


Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: September 7, 2021
To: Honorable Mayor and City Councilmembers
From: Kari Svanstrom, Planning Director
Subject: Approval of Extension of Planning and Building Permits in response to COVID-19 for An Additional Year
Recommendation: Approve the Resolution
Funding: Currently Budgeted: _____ Yes _____ No X N/A

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

INTRODUCTION/PURPOSE:

The item tonight is for City Council approval of Resolution Extending Approval of Planning and Building Permits in response to COVID-19 for An Additional Year.

BACKGROUND:

The Covid-19 viral pandemic has caused unprecedented economic impacts to business and industry across the globe. Although some businesses have been able to return to a ‘new normal’, others, particularly some development projects and hospitality related industries, continue to be impacted by Covid and the variants that continue to cause public health concerns and impact businesses.

The City Council approved several steps to provide flexibility to existing and future business operators during 2020, including easing requirements for use of outdoor areas for business operations, parklets, a micro loan program, and other steps. On September 14, 2020, the Council adopted a Resolution ‘tolling’ permit expirations as an additional measure to assist both homeowners and developers/business-owners who had existing approvals that might be expiring (see attachments).

DISCUSSION:

Covid, and the variants, continue to impact the economy, particularly the hospitality and service sector. Therefore, staff is recommending the Council consider approving for an additional year this extension. The Council could also consider an alternative time frame if it wishes (6 months, 9 months, etc.), so that those projects with financial challenges, or owners with public health concerns in engaging in a project at this time, may have additional time to utilize their existing entitlements.

GOALS:

This action supports the following City Council Goals and General Plan Actions:

Goal 4.1, Create a Safe, Healthy, and Attractive Environment for residents and visitors

Goal 8.1, “Promote the City of Sebastopol as the destination for slow travel, eco-tourism and supporting of bike activities”

Goal 9.1 “Encourage Jobs and Housing in Sebastopol”, as the extension would support local businesses and homeowners with current entitlements but struggling to implement their projects due to the impacts of Covid.

ENVIRONMENTAL REVIEW:

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, public comment from interested parties following the publication and distribution of this staff report will be provided to the City Council as supplemental materials before or at the meeting. In addition, a consent calendar item may be requested to be removed from the consent calendar if a member of the Council or public requests to provide public comment on this item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

FISCAL IMPACT:

None; City fees (building permit, impact fees, etc.) in effect at the time of permit issuance will still be required.

RECOMMENDATION:

Approve the Resolution

Attachments:

Resolution ____-2021

Prior staff report and resolution

RESOLUTION NUMBER: -2021

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
TOLLING OF PLANNING AND BUILDING PERMIT APPROVALS DUE TO COVID-19 EMERGENCY

WHEREAS, the State of California declared a State of Emergency on March 4, 2020 due to the Covid-19 pandemic; and

WHEREAS, the City of Sebastopol City Council declared a local emergency due to Covid-19 pandemic on March 12, 2020, and extended by the Council on July 7, 2020 and September 1, 2020; and

WHEREAS, the County of Sonoma declared an initial Order of the Health Officer on March 17, 2020, No, C19-03, ordering a Shelter in Place for County residents and restricting business operations to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services; and,

WHEREAS, these restrictions included restrictions on all operations other than essential operations, including construction, planning, and building, with further Order revisions providing for limited operations which are still in effect; and,

WHEREAS, these responses to the Covid-19 pandemic crisis have been critical to protect public health and safety. However, these restrictions have, and will continue to cause, financial stress to residents, business owners, and property owners alike in the City of Sebastopol and throughout Sonoma County, the State of California, and the United States; and

WHEREAS, the financial impacts of these restrictions have impacted local businesses and property owners through both restrictions on construction activity and financial impacts; and

WHEREAS, the covid-related emergency has continued throughout 2020, and continues in 2021; and

WHEREAS, the "Delta" and "Lambda" Variants, and other variants of Covid-19, continue to have impact on business operations, supply chains in the construction industry, and financing; and

WHEREAS, the health of local businesses is critical to the City's economy and the ability of businesses and property owners to make improvements to their properties and pursue their business interests are a critical component of the City's long-term recovery from the financial impacts of Covid-19 pandemic; and,

WHEREAS, the City Council of the City of Sebastopol wishes to support local residents, business owners, and property owners throughout this emergency and in their recovery.

NOW, THEREFORE, BE IT RESOLVED that the City of Sebastopol City Council hereby approves and certifies the following:

1. The expiration for any Planning and Zoning entitlements approved as of the date of this Resolution shall be tolled until September 15, 2022. This includes an entitlements required under Sebastopol Municipal Code Sections 8.12 ("Tree Protection"), 15.04 ("Building and Construction, International Building Code"), Title 16 ("Subdivisions"), and Title 17 ("Zoning").

2. If entitlements approved under Title 16 (“Subdivisions”) are extended by the State of California through legislative action, this tolling shall be superseded and replaced by State action, and the State extension only shall apply.
3. No action shall be required by holders of entitlements to receive this extension.
4. Active entitlement applications submitted as of the date of this Resolution that would otherwise be withdrawn under Section 17.400.030(C)5 may be extended at the discretion of the Planning Director or her designee.
5. These actions shall be implemented consistent with State law and/or any directive issued by the Governor.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 7th day of September 2021, by the following vote:

VOTE:

Ayes:

Noes:

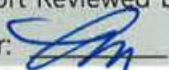
Abstain:

Absent:

APPROVED: _____
Mayor Una Glass

ATTEST: _____
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____
Larry McLaughlin, City Attorney

Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: September 15, 2020
To: Honorable Mayor and City Councilmembers
From: Kari Svanstrom, Planning Director
Subject: Approval of Resolution Extending Planning and Building Permits in response to Covid-19 for a Period of One Year
Recommendation: Approve the Resolution
Funding: Currently Budgeted: _____ Yes _____ No N/A
Net General Fund:
Amount: \$

Account Code/Costs authorized in City Approved Budget AK (verified by Administrative Services Department)

BACKGROUND:

The Covid-19 viral pandemic has caused unprecedented economic impacts to business and industry across the globe. In response, on June 2, 2020, the City Council approved several steps to provide flexibility to existing and future business operators, allowing the use of public and private outdoor areas (parking, sidewalks, etc.) for business operations. The goal of this action was to provide flexibility for businesses to operate under the uncertain and rapidly changing requirements of the County and State Health Orders. Since June, the need to restrain and limit activities to reduce the spread of the virus into the short and medium-term future has become clearer, while the long-term outlook for such limitations remaining uncertain. The Council has taken further steps, including approval of the micro-loan program and changes to the Façade Improvement Program, at its September 1, 2020 meeting.

DISCUSSION:

The uncertainty of the magnitude and timeline of these impacts to daily life has stifled the ability of many individual property and business owners to move forward with any plans for investment and expansion. Many local business owners are still trying to adjust their business models to remain profitable under the limitations and constraints of the current reality. Further, the financing options available to these individuals and businesses have similarly been affected by the uncertainty of the long-term impacts associated with the virus. This has impacted the ability of some businesses, as well as individual homeowners, to move forward with procuring a building permit, as financing becomes tighter and as individuals' income and business revenues are impacted by the Covid-19 emergency.

As such staff is proposing that existing approvals for both planning entitlements and building permits be extended to allow additional time for individuals and businesses to procure building permits or begin a use (in the event of a use permit). Staff recommends that all approved permits be 'tolled' through September 15, 2021. Tolling means a 'pause' in the time period of the approval, so would result in a one year extension for approvals. This will provide additional time, as well as a level of certainty for applicants as they seek ways to move forward with approved projects.

For Planning entitlements, the life of permits would be extended by one-year. There are one or two large projects with existing approvals that this may assist, including the Hotel Sebastopol project.

For in-process planning applications, there is a six-month time frame for applicants to respond to requests for additional information or to complete an application; after that time, the application is 'deemed withdrawn' (SMC 17400.030(C)5). Staff recommends that staff be given the authority to extend this time frame to September 15, 2020 as well; in these cases, staff will work directly with applicants to determine if they want their applications withdrawn or put 'on hold' for a period of one year.

For building permits, which are required to be issued one year after the building permit application, applicants would have two years from that date to pull their building permit (the Building Official can issue additional extensions on a case-by case basis). There are several permits that this would assist, as no requests for extensions would be needed for existing approvals, the time frame for existing approvals would be automatically extended for one-year.

Other California communities are also considering, or have implemented similar time extensions, include Los Angeles and West Sacramento, and, in Sonoma County, the City of Cotati is considering a similar extension. Extensions can be based either based on a specific time frame (one-year or to a specific date) or connected to the end of the Covid-19 emergency (such as the future end of Covid-19 declared emergency plus 6 months). For Sebastopol, staff is recommending a one-year tolling, to September 15, 2020. However, depending on future trajectory of the Covid-19 emergency, and as longer-term financial impacts are understood, an additional extension may be brought back to City Council prior to September 15, 2021.

ENVIRONMENTAL REVIEW:

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, if staff receives public comment from interested parties following the publication and distribution of this staff report, such comments shall be made part of the public record and will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to schedule meeting date.

FISCAL IMPACT:

None; City fees (building permit, impact fees, etc.) in effect at the time of permit issuance will still be required.

RECOMMENDATION:

Approve the Resolution

Attachments: Resolution

RESOLUTION NUMBER: 6312-2020

CITY OF SEBASTOPOL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL
TOLLING OF PLANNING AND BUILDING PERMIT APPROVALS DUE TO COVID-19 EMERGENCY

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WHEREAS, the County of Sonoma declared an initial Order of the Health Officer on March 17, 2020, No, C19-03, ordering a Shelter in Place for County residents and restricting business operations to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services; and,

WHEREAS, these restrictions included restrictions on all operations other than essential operations, including construction, planning, and building, with further Order revisions providing for limited operations which are still in effect; and,

WHEREAS, these responses to the Covid-19 pandemic crisis have been critical to protect public health and safety. However, these restrictions have, and will continue to cause, financial stress to residents, business owners, and property owners alike in the City of Sebastopol and throughout Sonoma County, the State of California, and the United States; and

WHEREAS, the financial impacts of these restrictions have impacted local businesses and property owners through both restrictions on construction activity and financial impacts; and

WHEREAS, the health of local businesses is critical to the City's economy and the ability of businesses and property owners to make improvements to their properties and pursue their business interests are a critical component of the City's long-term recovery from the financial impacts of Covid-19 pandemic; and,

WHEREAS, the City Council of the City of Sebastopol wishes to support local residents, business owners, and property owners throughout this emergency and in their recovery.

NOW, THEREFORE, BE IT RESOLVED that the City of Sebastopol City Council hereby approves and certifies the following:

1. The expiration for any Planning and Zoning entitlements approved as of the date of this Resolution shall be tolled until September 15, 2021. This includes an entitlements required under Sebastopol Municipal Code Sections 8.12 ("Tree Protection"), 15.04 ("Building and Construction, International Building Code"), Title 16 ("Subdivisions"), and Title 17 ("Zoning").
2. If entitlements approved under Title 16 ("Subdivisions") are extended by the State of California through legislative action, this tolling shall be superseded and replaced by State action, and the State extension only shall apply.
3. No action shall be required by holders of entitlements to receive this extension.

- 4. Active entitlement applications submitted as of the date of this Resolution that would otherwise be withdrawn under Section 17.400.030(C)5 may be extended at the discretion of the Planning Director or her designee.
- 5. These actions shall be implemented consistent with State law and/or any directive issued by the Governor.

The above and foregoing Resolution was duly passed, approved and adopted at a meeting by the City Council on the 15th day of September 2020 by the following vote:

VOTE:

AYES: Councilmembers Carnacchi, Gurney, Hinton, Vice Mayor Glass and Mayor Slayter
NOES: None
ABSTAIN: None
ABSENT: None



APPROVED: _____
Mayor Patrick Slayter



ATTEST: _____
Mary Gourley, Assistant City Manager/City Clerk, MMC



APPROVED AS TO FORM: _____
Larry McLaughlin, City Manager/Attorney