

ORIGINAL

CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. 1689

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO REPEALING ORDINANCE #1150 CODIFIED AS NOVATO MUNICIPAL CODE SECTION 4-8 RESIDENTIAL RESALE REPORTS IN ITS ENTIRETY AND FINDING SUCH ACTIONS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3)

Section I. FINDINGS

The City Council of the City of Novato hereby finds and declares as follows:

WHEREAS, Novato Municipal Code (NMC) section 4-8 currently requires a parcel/permit history report to be compiled and a physical inspection to be completed of all residential properties prior to the sale or transfer of the property; and

WHEREAS, the stated purpose of this section is that “citizens and potential property owners need information about property proposed for sale or transfer in order to protect their welfare and legal interest during the sale or transfer of property. It is one of the purposes of this section to assist in, but not guarantee, the disclosure of information from city records about real property within the city. It is also the purpose of this section to assist the city in abating public nuisances and enforcing established building and zoning ordinances by identifying properties in need of rehabilitation or in violation of the city codes;” and

WHEREAS, this section has been implemented as the “Residential Resale Program;” and

WHEREAS, the ordinance (Ordinance 1150), codified as NMC section 4-8, has not been amended since original adoption in October 1987 while real estate disclosure requirements have changed significantly to include expanded natural hazard conditions, prior uses, energy conservation work and thermal insulation ratings, property taxes and advisories about work performed without a permit; and

WHEREAS, during the COVID shelter-in-place order and ongoing desire to limit non-essential person-to-person contact, the City suspended the physical inspections and provided only the permit history report; and

WHEREAS, at the request of Council, staff brought forward information on July 13, 2021, for discussion and direction from the City Council as to possible alternatives to Section 4-8; and

WHEREAS, at the July 13, 2021 meeting, a majority of the Council expressed a desire to modify the “program” and voted to continue suspension of physical inspections and to bring the item back for additional direction after pandemic concerns had eased; and

WHEREAS, on November 16, 2021 the City Council established a two-member sub-committee to work with staff on issues related to efficiencies and streamlining of the building permitting process; and

WHEREAS, discussions with that sub-committee resulted in a recommendation to repeal Ordinance 1150 and eliminate the residential resale requirement; and

WHEREAS, following Council direction in July 2021 and the Building Subcommittee recommendation, staff prepared amendments to remove section 4-8 from the Novato Municipal Code and scheduled those amendments to be reviewed by the public; and

WHEREAS, notice of the City Council's public hearing on the Amendments was published in a 1/8th page legal ad in the Marin Independent Journal, a newspaper of local circulation, on June 18, 2022; and

WHEREAS, the City Council held a duly noticed public hearing on June 28, 2022 to consider and receive public testimony on the proposed amendments.

NOW THEREFORE, it is the intent of the City Council of the City of Novato in enacting this ordinance, to repeal Ordinance 1150, thereby removing Section 4-8 from the Novato Municipal Code and eliminating the Residential Resale Program.

Section II. RECITALS

The foregoing recitals are true and correct and are incorporated herein as findings.

Section III. RECORD

The Record of Proceedings ("Record") upon which the City Council bases its recommendation on the proposed amendments to the Municipal Code includes, but is not limited to: (1) the staff reports, City files and records and other documents, prepared or and/or submitted to the City relating to the proposed amendments; (2) all documentary and oral evidence received at public meetings and hearings or submitted to the City during the comment period relating to the amendments; (3) all other matters of common knowledge to the City Council including, but not limited to, City, State, and Federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas. The custodian of records is the City Clerk of the City of Novato, 922 Machin Avenue, Novato, CA 94945.

Section IV. Amendments

The City Council of the City of Novato does ordain as follows:

City of Novato Ordinance No. 1150, codified as Novato Municipal Code Section 4-8, is hereby repealed in its entirety.

Section V. CEQA

This Ordinance has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA) and the State CEQA Guidelines and it has been determined that approval of the ordinance is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As the repeal of a program which requires compilation of City records and a physical inspection of property by City staff, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment. The City Council concurs in these findings and adopts them as its own. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Marin in accordance with CEQA Guidelines.

Section VI: Publication and Effective Date

This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption,

or

publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Novato, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

This ordinance shall become effective 30 days after the date of its passage and adoption.

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I HEREBY CERTIFY that the foregoing ordinance was first read at a regular meeting of the Novato City Council on the 28th day of June, 2022, and was passed and adopted at a regular meeting of the Novato City Council on the 12th day of July, 2022 by the following vote, to wit:

AYES: Councilmembers Athas, Eklund, Milberg, Wernick, Lucan
NOES: Councilmembers
ABSTAIN: Councilmembers
ABSENT: Councilmembers

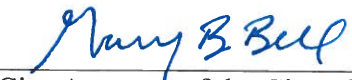


Mayor of the City of Novato

Attest:


City Clerk of the City of Novato

Approved as to form:


City Attorney of the City of Novato