

Article 45 Amendments (City-wide)

Sections:

- 4501 Applicability
- 4502 Initiation of Amendments
- 4503 Required Application Materials for Amendments Initiated by Property Owners, Residents, or Business Owners
- 4504 Public Hearing Scope and Notice
- 4505 Duties of Planning Commission
- 4506 Duties of City Council
- 4507 Revisions of Proposed Amendments
- 4508 Resubmittal of Application
- 4509 Local Coastal Plan Amendments

4501 Applicability

This ordinance may be amended by changing the zoning map or the regulations.

4502 Initiation of Amendments

- A. Zoning Regulations. Amendments to the zoning regulations shall be initiated by motion of the City Council or the Planning Commission, or by petition of any resident, property owner or business owner in the city.
- B. Zoning Map. Amendments to the zoning map shall be initiated by motion of the City Council or Planning Commission or by application of the owner or authorized agent of property for which the change is sought. If property that is the subject of an application is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

4503 Required Application Materials for Amendments Initiated by Property Owners, Residents or Business Owners

A property owner shall initiate a zoning map amendment by filing the following with the City Planner:

- A. A completed application form;
- B. A completed Initial Study form;
- C. A map showing the location and street address of the property that is the subject of the amendment and of all lots of record within 300 feet of the boundaries of the property;
- D. A list, drawn from the last equalized property tax assessment roll, showing the names

and addresses of the owner of record of each lot within 300 feet of the boundaries of the property (This list shall be keyed to the map required by subsection [C] above.);

E. The required fee.

A property owner, resident or business owner shall initiate a zoning text amendment by submitting a description of the amendment accompanied by the items described above.

4504 Public Hearing Scope and Notice

A. Scope. The City Planner shall set a date, time, and place for the public hearing and prepare a report to the Planning Commission on an application of a property owner for a zoning map amendment or a petition for a zoning regulation amendment describing the area to be considered for change and, if warranted, proposing alternative amendments.

B. Notice of Hearing.

1. Normal Procedure. Notice shall be given in accord with Government Code Sections 65090 and 65091.

2. Zoning Map Amendments: 1000 or More Lots. If a proposed zoning map amendment includes 1,000 or more lots, notice may be given in accord with Government Code Section 65091(a) (3).

C. Contents of Notice. Notices required by this section shall contain:

1. A description of the amendment;
2. A statement of the date, time, and place of the hearing;
3. Reference to the Council or Commission motion or application and other materials on file with the City Planner for detailed information;
4. A statement that any interested party or agent may appear and be heard.

4505 Duties of Planning Commission

A. Public Hearing. At the time and place set for the public hearing, the Planning Commission shall consider a report of the City Planner and shall hear evidence for and against the proposed amendment. The Planning Commission may continue a public hearing to a definite date and time without additional notice.

B. Recommendation to City Council. Following the public hearing, the Commission shall make specific findings as to whether the proposed zoning regulation or zoning map amendment is consistent with the policies of the General Plan and the purposes of this ordinance, and shall recommend approval, conditional approval, or disapproval of the proposal as submitted or in modified form.

4506 Duties of City Council

- A. Hearing Date and Notice. Upon receipt of a Planning Commission recommendation for approval or conditional approval of an amendment to the zoning regulations or map, the Council, shall set a date and time for a public hearing on the proposed amendment. The hearing shall be held within 60 days of the date of filing of the Commission recommendation. The City Clerk shall give notice of such hearing, as required by Section 4504.
- B. Public Hearing. At the time and place set for the public hearing, the Council shall hear evidence for and against the proposed amendment. The Council may continue a public hearing to a definite date and time without additional notice.
- C. Council Decision. After the public hearing, the Council, shall approve, modify, or reject the Commission recommendation, provided that a modification not previously considered by the Commission shall be referred to the Commission for a report prior to adoption of an ordinance amending the zoning regulations or map. Failure of the Planning Commission to report within 40 days after referral or such longer period as may be designated by the Council shall be deemed approval of the proposed modification. Prior to adoption of an ordinance the Council shall make findings that the proposed regulation or map amendment is consistent with the policies of the General Plan and the notice and hearing provisions of this ordinance.

4507 Revisions of Proposed Amendments

- A. Revisions. At or after a public hearing, the Commission or the Council may determine that the public interest would be served by:
 - 1. Revising the boundaries of an area proposed for a zoning map amendment;
 - 2. Considering zoning map designations not originally presented in a motion, application, or Commission recommendation;
 - 3. Considering zoning regulation amendments not originally presented in a motion, petition, or Commission recommendation.
- B. Supplemental Notice. Notice shall be given prior to a hearing on a revised amendment, unless the Commission, or Council, finds that the revised amendment will not have impacts greater than those that would result from the amendment in its original form.

4508 Resubmittal of Application

Following denial of an application or petition for an amendment to the zoning regulations or the zoning map by the Commission or Council, no new application or petition for the same, or substantially the same, amendment shall be accepted within one year of the date

of denial, unless denial is made without prejudice.

4509 Local Coastal Program Amendments

Amendments to the certified Local Coastal Program are subject to additional public noticing and processing requirements, pursuant to Coastal Act and Coastal Commission Regulations.

All amendments to the Local Coastal Program shall be processed pursuant to the following:

- A. At a minimum, all notices for public review sessions, availability of review drafts, studies, or other relevant documents or actions pertaining to the preparation of the LCP shall be mailed to:
 1. Any member of the public who has so requested;
 2. Each local government contiguous with the area that is the subject of the LCP;
 3. Local governments, special districts, or port or harbor districts that could be directly affected by or whose development plans should be considered in the LCP;
 4. All of the state and federal agencies listed in Appendix A of the California Coastal Commission's Local Coastal Program Manual;
 5. Local libraries and media; and
 6. Other regional or federal agencies that may have an interest in or be affected by the LCP.

Any reference in this subchapter to "interested parties" or "public agency" shall include the aforementioned persons or groups.

- B. Proposed LCP documents including review drafts shall be made available at no cost to relevant state agencies and to other interested persons and agencies upon request.
- C. Notice of the availability of review drafts of LCP materials and transmittal of said documents pursuant to paragraphs (a) and (b) shall be made as soon as such drafts are available, but at a minimum at least six (6) weeks prior to any final action on the documents by City. Review drafts shall also be made readily available for public perusal in local libraries, in the administrative offices of the City and at the Coastal Commission offices.
- D. Notice of the City's hearings on the LCP documents shall be given general publication and shall be transmitted to all interested persons and public agencies not less than ten (10) working days before the hearing. Where the City determines that it is legal, practical, and would increase public participation, the hearing should be held

in the coastal zone or in a place easily accessible to residents of the coastal zone.