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## Chapter 20.80 – Amendments

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### 20.80.010 – Purpose

This Chapter provides procedures for the amendment of the Coastal Land Use Plan (text or map) and this Zoning Code (e.g., text or map).

### 20.80.020 – Initiation of Amendment

An amendment may be initiated in the following manner:

- A. Council.** By the Council, with or without a recommendation from the Commission;
- B. Commission.** By the Commission; or
- C. Property owner(s).** An amendment to the Coastal Land Use Map or Zoning Map may also be initiated by the filing of an amendment application with the Department by the owner(s) or authorized agent(s) of property for which the amendment is sought. All owners or their authorized agents shall join in filing the application.

### 20.80.030 – Processing, Notice, and Hearing

If initiated by the filing of an amendment application:

- A. Process.** The application shall be processed in compliance with Chapter 20.64 (Permit Application Filing and Processing).
- B. Notice.** Notice of the public hearings shall be provided in compliance with Chapter 20.76 (Public Hearings).
- C. Hearing.**
  - 1. The applicable review authority shall conduct one or more public hearings regarding the amendment.
  - 2. The public hearings shall be conducted in compliance with Chapter 20.76 (Public Hearings).

**20.80.040 – Commission Recommendation**

The Commission shall recommend approval, approval with modifications, or denial of the amendment to the Council.

**A. Approval or approval with modifications.**

1. If approved, the Commission shall make and file a report of its findings and recommendations with the Council.
2. Failure of the Commission to take action on the proposed amendment shall be deemed to be approval of the proposed amendment by the Commission.

**B. Denial by the Commission.** If the proposed amendment is denied, no further action shall be taken, unless appealed to the Council in compliance with Chapter 20.78 (Appeals).

**20.80.050 – Council Decision**

**A. Time of hearing.** The decision of the Council shall be rendered within 60 days after the receipt of a report and recommendation of approval from the Commission or within 60 days after the filing of an appeal of the Commission's action to deny the amendment.

**B. Notice of appeal.** Notice shall be given to the Commission of the appeal, and the Commission shall submit a report of its findings and recommendations to the Council specifying the reasons for the Commission's decision, or the Commission shall be represented at the hearing.

**C. Council's decision.** Upon receipt of the Commission's recommendation, the Council shall conduct a public hearing and either approve, approve in modified form, or deny the proposed amendment.

**D. Referral.** If the Council proposes to adopt a substantial change to the amendment not previously considered by the Commission, the proposed change shall be first referred to the Commission for its recommendation.

**20.80.060 – Coastal Land Use Plan Amendments [New]**

**A. Amendment procedure.** The certified Coastal Land Use Plan or any portion may be amended only in compliance with the procedures identified in Sections 20.80.020 through 20.80.050, above.

**B. Findings for Coastal Land Use Plan amendments.** An amendment to the certified Coastal Land Use Plan may be approved by the City only if all of the following findings are first made.

1. The proposed amendment is consistent with the General Plan, certified Coastal Land Use Plan, Coastal Act, and any applicable specific plan; and
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

**C. Coastal Act requirements.**

1. **Compliance with Coastal Act required.** An amendment to the certified Coastal Land Use Plan approved by the Council in compliance with this Chapter shall be prepared for submittal, filed with the Coastal Commission, and processed and decided by the Coastal Commission in compliance with the Coastal Act.
2. **Submittal to the Coastal Commission.**
  - a. **Frequency of submittals.** Only three submittals of proposed Coastal Land Use Plan amendments shall be allowed in any single calendar year. However, there are no limitations on the number of amendments included in each of the three submittals.
  - b. **Submittal.** Submittal of a Coastal Land Use Plan amendment shall be made in compliance with the resolution adopted by the Council and submitted by the City to the Coastal Commission in compliance with Code of Regulations Section 13551.
  - c. **Contents.** The contents of the Coastal Land Use Plan amendment application shall be in compliance with Code of Regulations Section 13552.
3. **Notice of availability.** Notice of the availability of the review draft of the Coastal Land Use Plan amendment shall be made as soon as the draft is available, but at a minimum of at least 6 weeks before final City action on the document in compliance with Code of Regulations Section 13515(c).

**D. Following action by Coastal Commission.**

1. **Action by Coastal Commission.** After certification of a Coastal Land Use Plan amendment, the Coastal Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the City in compliance with Code of Regulations Section 13544.5 (Effective Date of Certification of a Land Use Plan).
2. **Action by the City.** The City shall then:
  - a. Acknowledge receipt of the Coastal Commission's resolution of certification including any terms or modifications which may have been required for final certification;
  - b. Consider the terms and modifications; and
  - c. Take appropriate action regarding the terms and modifications.

**20.80.070 – Prezoning – Annexations**

- A. Prezoning required.** Before the annexation to the City of any property, the sponsor of an annexation shall file an application for prezoning of the subject property to be annexed and the City shall establish the zoning which will be in effect on the effective date of the annexation.
- B. Same as Zoning Code amendments.** The process for prezoning property to be annexed to the City shall be the same as is specified in this Chapter for Zoning Code amendments.
- C. Compliance required.** The zoning shall be in compliance with the General Plan, any applicable specific plan, and the certified Coastal Land Use Plan for sites located within the City's Coastal Zone.

**20.80.080 – Effective Dates**

- A. Zoning Code.** An amendment to this Zoning Code shall become effective 30 days after approval by the City, or as stated in the adopting ordinance, and, if required, certification by the Coastal Commission.
- B. Coastal Land Use Plan.** An amendment to the certified Coastal Land Use Plan shall not become effective until final certification by the Coastal Commission, in compliance with the Public Resources Code and the Coastal Commission Administrative Regulations, and final approval by the Council.