

Agenda Report

TO: CITY COUNCIL

DATE: NOVEMBER 21, 2005

FROM: CITY MANAGER

SUBJECT: AMENDMENTS TO TITLE 16 AND 17 TO TRANSFER THE RESPONSIBILITY OF THE SUBDIVISION COMMITTEE TO THE HEARING OFFICER

RECOMMENDATION:

It is recommended that the City Council, following a public hearing:

1. Acknowledge that the proposed code amendment is an administrative change and could not have a potential for causing a significant effect on the environment and therefore is not subject to the California Environmental Quality Act ("CEQA");
2. Adopt a finding of Consistency with the General Plan as contained in this report; and
3. Approve the recommendation for the proposed amendments to Title 16 and 17 as it relates to transferring the responsibility of the Subdivision Committee to the Hearing Officer.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission reviewed these amendments on September 21, 2005. The Commission recommended approval of the amendments.

BACKGROUND:

The City's Subdivision regulations are contained in Title 16 of the Municipal Code. Under Title 16, most decisions related to Subdivision applications (tentative maps and lot line adjustments) are heard by the Subdivision Committee. This Committee is made up of three members of the staff, the Zoning Administrator, a representative of Public Works and a representative of Water and Power. The Committee meets monthly, usually for 1 to 3 hours and these hearing are held during business hours.

On August 1, 2005, the City Council initiated an amendment to transfer the decision authority of the Subdivision Committee to the Hearing Officer. The intent of this amendment is to assist in the implementation and record keeping of the Taxpayer Protection Amendment.

This amendment will result in changes to Title 16 (Subdivisions) and Title 17 (Zoning Code). The Zoning Code will be amended so that references to the Subdivision Committee will be modified and Title 16 will be amended to transfer the authority of the Subdivision Committee to the Hearing Officer.

This proposed change will result in the Hearing Officer hearing all Subdivision decisions. These decisions will then be appealable to the Board of Zoning Appeals and from the Board of Zoning Appeals they will be appealable to the City Council. Currently the decision of the Subdivision Committee can be called for review to the City Council. Under the proposed changes, the Planning Commission (which currently has call for review authority over Hearing Officer decisions) will be able to call for review decisions of the Hearing Officer regarding Subdivisions to the Board of Zoning Appeals.

CONCLUSION:

The proposed amendment will allow the Planning Commission (through the Board of Zoning Appeals) to participate in the Subdivision process where as under the previous code it had no responsibility or authority. The Subdivision Committee holds their hearings during the day while the Hearing Officer hearings are held in the evening. This creates a greater opportunity for the public to attend public hearings and participate in this decision making process.

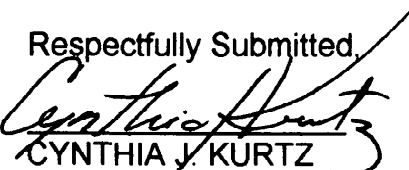
GENERAL PLAN CONSISTENCY:

The proposed amendment is consistent with the General Plan in particular the guiding principal that "Community Participation Must be a Permanent Part of Achieving a Greater City." This amendment increases the opportunity to increase public participation in the planning decisions because hearings will be held in the evening rather than in the daytime.

FISCAL IMPACT:

The Council has allocated to the Planning and Development Department \$20,000 to pay for increased Hearing Officer services.

Respectfully Submitted,



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CITY MANAGER

Prepared by:



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Reviewed by:



RICHARD BRUCKNER
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