

DATE: 4/20/99 AGENDA ITEM # 11
() APPROVED () DENIED
() CONTINUED

TO: JAMES L. APP, CITY MANAGER
FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR *BL*
SUBJECT: REQUEST FOR LEGISLATIVE RELIEF REGARDING
THE GENERAL PLAN AMENDMENT PROCESS
DATE: APRIL 20, 1999

Needs: For the City Council to consider passage of the attached Resolution requesting legislative relief regarding the General Plan Amendment process.

- Facts:
1. At the April 6, 1999 City Council meeting the Council considered options regarding the General Plan Amendment process.
 2. Council direction was that the City would continue the current process of considering General Plan Amendments made up of multiple components (as provided for in State Law), but at the same time the City would seek an Amendment to State Law to allow the Council members to vote on each component as a separate matter.
 3. Attached is a draft Resolution designed to request State Senator O'Connell, Assemblyman Maldonado, and the League of California Cities to pursue this legislative relief. The draft Resolution has been reviewed by the City Attorney.
 4. If approved, the intent would be to send this Resolution with a cover letter from the Mayor to State Senator O'Connell and Assemblyman Maldonado, seeking their assistance in sponsoring the requested legislation. A similar letter would be sent to the League, seeking their active support of the legislation.

Analysis and Conclusion: The suggested approach would seek the active support and assistance of both the City's elected legislators and the League of California Cities.

If the requested legislation is passed, the City Council would be able to adopt separate resolutions for each component of a General Plan Amendment.

RIMC CODE: Community Development Department
FILE/CAT: Advance Planning
DATE: April 13, 1999
SUBJECT: General Plan Amendment Process
RETENTION: Permanent

Policy
Reference: California Government Code Section 65350 et seq.

Fiscal
Impact: None

Options:

- a. That the City Council approve and adopt the attached resolution seeking legislative relief regarding the General Plan Amendment process; or
- b. Amend, modify or reject Option "a"

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RESOLUTION NO.: _____

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF PASO ROBLES
SEEKING AN AMENDMENT TO THE CALIFORNIA GOVERNMENT CODE
REGARDING THE GENERAL PLAN AMENDMENT PROCESS

WHEREAS, Section 65350 et seq. of the California Government Code limits the number of Amendments to the Land Use Element of the General Plan in any calendar year; and

WHEREAS, In order to accommodate applicant requests for General Plan Amendments in a timely manner, cities commonly group different General Plan Amendment requests as “components” or “parts” of a single General Plan Amendment. This is a practice specifically authorized by Government Code Section 65358(b); and

WHEREAS, the disadvantage of grouping various components under a single General Plan Amendment is that a City Council is required to take a vote on the General Plan Amendment “as a whole”. The entire Amendment may include dissimilar components, each of which may not be supported by the same members of the City Council; and

WHEREAS, the effect of the current code provision is that individual City Council members are not free to cast their votes on each component of a General Plan Amendment; and

WHEREAS, in the interest of Council members being able to provide their constituents with a clearer demonstration of their position on each component of a General Plan Amendment, the City is seeking support for an Amendment to the California Government Code to allow individual components of a single General Plan Amendment to be voted on separately; and

WHEREAS, the proposed California Government Code Amendment would retain the limitation of four (4) General Plan Amendments per calendar year, but would permit each component that is considered at a single meeting to be voted on as a separate issue, in a manner substantially similar to the attached Exhibit “A”.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the City Council of the City of Paso Robles that:

1. The City Council respectfully requests that State Senator Jack O’Connell review this request and consider initiating or supporting legislation to effect the desired change to the California Government Code.
2. The City Council respectfully requests that State Assemblyman Abel Maldonado review this request and consider initiating or supporting legislation to effect the desired change to the California Government Code.

3. The City Council respectfully requests that the League of California Cities actively advocate and support legislation to effect the desired change to the California Government Code.

PASSED AND ADOPTED THIS 20th day of April, 1999 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR DUANE PICANCO

ATTEST:

CITY CLERK MADELYN PAASCH

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Exhibit "A"

CALIFORNIA GOVERNMENT CODE

Article 6 Preparation, Adoption, and Amendment of the General Plan

§ 65350. Manner of preparation, adoption, and amendment

Cities and counties shall prepare, adopt, and amend general plans and elements of those general plans in the manner provided in this article.

§ 65356. Resolution of legislative body

The legislative body shall adopt or amend a general plan by resolution, which resolution shall be adopted by the affirmative vote of not less than a majority of the total membership of the legislative body. The legislative body may approve, modify, or disapprove the recommendation of the planning commission, if any. However, any substantial modification proposed by the legislative body not previously considered by the commission during its hearings, shall first be referred to the planning commission for its recommendation. The failure of the commission to report within 45 calendar days after the reference, or within the time set by the legislative body, shall be deemed a recommendation for approval.

§ 65358. Amendments to adopted general plan

- (a) If it deems it to be in the public interest, the legislative body may amend all or part of an adopted general plan. An amendment to the general plan shall be initiated in the manner specified by the legislative body. Notwithstanding Section 66016, a legislative body that permits persons to request an amendment of the general plan may require that an amount equal to the estimated cost of preparing the amendment be deposited with the planning agency prior to the preparation of the amendment.
- (b) Except as otherwise provided in subdivision (c) or (d), no mandatory element of a general plan shall be amended more frequently than four times during any calendar year. Subject to that limitation, an amendment may be made at any time, as determined by the legislative body. Each amendment may include more than one change to the general plan. When considered as a part of a single, noticed public hearing, each change to the general plan may be voted upon by separate resolution, with the record reflecting the City Council vote on that part of the General Plan Amendment.
- (c) The limitation on the frequency of amendments to a general plan contained in subdivision (b) does not apply to amendments of the general plan requested and necessary for a single development of residential units, at least 25 percent of which will be occupied by or available to persons and families of low or moderate income, as defined by Section 50093 of the Health and Safety Code. The specified percentage of low- or moderate-income housing may be developed on the same site as the other residential units proposed for development, or on another site or sites encompassed by the general plan, in which case the combined total number of residential units shall be considered a single development proposal for purposes of this section.
- (d) This section does not apply to the adoption of any element of a general plan or to the amendment of any element of a general plan in order to comply with any of the following:
 - (1) A court decision made pursuant to Article 14 (commencing with Section 65750).
 - (2) Subdivision (b) of Section 65302.3.
 - (3) Subdivision (d) of Section 56032 of the Health and Safety Code.
 - (4) Subdivision (b) of Section 30500 of the Public Resources Code.