



Agenda Item C.2
DISCUSSION/ACTION ITEM
Meeting Date: December 16, 2008

TO: Mayor and Councilmembers

FROM: Dan Singer, City Manager

CONTACT: Steve Chase, Director, Planning and Environmental Services
Patricia S. Miller, Manager, Current Planning

SUBJECT: Planning Commission Concept Review and Meeting Schedule

RECOMMENDATION:

- A. Deliberate and provide comment regarding Planning Commission Concept Review and initiate an amendment to Ordinance No. 07-13, entitled "An Ordinance of the City Council of the City of Goleta, California, Relating to the Establishment of a Planning Commission, Amending Municipal Code Sections 2-25 through 2-25.13, to provide for Concept Review, under Section 2-25.9, Responsibilities."
- B. Deliberate and provide comment regarding the Planning Commission meeting schedule and approve a change in administrative practice, to allow for a second regular monthly meeting of the Planning Commission.

BACKGROUND:

The Planning Commission operates according to Ordinance 07-13, which established the Planning Commission and provides for authority with regard to appointments, meetings, functions, and schedule. The Planning Commission currently has no authority to conduct Concept Review, and as an administrative practice, holds one regular meeting per month (on the 2nd Monday).

On December 2, 2008, the City Council requested staff to schedule a discussion item regarding initiation of Planning Commission Concept Review, based on a formal request by the Commission to consider this added role and function. Direction was given for staff to return with a brief analysis of the matter at the next Council meeting.

DISCUSSION:

Planning Commission Concept Review

The purpose of providing for Concept Review is to allow the Planning Commission and public an opportunity to review and provide advisory comment to a prospective applicant at the earliest phase in the public planning process. This would be a strictly voluntary effort by a prospective applicant. The prospective applicant and staff would receive feedback that would provide preliminary guidance and would assist in the development of any formal application consistent with City requirements and policies. Advisory comments would not be binding as to future review of any formal application that may be submitted. No final action would be taken nor would any environmental determination be made during Concept Review.

The following are examples of projects that could receive Concept Review:

- Single-family or multi-family residential projects (5+ units)
- New non-residential construction (i.e., commercial, industrial, business park, institutional, etc)
- Modifications to an existing building that would require approval by the Design Review Board
- Projects not captured above that are requesting a General Plan Amendment, Rezone, Tract Map, Conditional Use Permit and/or Development Plan

The following participants would provide input on the project to prepare it for Concept Review by the Planning Commission:

- Applicant
- Current Planning, Advance Planning, Building Division
- Community Services
- Fire Department
- Other City Staff and outside agencies, as appropriate

It is recommended that Concept Review be held only on certain Planning Commission meeting dates (see below), that Concept Review could include a joint meeting with the Design Review Board (DRB) and/or City Council (or any combination thereof), and that staff have the final decision over forwarding projects to decision makers for Concept Review.

Costs associated with Planning Commission Concept Review are discussed below.

Planning Commission Meeting Schedule

The caseload of Advance Planning initiatives and Current Planning projects warrants the addition of a second regularly scheduled monthly meeting of the Planning Commission. A second regular meeting in a month would have staffing, timing, and budgetary considerations for the Council to carefully weigh and provide direction on.

The 2009 caseload of Advance Planning initiatives that will come before the Planning Commission includes:

- Track 1 – Housing Element Amendments
- Track 2.5 – Building Intensity Standards in the Land Use Element
- Track 3 – City initiated significant General Plan Amendments
- Track 5 – Sphere of Influence
- General Plan Annual Report to State Agencies
- New Zoning Ordinance and Zoning Map
- New Transfer of Development Rights Ordinance
- Goleta Growth Management Ordinance repeal or amendment
- Local Coastal Program certification
- CEQA Thresholds of Significance (as capacity allows)
- Design Guidelines (in concert with Design Review Board)

The Current Planning caseload includes the following projects soon to be agendized for the Planning Commission:

- Citrus Village (continued from November 10, 2008)
- Haskell's Landing (continued from November 17, 2008)
- Vandeman/Langlo Ranch Road Appeal
- Guggenheim/Rancho Mobile Home Park
- ATK Space Systems
- Fairview Commercial Center
- Jordano's Master Plan
- Taylor Parcel Map
- Nelson/Armstrong Avenue Appeal

The following projects are anticipated to come before the Planning Commission in 2009/2010:

- Towbes Bank/Office Project
- Westar Mixed Use Project
- Bacara Completion Phase Project
- Shelby Residential Project
- Kenwood Village Project
- Dixon/Mariposa Assisted Living Facility

- Glen Annie Fields Master Plan
- Sandpiper Golf Course Master Plan
- Willow Springs II Residential Project
- Price/Cortona Residential Project
- Village at Los Carneros II Project

Notably, most of these Current Planning projects involve Track 4 – General Plan Amendments.

Outside agency projects that may be directed to the Planning Commission for their advisory review and recommendation to the City Council in 2009 include:

- Venoco Full Field Development Project
- Venoco State Lease 421 Project
- UCSB Long Range Development Plan
- UCSB Ocean Road Master Plan Project
- County/Goleta Valley Community Plan Update

A second regularly scheduled monthly meeting of the Planning Commission is driven by the caseload, but staff capacity throughout the City's organization to meet that demand is stretched. Therefore, staff is suggesting that the City Council establish a priority order by which the second monthly meeting is conducted. Specifically, it is suggested that the second monthly meeting be principally reserved for the business of the Advance Planning work program. It is suggested that Conceptual Project Review, if approved, be reserved for that meeting as well, but only as a second tier priority. Current Planning projects that have been heard and continued could be scheduled for the second monthly meeting as well, depending on staff capacity, but only as a third tier priority.

There is a budgetary cost to a second monthly meeting, covering broadcast costs, contract services for clerk/recording secretary, commissioner stipends, staff time and materials, etc. Recent adjustments to the Fee Schedule would adequately fund the second monthly meeting. However, an adjustment to the Budget would be necessary to recognize the revenues and expenditures.

SUMMARY:

In summary, the staff analysis of Concept Review, as requested by the City Council on December 2, 2008, affords the opportunity to address the overall, anticipated work of the Planning Commission in 2009. An amendment to the Planning Commission enabling ordinance is the instrument necessary to bring that measure about. If so directed by the City Council, staff will return on January 20, 2009 in order for the Council to take testimony, deliberate, and take action on the first reading of an amendment to Ordinance No. 07-13 that would allow concept review,.

On a related matter, staff is seeking the direction of the City Council on our assessment that a second regular monthly meeting of the Planning Commission is warranted. Staff

is also seeking the Council's confirmation of our suggested prioritization of what is to be scheduled at that second meeting: first – Advance Planning initiatives; second – Concept Review; and third – continued Current Planning cases. Council concurrence would only need to be provided by motion, as the Planning Commission enabling ordinance requires, but does not limit the Commission to, at least one regular meeting each month.

ALTERNATIVES:

1. The Council may decide to not authorize Concept Review and the addition of a second regular meeting to the Planning Commission's monthly meeting schedule.
2. The Council may make modifications to staff's recommendation.

LEGAL REVIEW:

The staff report was reviewed by the City Attorney.

FISCAL IMPACTS:

Costs associated with Concept Review and an additional Planning Commission meeting would be captured under the existing Fee Schedule.

Submitted By:

Reviewed by:

Approved By:

Steve Chase,
Planning and Environmental
Services Director

Michelle Greene
Administrative Services
Director

Daniel Singer
City Manager

ATTACHMENTS:

1. Ordinance No. 07-13: An Ordinance of the City Council of the City of Goleta, California, Relating to the Establishment of a Planning Commission, Amending Municipal Code Sections 2-25 Through 2-25.13.

ATTACHMENT 1

ORDINANCE NO. 07-13

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GOLETA, CALIFORNIA, RELATING TO THE ESTABLISHMENT
OF A PLANNING COMMISSION, AMENDING MUNICIPAL CODE
SECTIONS 2-25 THROUGH 2-25.13**

ORDINANCE NO. 07-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, RELATING TO THE ESTABLISHMENT OF A PLANNING COMMISSION, AMENDING MUNICIPAL CODE SECTIONS 2-25 THROUGH 2-25.13.

THE CITY COUNCIL OF THE CITY OF GOLETA DOES ORDAIN AS FOLLOWS:

SECTION 1. Goleta Municipal Code Sections.

Sections 2-25 through 2-25.13 of the Goleta Municipal Code are hereby repealed in their entirety and new Sections 2-25 through 2-25.13 are hereby added to the Goleta Municipal Code to read in its entirety as follows:

"PLANNING COMMISSION

Sections:

2-25	Created
2-25.1	Members
2-25.2	Appointment
2-25.3	Qualifications of members
2-25.4	Term of office
2-25.5	Removal from office
2-25.6	Vacancy in office
2-25.7	Organization
2-25.8	Meetings
2-25.9	Responsibilities
2-25.10	Approval authority
2-25.11	Appeal to Planning Commission
2-25.12	Appeal to City Council
2-25.13	Compensation

2-25 Created

A planning commission ("Commission") for the City is created.

2-25.1 Members

The Commission shall consist of five (5) members.

2-25.2 Appointment

Each councilmember shall have the authority to appoint one member to the Commission. The City Council shall vote on whether to approve each appointment. Such approval requires at least three affirmative votes.

2-25.3 Qualifications

(a) Members of the Commission shall be residents of the City and shall be qualified electors within the City.

(b) Each member shall be a resident of the City for the year immediately preceding the inception of his or her term.

(c) No member of the Commission may be an employee or officer of the City.

2-25.4 Term of office

(a) Members of the Commission shall be appointed for a four year term which shall expire at the first regular meeting of the first February following the expiration of the current term of office of the City Council member who appointed the Commission member.

(b) There is no limit as to the number of times that a Commission member may be appointed.

2-25.5 Removal from office

A member of the Commission is automatically removed from office if the member is absent from three consecutive regular meetings of the Commission. The member may also be removed at any time and for any reason by a vote approved by at least three of the members of the City Council.

2-25.6 Vacancy in Office

If vacancies occur on the Commission, such vacancies shall be filled by appointment for the unexpired portion of the term.

2-25.7 Organization

(a) Each year, at its first regular meeting in February, the Commission shall elect from its membership a chair and a vice-chair.

(b) The Commission shall adopt rules for the transaction of its business. It shall also keep a public record of its resolutions, transactions, findings and determinations.

(c) The Director of Planning and Environmental Services or the Director's designee shall serve as the Secretary to the Commission and have no vote.

2-25.8 Meetings

The Commission shall hold at least one regular meeting each month.

2-25.9 Responsibilities

The Commission shall have such duties as are prescribed by California law, including the following:

- (a) Prepare, periodically review, and revise, as necessary, the general plan.
- (b) Implement the general plan through actions, including, but not limited to, the administration of specific plans and zoning and subdivision ordinances.
- (c) Endeavor to promote public interest, comment on, and understanding of the general plan, and regulations relating to it.
- (d) Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerning implementation of the general plan.
- (e) Promote the coordination of local plans and programs with the plans and programs of other public agencies.
- (f) Annually review the capital improvement program of the city or county and the local public works projects of other local agencies for their consistency with the general plan, pursuant to Article 7 (commencing with Government Code Section 65400).
- (g) Review and determine conformity of proposed public land acquisition or disposal with the adopted general plan Government Code Section 65402).
- (h) Perform other functions as the legislative body provides, including conducting studies and preparing plans other than those required or authorized by this title.

2-25.10 Authority

The Commission shall have final authority over applications as specified in Chapter 21 (Subdivision Regulations), Chapter 35, Article I (Sign Regulations), Chapter 35, Article II (Coastal Zoning Ordinance), and Chapter 35, Article III (Inland Zoning Ordinance).

2-25.11 Appeal to Planning Commission

Appeal of administrative land use decisions to the Commission shall be as specified in Chapter 21 (Subdivision Regulations), Chapter 35, Article I (Sign Regulations), Chapter 35, Article II (Coastal Zoning Ordinance), and Chapter 35, Article III (Inland Zoning Ordinance).

2-25.12 Appeal to City Council

Final decisions by the Commission may be appealed to the City Council within 10 days of the decision becoming final. If a Commission decision is not appealed to the City Council within that period, the decision cannot be appealed.

2-25.13 Compensation

The City Council may establish by Resolution the compensation to be paid to the members of the Commission."

SECTION 2. Severability.

If any section, subsection, subdivision, 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 this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 3. Certification of City Clerk.

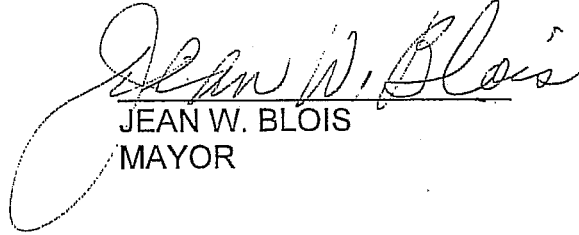
The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

SECTION 4. Effective Date.

This ordinance shall take effect thirty (30) days after its enactment in accordance with California law.

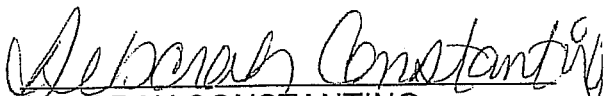
INTRODUCED ON the 1st day of October, 2007

PASSED, APPROVED AND ADOPTED this 15th day of October, 2007.


JEAN W. BLOIS
MAYOR

ATTEST:

APPROVED AS TO FORM:


DEBORAH CONSTANTINO
CITY CLERK


JULIE HAYWARD BIGGS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss.

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, do hereby certify that the foregoing Ordinance No. 07-13 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 1st day of October, 2007, and that thereafter, said Ordinance was duly adopted at a regular meeting of the City Council on the 15th day of October, 2007, by the following vote:

AYES: MAYOR BLOIS, MAYOR PRO TEMPORE BENNETT,
 COUNCILMEMBERS ACEVES AND ONNEN, AND WALLIS

NOES: NONE

ABSTAIN: NONE

(SEAL)


DEBORAH CONSTANTINO
CITY CLERK