



Folsom City Council Staff Report

MEETING DATE:	5/26/2020
AGENDA SECTION:	New Business
SUBJECT:	Resolution No. 10459 - A Resolution Authorizing the Automatic Extension of Zoning Related Entitlements and Grading Permits for One-Year
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

In recognition of the current COVID-19 pandemic and as a means to extend all Zoning Ordinance-related entitlements and Grading Permits, it is recommended that City Council adopt Resolution No. 10459 - A Resolution Authorizing the Automatic Extension of Zoning Related Entitlements and Grading Permits for One-Year.

BACKGROUND / ISSUE

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California as a result of the COVID-19 pandemic. On March 16, 2020 the City Council proclaimed that the COVID-19 pandemic has caused a Local Emergency. On March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all residents of California to stay at home (“Directive”), unless in the category of essential services.

The current COVID-19 public health emergency is delaying the construction and completion of certain development projects, and the land use entitlement approvals for these projects are at risk of expiring due to the current pandemic. Because the processing, approval, and issuance of land use entitlements represent a substantial investment of money, time, and effort toward the successful completion of these projects, expiration of these entitlements represents a significant loss for landowners, developers, and the local economy. Staff is recommending that the City Council take action to protect against this potential loss and preserve development opportunities by granting an automatic extension of 1 year time to the term of these entitlements that would otherwise expire in and during 2020 following the adoption of the proposed Resolution.

If approved, the Resolution would grant an automatic extension of one-year to all land use entitlements that would have expired in 2020. This would include, but is not limited to, Design Review Permits, Conditional Use Permits, Planned Development Permits, other Zoning-related permit types as well as Grading Permits. The Resolution would not affect subdivision entitlements or building permits. Subdivision entitlements are governed by California's Subdivision Map Act provisions, which allows substantial extensions for the life of a subdivision entitlement. Building permits are governed by Title 14 of the Folsom Municipal Code ("Buildings and Construction") and the California Buildings Standard Code, which gives the City's Chief Building Official discretion regarding building permit extensions.

FINANCIAL IMPACT

An economic benefit is likely to occur by extending the time development projects have to construct; however, the fiscal impact cannot be quantified.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, or is otherwise not considered a project as defined by CEQA Statute §21065 and CEQA State Guidelines §15060(c)(3) and §15378. Each development project that may be extended has been reviewed in compliance with CEQA statutes and the proposed ordinance will meet the above criteria and is not subject to CEQA. No additional environmental review is required.

ATTACHMENT:U

Resolution No. 10459 - A Resolution Authorizing the Automatic Extension of Zoning Related Entitlements and Grading Permits for One-Year

Respectfully Submitted,



Pam Johns, Community Development Director

RESOLUTION NO. 10459

A RESOLUTION AUTHORIZING THE AUTOMATIC EXTENSION OF ZONING RELATED ENTITLEMENTS AND GRADING PERMITS FOR ONE-YEAR

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency in California as a result of the COVID-19 pandemic. On March 16, 2020 the City Council proclaimed that the COVID-19 pandemic has caused a Local Emergency. On March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all residents of California to stay at home (“Directive”), unless in the category of essential services; and

WHEREAS, the City Council of the City of Folsom finds and declares that the current COVID-19 State of Emergency, Proclamation, and Directive are delaying the start and completion of construction of certain development projects, and the land use entitlement approvals for these projects are at risk of expiring due to no fault of landowners and developers. Because the processing, approval, and issuance of land use entitlements represent a substantial investment of money, time, and effort toward the successful completion of these projects, expiration of these entitlements represents a significant loss for landowners, developers, and the local economy. The City Council desires to protect against this potential loss and preserve development opportunities by granting an automatic extension of 1 year time to the term of these entitlements; and

WHEREAS, notwithstanding the provisions of Title 17 of the Folsom Municipal Code (Zoning) to the contrary, the period of time within which to obtain a building permit and commence construction, or to establish a use, under Chapter 17 of the Zoning Ordinance, including any extensions thereof, shall not include the period of time that this Resolution is in effect. This Resolution shall apply only to all entitlements and permits issued under the Zoning Ordinance that are valid and not expired as of the effective date of this Resolution; and

WHEREAS, notwithstanding the provisions of Title 14 of the Folsom Municipal Code (Buildings and Construction) to the contrary, the period of time within which to obtain a grading permit and to initiate grading, under Chapter 14 the Folsom Municipal Code, shall not include the period of time that this Resolution is in effect. This Resolution shall apply only to all grading plans issued under Chapter 14 of the Folsom Municipal Code that are valid and not expired as of the effective date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the automatic extension of zoning related land use entitlements and grading permits for one year for all projects that would have expired in 2020.

BE IT FURTHER RESOLVED that the aforementioned one-year extension shall apply prospectively only to projects whose land use entitlements and/or grading permits are valid and have not expired as of the effective date of this Resolution.

PASSED AND ADOPTED this 26th day of May, 2020, by the following roll-call vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):
ABSTAIN: Council Member(s):

Sarah Aquino, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK