

Chapter 247 Amendments

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247.02 Initiation of Amendments

Amendments to the zoning provisions, standards or map may be initiated by motion of the City Council or Planning Commission, or any other person or agency. If property that is the subject of an application not initiated by the City is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

247.04 Required Application Materials for Amendments Initiated by Others

A property owner, resident, or any other person may initiate a request for a zoning map or zoning text amendment by filing an application and necessary accompanying data, as prescribed by the Director, and the required fee.

247.06 Public Hearing Scope and Notice

- A. Scope. The Director shall set a date, time, and place for the public hearing and prepare a report to the Planning Commission on an application for a zoning amendment describing the area, standard or provision to be considered for change and, if warranted, proposing alternative amendments. The notice shall also state whether an amendment to the Local Coastal Program is required. The hearings will be held within sixty (60) days after final environmental evaluation.
- B. Notice of Hearing. Notice shall be given in accord with Chapter 248. (3334)

247.08 Planning Commission Review and Recommendation

At the time and place set for the public hearing, the Planning Commission shall consider a report of the Director 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. Following the public hearing, the Commission shall make specific findings as to whether the proposed amendment is consistent with the policies of the General Plan and the purposes of this chapter, and shall recommend approval, conditional approval, or disapproval of the proposal as submitted or in modified form.

247.10 Determination Before Making Recommendation on Change in Zoning District Classification or Zoning or Subdivision Provision or Standard

- A. Before the Planning Commission makes its recommendation on an application for (1) a change of zoning district applicable to a specific site or (2) a change in the text of a zoning or subdivision provision or standard, it shall determine whether or not:
1. The change proposed is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan;
 2. In the case of a general land use provision, the change proposed is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed;
 3. A community need is demonstrated for the change proposed; and
 4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice.
- B. Prior to a change in the Coastal Conservation District (CC) classification, the following findings shall be made:
1. No wetlands exist on the subject parcel as determined by a site-specific topographic, vegetative, hydrologic and soils analysis of the subject parcel, prepared by a qualified wetland biologist or other qualified professional and reviewed and concurred in by the Department of Fish and Game; and
 2. That the proposed change in zoning district classification is in accordance with the policies, standards and provisions of the California Coastal Act; and
 3. That there is no feasible, less environmentally damaging alternative site for any proposed land use or development which may be allowed under California Public Resources Code sections 30233(a)(1) and 3024.

Any such removal of the Coastal Conservation District classification shall constitute an amendment to the Implementation Plan and, if applicable, the Land Use Plan portion of the Local Coastal Program. Pursuant to Section 30514 of the Coastal Act, an amendment shall not take effect unless and until it has been effectively certified by the California Coastal Commission. (3334)

247.12 Result of Planning Commission Denial

A Planning Commission recommendation of denial of an application for a zoning map or text amendment shall terminate proceedings, unless appealed. Notice of such action shall be mailed to the applicant within five days of the Planning Commission's decision.

247.14 City Council Action

- A. Hearing Date and Notice. Upon receipt of a Planning Commission recommendation for approval or conditional approval of an amendment to the zoning text or map, the City Clerk shall set a date and time for a public hearing on the proposed amendment. The hearing shall be held within a reasonable time of the date of filing of the Commission recommendation. The City Clerk shall give notice of such hearing in the manner prescribed as required by Chapter 248.
- B. Council Decision. Prior to adoption of an ordinance, the Council shall make findings that the proposed amendment is consistent with the policies of the General Plan and the notice and hearing provisions of Chapter 248.

247.16 Local Coastal Program Amendments

The City Council may amend all or part of the Local Coastal Program, but the amendment will not take effect until it has been effectively certified by the Coastal Commission. Any General Plan element or specific plan or ordinance of the City that is applicable to the same areas or matters affected by a local coastal program amendment must be reviewed and amended as necessary to provide consistency with the remainder of the Local Coastal Program.

- A. An amendment to the Local Coastal Program may be initiated by one of the following:
 - 1. A resolution of intention initiated by the Planning Commission;
 - 2. A resolution of intention initiated by the City Council directing the Planning Commission to initiate an amendment;
 - 3. An application from a property owner or his/her authorized agent provided that such application involves the development or modification of property located within the area affected by such amendment.
- B. Planning Commission Action On Amendments
 - 1. Upon receipt in proper form of a completed amendment application or duly adopted resolution of intention, and following any necessary investigation, a public hearing before the Planning Commission must be held and notice of such hearing given consistent with Section 13515 of the California Code of Regulations.
 - 2. The Planning Commission must make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove.

3. Planning Commission action recommending that the proposed Local Coastal Program amendment be approved, approved in modified form or denied, must be considered for adoption by the City Council.

C. City Council Action on Amendments

The recommendation of the Planning Commission must be acted upon by the City Council. A public hearing on the amendment shall be conducted after first giving notice of the hearing pursuant to Section 13515 of the California Code of Regulations. The City Council may approve, approve with modifications, or disapprove any amendment.

D. City Council Submittal for Coastal Commission Action on Amendments

Any proposed amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Any amendment approved by the City shall be submitted to the Coastal Commission in accordance with Sections 30512 and 30513 of the Public Resources Code. An amendment to this Local Coastal Program as certified by the California Coastal Commission shall not become effective after City Council adoption until the amendment is submitted pursuant to the requirements of Section 13551 et seq. of the California Code of Regulations and also certified by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act.

E. City Council Denial of Amendment Request

1. A denial by the City Council on an amendment request shall be final and no appeal to the Coastal Commission shall be allowed except as provided by subsection (E)(2) of this section;
2. Pursuant to Section 30515 of the Coastal Act, any person or agency authorized to undertake a public works project or major energy facility development, who was denied a request to amend the Local Coastal Program, may file the request for amendment with the Coastal Commission.

F. Fees

The City Council, by resolution, shall establish and from time to time amend a schedule of fees imposed for any amendment to the Local Coastal Program.

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