

ORDINANCE 1055B

AN ORDINANCE AMENDING LINCOLN MUNICIPAL CODE SECTION 17.16.190 REGARDING DISCRETIONARY EXTENSIONS FOR TENTATIVE SUBDIVISION MAPS TO BE CONSISTENT WITH STATE LAW; AND FINDING THE ORDINANCE IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER CEQA

WHEREAS, Government Code subsection 66452.6(a)(1) was amended by Senate Bill 9 in 2021 to increase the additional time an ordinance could establish for the initial 24-month life of a map from an additional 12 months to an additional 24 months, for a potential initial life of 48 months; and

WHEREAS, in addition to the life established in subsection 66452.6(a)(1), subsection 66452.6(e) provides that the life of the map “may be extended by the legislative body or by an advisory agency authorized to approve or conditionally approve tentative maps for a period or periods not exceeding a total of six years;” and

WHEREAS, the proposed revision is drafted “not to exceed,” so therefore an applicant may choose not to apply for the full 72 months/6 years and, even if an applicant does request the longer extension, the City retains discretion to determine the appropriate duration of the extension; and

WHEREAS, providing the ability and discretion to grant the full potential extension should serve to reduce City staff time to process multiple extension requests; and

WHEREAS, consistent with state law, the proposed amendment also proposes to change the application date for extensions as the critical date, not the “approval” date as currently drafted because Subsection 66452.6(e) specifically provides the application date is the critical date under state law because it is the only date the applicant has control over whether the date is met; and

WHEREAS, the proposed change also replaces the trigger for submitting a discretionary extension from the “original” expiration date to the “current” expiration date consistent with the intent of the recent amendment to the Subdivision Map Act, to have the “current” expiration date control, and provide clarity; and

WHEREAS, SB 9 changed the language requiring an application for a discretionary extension be filed “prior to the expiration of the approved or conditionally approved tentative map,” to require it be filed “before the expiration of the approved or conditionally approved tentative map,” and the within proposed amendment revises that language to be consistent with state law.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LINCOLN does ordain as follows:

Section 1. Incorporation of Recitals. The City Council hereby incorporates by reference the recitals set forth above.

Section 2. CEQA Analysis. This Ordinance is not subject to the California Environmental Quality Act (“CEQA”), as codified at Public Resources Code §§ 21000, et seq., and as further governed by 14 California Code of Regulations §§ 15000, et seq., because it is not a project as contemplated by 14 C.C.R. § 15378. Even if this Ordinance were subject to CEQA, the City Council finds this Ordinance exempt from the requirements of CEQA pursuant to 14 C.C.R. § 15061(b)(3), because there is no possibility it will have a significant effect on the environment.

Section 3. Severability. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. City Council hereby declares that it would have adopted the Ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 4. Publication. Within fifteen days of passage of this Ordinance, the City Clerk shall cause the full text of the Ordinance, with the names of those City Councilmembers voting for and against the Ordinance, to be published in the Lincoln News Messenger. In lieu of publishing the full text of the Ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the Ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the Ordinance, to be published in the Lincoln News Messenger, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the Ordinance. The publication of a summary of the Ordinance in lieu of the full text of the Ordinance is authorized only where the requirements of Government Code § 36933(c)(1) are met.

Section 5. Amendment. Lincoln Municipal Code Section 17.16.190 is hereby amended as follows:

17.16.190 - Term of approval—Extensions.

(a) The approval or conditional approval of a tentative subdivision map shall be valid for 48 months, within which time a final map may be presented to the council for acceptance and recordation.

(b) The council may extend its approval for an additional time period not to exceed 72 months, if the application for extension of time is filed before the current expiration date.

(c) Applications for extensions of time shall be reviewed by the commission, which shall determine whether the map presently conforms to the requirements for a tentative subdivision map. The commission shall recommend that the request for extension of time be approved, approved with conditions (to include those conditions which cause the map to conform to present requirements) or disapproved. It shall also recommend an appropriate period for an extension of time, should approval be granted.

(d) In the event that an approved tentative map is revised and subsequently approved by the council, the most recently approved

tentative map shall constitute the only recognized tentative map for further action and consideration of filing of a final map.

INTRODUCED at a regular meeting of the City Council of the City of Lincoln held on September 13, 2022.

PASSED AND ADOPTED on September 20, 2022.

AYES: COUNCILMEMBERS: Karleskint, Lauritsen, Joiner, Silhi, Andreatta

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:


Holly Andreatta, Mayor

ATTEST:


Gwen Scanlon, City Clerk