



File #: 16-0208, Version: 1

REPORT TO COUNCIL

SUBJECT

Introduce an Ordinance Amending Title 18 (Subdivisions) of the Sunnyvale Municipal Code to Designate the Director of Public Works to Take Action on Final Maps and Offers of Dedication Stated on the Final Maps; Determine the Review Frequency of the Subject Delegation of Authority; and Find CEQA Exemption per Guideline 15061(b)(3) (Continued from February 9, 2016)

BACKGROUND

This report was on the February 9, 2016 Council meeting agenda as Report to Council 15-0957. At the February 9 meeting, Council deferred the item to February 23, 2016. Since the initial publication, minor amendments were made to the attached proposed ordinance.

Pursuant to California Government Code (GC) Sections 66458 and 66463, the approval of final maps shall be by the legislative body, while the approval of parcel maps shall be established by local ordinance. Per Sunnyvale Municipal Code (SMC) Chapter 18.20, final maps are approved by the City Council, and parcel maps are approved by the Director of Public Works. Although the GC requires the City Council to take action on final maps, it also allows the City Council to delegate their authority to a designated official by ordinance. In general, final and parcel maps are only differentiated in that a final map is for subdivisions with five or more lots/parcels while a parcel map is for subdivisions with less than five lots/parcels.

In an effort to provide better schedule management as part of development projects, staff is proposing that the Council consider delegating approval authority on final maps, and any associated offer(s) of dedication, to the Director of Public Works. The Director of Public Works would be the approval authority for both final maps and parcel maps.

EXISTING POLICY

City Council Policy, Chapter 1, Land Use and Transportation, Policy 1.1.3 - It is the policy of the City to provide for expeditious processing of development plans. Also it is a desire of the City to communicate clearly to developers and the public.

ENVIRONMENTAL REVIEW

Designating the Public Works Director as the approval authority and amending the subdivision ordinance does not require environmental review because it can be seen with certainty that there is no possibility that these activities will have a significant effect on the environment. (CEQA Guidelines Section 15061(b)(3))

DISCUSSION

As part of the Map process, the GC requires the City Engineer to certify that the final map or parcel map is substantially the same as it appeared on the tentative map. In Sunnyvale, all final or parcel

maps would have a previously approved tentative map, and the Planning Commission is the advisory agency for tentative maps. Once a tentative map has been approved, and the City Engineer has certified that the final map or parcel map is substantially the same, the GC prohibits the City Council or its designated official from disapproval of the map. Therefore, once the City Engineer certifies the map, there are no additional discretionary grounds for the City Council or its designated official to disapprove the map.

Designating the Director of Public Works to take action on final maps, the same as on parcel maps, aligns well with the overall map review process since the Director of Public Works supervises the City Engineer. It is important to note that as part of the process the Council will still be aware of final map approvals, as the City Clerk will provide notice as part of the regular agenda of any pending final map approval or disapproval. The City Council would also hear any appeals related to a final map. Lastly, the City Council is required to review this delegation of authority on a set timeframe and make any changes if deemed necessary.

Other cities have adopted similar ordinances to delegate final map approval, and these include Sacramento, Brentwood, and San Jose. The GC requires that Council periodically reviews the delegation of authority, and these Cities review it every five years, three years, and one year respectively (Attachments 1, 2, and 3). In the proposed ordinance, staff is recommending a periodic review of the delegation of authority by the City Council every three years.

FISCAL IMPACT

There is no fiscal impact.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

STAFF RECOMMENDATION

Introduce an ordinance amending title 18 (subdivisions) of the Sunnyvale municipal code to designate the Director of Public Works to take actions for final maps and for offers of dedication stated on the final maps; Establish a three year review frequency of the subject delegation; and find a CEQA exemption per guideline 15061(b)(3).

Staff recommends designating the Director of Public Works in taking action on final maps. This creates a consistent process between parcel map and final map approvals and helps facilitate development permit approvals within committed schedules. Staff also recommends that the City Council review this delegation of authority every three years, which allows the Council to determine if any changes are warranted.

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ATTACHMENTS

1. City of Sacramento Ordinance for Final Map Approval
2. City of Brentwood Ordinance for Final Map Approval
3. City of San Jose Ordinance for Final Map Approval
4. Draft Amended Sunnyvale Ordinance for Title 18