

RESOLUTION NO. 2011-040

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN BUENAVENTURA RESCINDING RESOLUTION NO. 94-83 AND ADOPTING REVISED PROCEDURES AND REQUIREMENTS RELATIVE TO THE PROCESSING AND REVIEW OF GENERAL PLAN AMENDMENT REQUESTS

WHEREAS, the purpose of the procedures and requirements set forth in this Resolution are to provide an orderly procedure and to establish a fair and effective review process for the consideration of Amendments to the General Plan of the City of San Buenaventura, and

WHEREAS, the provisions of this Resolution shall apply to all General Plan Amendment requests after the date of adoption of this Resolution, and

WHEREAS, a request for a General Plan Amendment shall be submitted and processed in accordance with the provisions set forth in this Resolution and the submittal requirements established by the Planning Division.

BE IT RESOLVED by the Council of the City of San Buenaventura as follows:

SECTION 1: Resolution No. 94-83 is rescinded and replaced in its entirety by this Resolution.

SECTION 2: Definitions. The following definitions shall apply throughout this Resolution:

- A. General Plan. The term "General Plan" of the City of San Buenaventura as used herein means the "2005 Ventura General Plan" adopted by the City Council on August 8, 2005, including all adopted General Plan Chapters, as it may be revised, amended, or replaced from time to time.
- B. Planning Division. "Planning Division" means the Planning Division of the Community Development Department.

SECTION 3: Applicability of procedures. The procedures specified in this Resolution shall apply to all proposed amendments to the General Plan of the City of San Buenaventura after the date of adoption of this Resolution and a request for a General Plan Amendment shall be submitted and processed in accordance with the provisions set forth in this Resolution and the submittal requirements established by the Planning Division including, by way of example and without limitation, the following types of amendments:

- A. Changes in designated Land Use.

- B. Request for average density in excess of that designated.
- C. Deviation from specific Intent and Rationale Statements or other associated adopted policies.
- D. Changes in the designated circulation systems (additions, relocations, or deletions).

While the foregoing examples apply primarily to "Our Well-Planned and Designed Community" and "Our Accessible Community" chapters, other proposed amendments to other chapters of the General Plan shall also be subject to the procedures set forth in this Resolution, except as provided in Section 8 herein.

SECTION 4: Submittal Requirements. Any application for an Amendment to the General Plan shall be accompanied by all forms, plans, filing fees, or any other materials as may be prescribed by the Community Development Director. Any associated discretionary permit or approval application, such as Annexation, Change of Zone, Planned Development Permit, Tentative Tract Map, etc. may also be submitted and processed concurrently with a General Plan Amendment, provided that all submittal requirements for such permits or approval applications are satisfied. Applications for residential projects shall be subject to the limitations and procedures set for in the City's Housing Approval Program in areas of the City not subject to a Specific Plan or Community Plan and the respective Development Code.

SECTION 5: Major Steps for Processing General Plan Amendments. The following sequence should be allowed for processing General Plan Amendments:

- A. Preliminary screening process
 - 1. Pre-submittal consultation with senior planning staff
 - 2. Pre-application submittal with Principal Planner
 - 3. Conceptual review by Development Advisory Committee and Planning Commission recommendation to City Council to process the application.
 - 4. Preliminary screening by the City Council of projects that have been recommended to proceed to initially determine if requests are to be processed or rejected.
- B. Submittal of application for General Plan Amendment in accordance with submittal requirements, including fees, set forth in Section 4 of this Resolution.

- C. Planner assignment and application completion review by planning staff
- D. Environmental review of application for a General Plan Amendment and preparation and completion of the necessary environmental documentation as required by the City environmental review procedures and applicable law.
- E. Review and comments from applicable City advisory boards or commissions.
- F. Public hearing by the Planning Commission to recommend final action to the City Council on the proposed General Plan Amendment.
- G. Public hearing by the City Council for final determination.

SECTION 6: Initiation of General Plan Amendment Processing. A proposed General Plan Amendment may be initiated by the Planning Commission or City Council, or by application in accordance with the procedures established by this Resolution.

SECTION 7: Preliminary Screening. Applications for General Plan Amendment requests except for those matters set forth in Section 8 will first be brought before the City Council for preliminary screening to determine if the applications should be processed or rejected. Those requests that are authorized to proceed shall follow the established General Plan Amendment process; however, such authorization to proceed does not imply ultimate approval of the proposed General Plan Amendment request or any discretionary permit or other approvals related thereto.

SECTION 8: Exceptions. In order to allow for effective public hearing process for all amendments, and to facilitate the continued refinement and amendment of the City's General Plan, the following matters are hereby exempted from the Preliminary Screening process established in Section 7 of this Resolution.

- A. City-initiated amendments.
- B. Housing projects consistent with the provisions of the City's adopted Affordable Housing Program set forth in Resolution No. 88-92 and amended by Resolution No. 2007-056, as they may be revised, amended, or replaced from time to time.
- C. Any mandated or elected studies, including those in Special Study Areas, which are determined to constitute an Amendment to the General Plan.

SECTION 9: Criteria for Preliminary Screening Recommendation. The following criteria are intended for use by staff in making recommendations to the City Council relative to preliminary screening for processing or rejecting General Plan Amendment requests. The City Council will evaluate the staff recommendations and any other factors it deems relevant to the public welfare to determine if a General Plan Amendment request should be processed or be rejected. If a General Plan Amendment request consists of more than one component, the City Council may approve or reject, without prejudice, any portion or component of the request for processing.

A. One or more criteria to be used by staff for recommending that an application be processed include:

1. Whether the proposed amendment request potentially conforms to all applicable goals and policies of the General Plan not subject to the proposed amendment.
2. Whether the proposed amendment request is potentially compatible with either existing or planned uses in the area of the proposed amendment.
3. Whether the proposed amendment request potentially conforms with other City Council adopted policies.
4. Whether the proposed amendment request potentially conforms to City Council direction over the past 24 months, regardless of adopted policies.
5. Whether external regulatory, economic, social, or environmental conditions warrant a General Plan Amendment, regardless of adopted policies.
6. Whether the proposed amendment site is located in an area where the City Council has directed the preparation of a land use study, and the amendment would expedite processing of that land use study.

B. One or more criteria to be used by staff for recommending that an application be rejected include:

1. Whether the proposed amendment shares significant similarities with other amendments located in the same general area that have previously been considered and denied by the City Council within the last 24 months.

2. Whether the proposed amendment site is located in an area where the City Council has directed the preparation of a land use study that would have an effect on the request and it is foreseeable that such land use study may be reviewed by the City Council within the next 24 months.
3. Whether the proposed amendment is located in a particular area where an existing land use policy has been reaffirmed by the City Council within the past 12 months.
4. Whether the proposed amendment would create an "island" spot land use designation inconsistent with the objectives, policies, or intent statements of the General Plan, including, without limitation, density or land uses of surrounding properties.

SECTION 10: Environmental Review. Following approval of Preliminary Screening, and prior to any public hearing on a proposed General Plan Amendment, all proposed projects shall be reviewed by the Planning Division in accordance with established environmental review procedures as set forth in City Council Resolution No. 93-14 as it may be revised, amended, or replaced from time to time, to assure compliance with the California Environmental Quality Act.

SECTION 11: Amendment Review Guidelines. Following preliminary screening and environmental review, in reviewing requests for General Plan Amendments, the Planning Commission and City Council will generally consider one or more of the following issues to determine the appropriateness of the request from the standpoint of the general public welfare:

- A. From an overall perspective, is the requested amendment consistent with and reflective of goals, policies, and intent of the General Plan or of the particular Chapter (element) in question?
- B. Does the request result from and/or reflect changes in the goals and policies or other pertinent factors not in effect at the time of adoption of the particular General Plan Chapter in question?
- C. Is the request based upon a condition not initially considered at the time of the adoption of the particular chapter of the General Plan?
- D. Have naturally occurring physical, social, or economic factors or changes made the plan designation or policy statement, etc., in question infeasible or inappropriate from the standpoint of the general public welfare?
- E. Is the requested amendment compatible with the land use designation and policies applicable to surrounding areas?

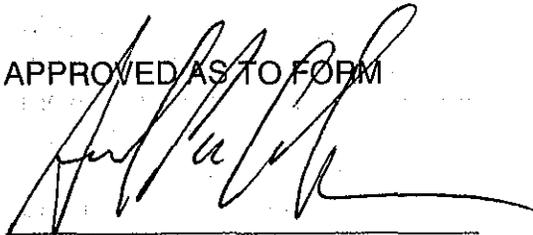
- F. Do alternative sites that would not require an amendment exist that would accommodate the uses proposed by the amendment request?
- G. Will a precedent be set by granting the requested amendment?
- H. Are there reasons that a change in the General Plan would be in the public interest?

PASSED AND ADOPTED this 18th day of July, 2011.



Elaine M. Preston
Interim City Clerk

APPROVED AS TO FORM



Ariel Pierre Calonne
City Attorney

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss
CITY OF SAN BUENAVENTURA)

I, Roxanne Fiorillo, Deputy City Clerk of the City of San Buenaventura, California, certify that the foregoing Resolution was passed and adopted by the City Council of the City of San Buenaventura at a regular meeting on July 18, 2011, by the following vote:

AYES: Councilmembers Brennan, Weir, Morehouse, Andrews,
Monahan, Deputy Mayor Tracy, and Mayor Fulton.

NOES: None.

ABSENT: None.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the City of San Buenaventura on July 19, 2011.


Deputy City Clerk



