



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 – Ordinance Amendment

RECOMMENDATION:

- A. Open the public hearing and allow presentation and testimony.
- B. Introduce and conduct the first reading (by title only) and waive further reading of City Council Ordinance 09-__ entitled “An Ordinance of the City Council of the City of Goleta, California, Amending Ordinance 07-13 to Provide for Concept Review by the Planning Commission, under Section 2-25.9, Responsibilities”.
- C. Continue the item to February 17, 2009 in order to conduct the second reading and adoption.
- D. Close the public hearing.

BACKGROUND AND DISCUSSION:

On December 16, 2008, the City Council conducted a discussion of Planning Commission Concept Review, based on a formal request by the Commission to consider this added role and function. The Council initiated the ordinance amendment and directed staff to return with a proposed ordinance amendment that would add Concept Review as one of the Planning Commission responsibilities. The purpose of this public hearing is to determine whether to introduce the ordinance amendment.

SUMMARY:

This proposed ordinance amendment provides for Planning Commission Concept Review, as requested by the Planning Commission and initiated by the City Council.

ALTERNATIVES:

None recommended.

LEGAL REVIEW:

The staff report was reviewed by the City Attorney.

FISCAL IMPACTS:

Costs associated with Concept Review 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 09-__; An Ordinance of the City Council of the City of Goleta, California, Amending Ordinance 07-13 to Provide for Concept Review by the Planning Commission, under Section 2-25.9, Responsibilities.
2. 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 09-__

An Ordinance of the City Council of the City of Goleta, California, Amending Ordinance 07-13 to Provide for Concept Review by the Planning Commission, under Section 2-25.9, Responsibilities

ORDINANCE NO. 09-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA AMENDING ORDINANCE 07-13 TO PROVIDE FOR CONCEPT REVIEW BY THE PLANNING COMMISSION, UNDER SECTION 2-25.9, RESPONSIBILITIES

WHEREAS, the City of Goleta was incorporated on February 1, 2002; and

WHEREAS, on October 15, 2007, the City Council adopted Ordinance 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," which code and ordinances remain in effect except as expressly repealed or amended by the City; and

WHEREAS, Planning Commission on May 12, 2008, requested City Council authority to conduct concept review; and

WHEREAS, on December 16, 2008, City Council initiated a public hearing to consider granting Planning Commission authority to Planning Commission to conduct concept review; and

WHEREAS, the City Council has considered the entire administrative record and oral and written testimony from interested persons.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GOLETA AS FOLLOWS:

SECTION 1. Recitals

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION 2. Findings

The City Council finds that allowing for Planning Commission Concept Review is a matter of community benefit and facilitates good planning.

SECTION 3. Amend Ordinance No. 07-13, Section 2-25.9

This ordinance amends City Ordinance 07-13, Section 2-25.9 to include the following additional language:

Section 2-25.9 Responsibilities

(i) Conduct Concept Review of certain major discretionary projects.

SECTION 4. Effective Date

This ordinance shall take effect on the 31st day following the date of its final adoption.

SECTION 5. Publication

The City Clerk shall certify to the passage of this Ordinance and cause the same to be published and posted in the manner prescribed by California law.

INTRODUCED ON the ___ day of _____, 2009.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2009.

ROGER S. ACEVES, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

TIM W. GILES
CITY ATTORNEY

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

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 09-__ was duly adopted by the City Council of the City of Goleta at a meeting held on the __ day of _____, 2009, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK

ATTACHMENT 2

ORDINANCE 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.**

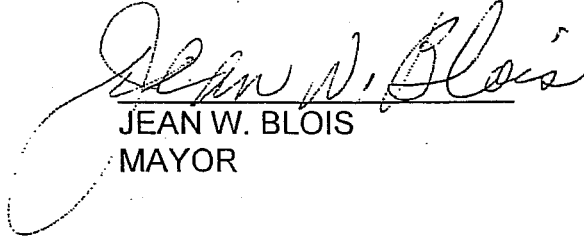
The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California law.

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

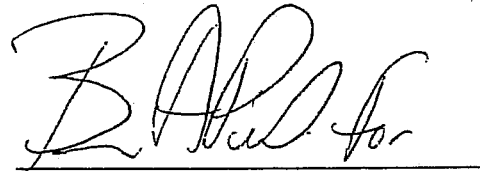
PASSED, APPROVED AND ADOPTED this 15th day of October, 2007.


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) ss.
CITY OF GOLETA)


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