

DATE: 4/06/99 AGENDA ITEM # 21  
( ) APPROVED ( ) DENIED  
( ) CONTINUED

TO: JAMES L. APP, CITY MANAGER  
FROM: ROBERT A. LATA, DIRECTOR OF COMMUNITY DEVELOPMENT *RAL*  
SUBJECT: PROCESS FOR GENERAL PLAN AMENDMENTS  
DATE: APRIL 6, 1999

Needs: For the City Council to consider the options for processing General Plan Amendments.

- Facts:
1. The California Government Codes limit the number of Amendments to the Land Use Element of the General Plan in any calendar year. Attached is a copy of Article 6, Section 65350 et seq., California Government Code.
  2. In order to accommodate applicant requests for General Plan Amendments in a timely manner, the City has made a practice of grouping different General Plan Amendment requests as "components" or "parts" of a single General Plan Amendment. This is a practice common among other cities, and is specifically authorized by Government Code Section 65358(b).
  3. The disadvantage of grouping various components under a single General Plan Amendment is that the Council is required to take a vote on the General Plan Amendment "as a group". The group may include dissimilar components.
  4. A procedural difficulty can arise when there is not a uniform support for all components of a single General Plan Amendment. Although there may be three votes for each component, they may be different Council members. Hence, when it becomes time to consider all of the components as a single General Plan Amendment, there may be less than the required three votes to pass the composite Amendment.
  5. The City Council has expressed concerns regarding constraints on the Council's ability to vote on various General Plan components separately. Staff and Legal Counsel have been requested to evaluate and report back on the Council's options.

RIMC CODE: Community Development Department  
FILE/CAT: Advance Planning  
DATE: March 4, 1999  
SUBJECT: General Plan Amendments  
RETENTION: Permanent

Analysis  
and

Conclusion: Confirmed by Legal Counsel, under current California Government Code constraints, the City Council's options for dealing with more than four (4) individual Land Use Element requests in a calendar year are:

1. Allow the grouping of dissimilar Amendment applications under the title of a single General Plan Amendment (current practice); or
2. Not process more than four (4) Land Use Element Amendments in any calendar year (advising applicants that they will be scheduled in a "first in, first out" manner, which may cause substantial delays);
3. Seek legislative relief. For example, legislation allowing General Plan Amendments four (4) times each year, without a limit the number amendments that could be considered at a single meeting (so that individual General Plan Amendments may be voted on separately).

The current practice of grouping various components would seem to be the most responsive to applicant requests and allows the City to address new opportunities.

Based on the rate of growth and economic development in the City, and the attendant requests from applicants, a limitation of four (4) individual General Plan Amendments per calendar year would seem to place a significant constraint on the City's ability to respond to applicants in a timely manner. For example, based on the seven (7) General Plan Amendments received so far this calendar year, the applicant on the last submitted application would not see City action until Fall of year 2000.

A longer-range means to address Council concerns would be for the City to seek a legislative amendment that would allow cities to consider General Plan Amendments four times per year. A legislative solution could be pursued through both the City's local representatives and the California League of Cities.

Policy

Reference: Article 6, Section 65350 et seq. of the California Government Code

Fiscal

Impact: None

Options:

- A. That staff be directed to continue to accept multiple General Plan Amendments as components of a single General Plan Amendment.
- B. That staff be directed to continue to accept multiple General Plan Amendments as components of a single General Plan Amendment, but also to initiate the process to seek legislative relief that would permit the General Plan to be amended four (4) times per year, but without a limit on the number of individual General Plan Amendments that could be considered at one time.
- C. Direct staff to limit amendments to the Land Use and other Elements of the General Plan to a maximum of four (4) per year, scheduling Amendments on a "first in, first out" basis.

D. Amend, modify, or reject the above options.

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**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.
- (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.