

ORDINANCE NO. 12-14 N.S.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND
AMENDING SPECIFIED SECTIONS OF RICHMOND MUNICIPAL CODE
CHAPTER 3.20.080 RELATING TO THE POWERS AND DUTIES OF THE
PLANNING COMMISSION**

WHEREAS, the City has the authority to exercise police powers pursuant to Article XI, Section 7 of the California Constitution; and

WHEREAS, Article II, Section I of the City Charter of grants the City Council broad authority to exercise its powers for the efficient administration of municipal government; and

WHEREAS, Article III, Section I of the City Charter grants the City Council the power to fix and establish the method and manner in which its powers are exercised; and

WHEREAS, under its Charter and Government Code Section 65102, the City may specify the rules and procedures applicable to planning agencies pursuant to California Government Code Section 65102; and

WHEREAS, the City Council created the Planning Commission pursuant to Municipal Code Section 3.20.010; and

WHEREAS, Section 3.20.080 of the Municipal Code provides for the powers and duties of the Planning Commission; and

WHEREAS, the City Council is exercising its authority under Government Code section 65102 and the City Charter to amend the powers and duties of the Planning Commission as to matters that were previously considered and decided by the City Council, and that have been returned to the City for additional action by a court, such as a writ; and

WHEREAS, such amendment will avoid unnecessary delay and facilitate the efficient and consistent disposition with respect to matters previously considered and decided by the City Council; and

WHEREAS, such amendment will lead to “the efficient administration of the municipal government” and “secur[e] the well-being of the municipality and its inhabitants” pursuant to Article II of the City Charter; and

WHEREAS, the City Council finds and determines that this text amendment is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND does ordain as follows:

SECTION I. Chapter 3.20 entitled “Planning Commission” of the Richmond Municipal Code is hereby amended as follows by adding subsection (g) (underline text indicates insertion):

3.20.80 Powers and duties.

The Commission shall have all the powers and shall perform all the duties conferred and imposed upon City Planning Commissions by the applicable provisions of Chapter 3 of Title 7 of the Government Code of the state and, in addition, the Commission shall:

- (a) Prepare, adopt and maintain a long-range, comprehensive general plan for the physical growth and development of the City and areas related directly to the City. The general plan shall reflect the future goals of the City and after its adoption by the City Council shall represent the City's policy on matters of physical development. It shall serve to guide the general location of future public facilities and improvements and to aid in the encouragement and regulation of private development;
- (b) Prepare and adopt plans for the conservation or clearance, rebuilding and redevelopment of those areas of the City suffering from blighted conditions;
- (c) Serve as an advisory body to the City Council on matters related to the City growth and development and on such other matters as may be requested by the Council;
- (d) Promote public interest in planning and encourage citizen participation in the formulation of the general plan;
- (e) Engage in a program of acquainting the public with the problems and alternate solutions relating to the local physical environment;
- (f) Call on the Planning Director and the Planning Staff of the City for research and advice in matters of a technical nature.
- (g) Notwithstanding any other provision of this code, the City Council shall retain jurisdiction over and be the decision-making body for matters subject to this code on which the City Council has previously acted and which are returned to the City for further proceedings pursuant to direction from a court, such as a writ. For such matters, the City Council may request that the Planning Commission hold a single advisory meeting to make a recommendation to the City Council on a course of action, but such meeting shall not be a prerequisite to City Council action.

SECTION II. Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION III. **Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase.

SECTION IV. **Effective Date.** All applications filed after or pending upon the date of final passage and adoption of this Ordinance shall be subject to this Ordinance. This Ordinance becomes effective thirty (30) days after its final passage and adoption.

First read at a regular meeting of the Council of the City of Richmond held on June 3, 2014, and finally passed and adopted at a regular meeting thereof held on June 17, 2014, by the following vote:

AYES: Councilmembers Bates, Boozé, Butt, Myrick, Rogers, Vice Mayor Beckles, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE McLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER

City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. 12-14 N.S.**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 17, 2014.