative parcel maps approved by the City are valid for an initial time period of two years, and may be extended for up to a total of six additional years; and

WHEREAS, in July 2011, the California State legislature has enacted Assembly Bill 208, which adds an additional section to the Subdivision Map Act codified at Government Code section 66452.23, which extends the expiration date of any approved tentative map or vesting tentative map that has been approved that has not expired on or before the date that the act that added this section became effective (which was July 15, 2011) and will expire prior to January 1, 2014 by 24 months; and

WHEREAS, the State legislation specifically states that this amendment is to permit local jurisdictions to preserve development applications that are set to expire and that cannot be processed presently due to prevailing adverse economic conditions in the construction industry; and

WHEREAS, the City Council finds that the following amendments to the Napa Municipal Code are consistent with section 17.66.080 of the Napa Municipal Code in that the proposed amendment is consistent with the General Plan and serves the public health, safety and general welfare of the community; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Napa as follows:

SECTION 1: Findings. As required by Napa Municipal Code section 17.66.080, the City Council hereby makes the following findings in support of the amendments to the zoning regulations set forth under this ordinance:

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A. The proposed amendment is consistent in principle with the General Plan.

The proposed amendment is consistent with the General Plan in that the amendments merely extend entitlements already granted which are consistent with the General Plan.

B. The public health, safety and general welfare are served by the adoption of the proposed amendment.

Since the provisions of the amendment are required by State law, it is in the public interest for the Municipal Code to be consistent with State regulations.

C. If a rezoning to a district with a larger minimum lot size is proposed, effectively reducing the planned residential density, the City shall also find that the remaining sites in the Housing Element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to California Government Code section 65584; or if not, that it has identified sufficient additional, adequate and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

This finding is not applicable to this project because the project does not include any proposal to increase a minimum lot size nor does it eliminate any site designated in the Housing Element from future use as a housing site.

SECTION 2: Amendment. Napa Municipal Code Section 16.20.090(E) is hereby repealed in its entirety. A new Section 16.20.090(E) is hereby added to Chapter 16.20 to read as set forth below [Note: Subsections 16.20.090(A) through 16.20.090(D) are not modified by this amendment]:

16.20.090 Expiration

E. Notwithstanding the provisions of Section 17.68.170 of this code to the contrary, if an approved or conditionally approved tentative map is subject to an automatic extension of the expiration date pursuant to California Government Code Section 66452.21, 66452.22 or 66452.23, and if the tentative map was approved or conditionally approved in conjunction with a separate discretionary land use entitlement (including design review permits, use permits, variances, or other discretionary land use entitlements), then the initial expiration date of the separate discretionary land use entitlement shall automatically be extended to be equal to the expiration date of the approved or conditionally approved tentative map.

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SECTION 3: Amendment. Napa Municipal Code Section 16.20.100 is hereby repealed in its entirety. A new Section 16.20.100 is hereby added to read as set forth below:

16.20.100 Extensions

Upon application of the subdivider filed with Community Development Director prior to the expiration of the tentative map, such map may be extended by the Council as provided for in Section 66452.6 of the Subdivision Map Act. Once such application is timely filed, the map shall be automatically extended as provided in Section 66452.6 and 66452.23 of the Subdivision Map Act.

SECTION 4: Amendment. Napa Municipal Code Section 16.28.080(E) is hereby repealed in its entirety. A new Section 16.28.080(E) is hereby added to Section 16.28.080 to read as set forth below [Note: Subsections 16.28.080(A) through 16.28.080(D) are not modified by this amendment]:

16.28.080 Expiration

E. Notwithstanding the provisions of Section 17.68.170 of this Code to the contrary, if an approved or conditionally approved tentative parcel map is subject to an automatic extension of the expiration date pursuant to California Government Code sections 66452.21, 66452.22 or 66452.23, and if the tentative parcel map was use entitlement (including design review permits, use permits, variances, or other approved or conditionally approved in conjunction with a separate discretionary land discretionary land use entitlements), then the initial expiration date of the separate discretionary land use entitlement shall automatically be extended to be equal to the expiration date of the approved or conditionally approved tentative map.

SECTION 5: Amendment. Napa Municipal Code Section 16.28.090 is hereby repealed in its entirety. A new Section 16.28.090 is hereby added to Chapter 16.28 to read as set forth below:

16.28.090 Extensions

Upon application of the subdivider filed with Community Development Director prior to the expiration of the tentative parcel map such map may be extended by the Planning Commission as provided for in Section 66463.5 of the Subdivision Map Act. Once such application is timely filed, the map shall automatically be extended as provided in Section 66463.5 or 66452.23 of the Subdivision Map Act. The decision of the Planning Commission shall be final unless appealed to the Council within 10 calendar days of the Commission's decision by filing a written appeal with the City Clerk. The Council may in its

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sole discretion extend the time at which such map expires.

SECTION 6: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council, hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 7: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: _____

ATTEST: _____

CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Dorothy R. Roberts, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the regular meeting of the City Council on the 18th day of September, 2012, and had its second reading and was adopted and passed during the regular meeting of the City Council on the 2nd day of October, 2012, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

ATTEST: _____

Dorothy Roberts
City Clerk

APPROVED AS TO FORM:

Michael W. Barrett
City Attorney