

MOTION

Planning Department cases and their associated development projects often require Multiple Approvals (Municipal Code Section 12.36) that conclude with determinations of a legislative nature.

As part of legislative land use approvals, the City can impose 'Q' (Qualified) Conditions of approval on individual properties or to a block of properties that prohibit specific types of land uses or establish development standards specific to the site. The establishment of specific plan areas, supplemental use districts, or project related development agreements are other examples of legislative approvals.

The Municipal Code is silent, however, in terms of jurisdictional procedures pertaining to the conditions of approval for entitlements applications that include multiple approvals, and which require legislative approvals by the Council as either the initial decision maker, or subsequent appeals body. To the extent that land use entitlements processes in the City grow increasingly complicated and thereby potentially fragmented for the general public, it is therefore critical to ensure consistency and provide clarity in regards to the final land use determinations, the resulting conditions of approval and its related procedures.

I THEREFORE MOVE that the Council instruct the Planning Department, in consultation with the City Attorney, to prepare and present an ordinance to submit for Council review and approval, an amendment of the Municipal Code in a manner that clarifies the authority of the Council in its prevailing jurisdiction over all conditions of approval for Multiple Approvals applications wherein legislative approval is required.

PRESENTED BY: _____


JOSÉ HUIZAR
Councilmember, 14th District

SECONDED BY: _____



