

**Attachment E**  
**Draft City Council Resolution Not to Adopt the RAP Program**

CITY COUNCIL RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA, CALIFORNIA DETERMINING NOT TO ADOPT A NEW CHAPTER 24.508, "RESIDENTIAL ALLOCATION PROGRAM," OF DIVISION 24 PART 5 OF THE SAN BUENAVENTURA MUNICIPAL CODE ESTABLISHING A RESIDENTIAL ALLOCATION PROGRAM, NOT TO AMEND THE GENERAL PLAN POLICY TO INCLUDE THE "RESIDENTIAL ALLOCATION PROGRAM", AND AMEND VIA SEPARATE ORDINANCE CHAPTER 24.565, "APPEAL PROCEDURE," OF THE SAN BUENAVENTURA MUNICIPAL CODE TO COMPLY WITH EXISTING LAW

PROJECT NO. 10072  
GPA-10-15-30877  
CASE NOS. OA-10-15-30881  
OA-10-15-30876  
EIR – 10-15-30943

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

**SECTION 1:** On April 13, 2015, the City Council directed City staff to develop a residential allocation program ("RAP") in order to accomplish the following three objectives:

1. Provide the City Council authority and discretion over the housing types, pace of growth, and quality of residential development.
2. Thoughtful allocation of limited City resources and services, such as water, land, sewer, and transportation, to ensure that high priority residential projects are developed in appropriate areas.
3. Ensure the City's growth includes a range of housing types that accommodate all income levels.

**SECTION 2:** On June 30, 2015, the City conducted a Community Engagement Meeting for the purpose of soliciting input from all stakeholders, including residents, businesses and developers, on the RAP, including, the criteria upon which the allocation of residential units should be based and the process by which the allocations would be granted.

On September 10, 2015, the City conducted a second Community Engagement Meeting to review the draft RAP ordinance with all stakeholders and solicit further comment and suggestions for consideration in the preparation of

the final RAP ordinance.

**SECTION 3:** A duly noticed public hearing was held on November 12, 2015, before the Planning Commission to consider recommending that the City Council i) repeal the City's Housing Approval Program, codified in San Buenaventura Municipal Code Chapter 24R.115 and approve the proposed RAP ordinance, ii) amend the General Plan to update Chapter 3, Entitled, "Our Well Planned and Designed Community" to include the RAP Ordinance as an implementation component of the City's Growth Policy, iii) amend the City's Appeal Procedures contained in Chapter 24.565 of the San Buenaventura Municipal Code, and iv) approve an Addendum to the Certified General Plan Final Environmental Report, EIR-2452 for each of the three aforementioned actions.

Following the November 12, 2015, public hearing, the Planning Commission took action, by motion, to recommend that the City Council i) not adopt a new Chapter 24.508 of Division 24 of Part 5 of the Buenaventura Municipal Code establishing a Residential Allocation Program; ii) that the City Council not amend the General Plan to include the RAP ordinance; and iii) that the City Council direct staff to review Chapter 24.565, "Appeal Procedure," of the San Buenaventura Municipal Code to determine appropriate amendments needed in order to comply with existing law.

On November 20, 2015, the Planning Commission, at a duly noticed special meeting, adopted Resolution No. 2015-25, formalizing the action taken at its November 12, 2015 meeting, and setting forth the findings upon which such action was based.

**SECTION 4:** A duly noticed public hearing was held on February 22, 2016, before the City Council to consider they i) not adopt a new Chapter 24.508, "Residential Allocation Program", of Division 24 Part 5 of the San Buenaventura Municipal Code establishing a Residential Allocation Program, ii) not amend the General Plan to update Chapter 3, Entitled, "Our Well Planned and Designed Community" to include the RAP Ordinance as an implementation component of the City's Growth Policy, iii) amend via separate ordinance the City's Appeal Procedures contained in Chapter 24.565 of the San Buenaventura Municipal Code to comply with existing law.

**SECTION 5:** All proceedings having been duly taken as required by law, and upon review of the information contained within the program case file, consideration of the testimony given at the public hearing, as well as other pertinent information, the City Council hereby finds the following:

1. The residential growth rates for the City have been below the growth projections set forth in the City's General Plan, and, therefore, there is no need to regulate the pace of development.

2. The City currently employs a robust residential development review process, commencing with the City Council “check-in” process for recently filed applications, a process implemented during 2014 that allows the City Council to learn about projects early and provide comments; thorough Planning Commission and/or Design Review Committee review and decision process; and the ability of the City Council to appeal decisions by the Planning Commission and/or Design Review regarding residential developments.

3. Issues relating to land use for residential development are more appropriately addressed through amendments to the City’s General Plan and issues relating to design standards are more appropriately addressed through amendments to the Zoning Code, and Development Guidelines.

4. Issues of infrastructure and service adequacy for residential development projects are adequately analyzed through the existing CEQA review process.

5. In light of the existing residential development review process and the ability of the City to address residential development land use compatibility, design standards, and infrastructure and service adequacy through legislative and administrative guidelines as well as the CEQA review process, the proposed RAP ordinance is not necessary and only serves to add time and expense to the residential development process.

6. Although, based upon the advice and opinion of the City Attorney, an amendment to the City’s appeals process is needed in order to conform with a recently-decided California Court of Appeal decision, that process should be undertaken outside the context of the proposed RAP ordinance.

**SECTION 6:** Based on the above findings, the City Council hereby determines as follows:

a. Not to adopt a new Chapter 24.508 of Division 24 Part 5 of the Buenaventura Municipal Code establishing a Residential Project Allocation Program;

b. Not to amend the General Plan policy to include the RAP ordinance; and

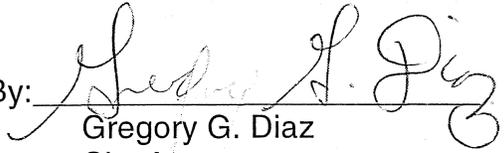
c. To amend via separate ordinance Chapter 24.565, “Appeal Procedure,” of the San Buenaventura municipal code to determine appropriate amendments needed in order to comply with existing law.

PASSED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2016.

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Cyndi M. Rodriguez  
City Clerk, MMC

APPROVED AS TO FORM

By:  2/9/2016  
Gregory G. Diaz  
City Attorney