

Exhibit L: Proposed Amended Article 27

Note: underline and bolded text represents new text; ~~strike-through~~ text represents text to be eliminated

Article 27 Amendments

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5-2700 **Applicability**

This Code may be amended by changing the zoning map or the zoning regulations. (Ord. 2001-015 § 1)

5-2702 **Initiation of Amendments**

- A. Zoning Regulations. Amendments to the zoning regulations shall be initiated by resolution of intent of the City Council or the Planning Commission, **or by the Community Development Director**, or may be initiated upon request by the owner or authorized agent of property within the City.
- B. Zoning Map. Amendments to the zoning map shall be initiated by resolution of intent of the City Council or Planning Commission, **or by the Community Development Director**, 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 (1) ownership, all the owners or their authorized agents shall join in filing the application. (Ord. 2001-015 § 1)

5-2704 **Required Application Materials for Amendments Initiated by Property Owners**

A property owner shall initiate a request for a zoning map amendment or code amendment by filing the following with the Zoning Enforcement Official:

- A. A completed application form;

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- B. A completed Initial Study form (Appendix E, Part I, City of San Leandro CEQA Guidelines);
- C. The Zoning Enforcement Official may require:
 - 1. 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 three hundred (300) feet of the boundaries of the property;
 - 2. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor or Tax Collector, showing the names and addresses of the owner(s) of record of each lot within three hundred (300) feet of the boundaries of the property. This list shall be keyed to the map required by Subsection C above and shall be accompanied by mailing labels.
- D. The required fee. (Ord. 2001-015 § 1)

5-2706 Public Hearing Scope and Notice

- A. Scope. The Zoning Enforcement Official 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 or code amendment or a resolution for a zoning regulation amendment, describing the area to be considered for change and, if warranted, proposing alternative amendments. ~~The hearing shall be held within forty-five (45) days of acceptance of a complete application.~~
- B. Notice of Hearing.
 - 1. Normal Procedure. Notice shall be given in accord with Section 5-2208.B.
 - 2. Zoning Map Amendments: 1,000 or More Lots. If a proposed zoning map amendment includes one thousand (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 City Council or Planning Commission resolution or the application and other materials on file with the Zoning Enforcement Officials for detailed information; and

4. A statement that any interested party or agent may appear and be heard. (Ord. 2001-015 § 1)

5-2708 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 Zoning Enforcement Official 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 Commissions will 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 Code, and shall recommend approval, conditional approval, or denial of the proposal as submitted or in modified form. (Ord. 2001-015 § 1)

5-2710 Result of Planning Commission Denial

A Planning Commission recommendation of denial of an application for a zoning map amendment or zoning regulation amendment submitted by petition shall terminate proceedings, unless appealed. Notice of such action shall be mailed to the applicant within seven (7) days of the Planning Commission's decision. (Ord. 2001-015 § 1)

5-2712 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, or receipt of an appeal of a Planning Commission recommendation for denial, the City Clerk shall set a date and time for a public hearing on the proposed amendment. The hearing shall be held within ~~forty-five (45)~~ **sixty (60)** days of the date of filing of the Planning Commission recommendation. The City Clerk shall give notice of such hearing in the manner prescribed as required by Section 5-2706.
- B. Public Hearing. At the time and place set for the public hearing, the City Council shall hear evidence for and against the proposed amendment. The City Council may continue a public hearing to a definite date and time without additional notice.
- C. City Council Decision. Within twenty-one (21) days after the public hearing, the City Council shall approve, modify, or reject the Planning Commission recommendation, provided that a substantial modification not previously considered by the Planning Commission shall be referred to the Planning Commission for a report prior to adoption of an ordinance amending the zoning regulations or map. Failure of the Planning Commission to report within forty (40) days after referral or such longer period as may be designated by the City Council shall be deemed approval of the proposed modifi-

cation. Prior to adoption of an ordinance, the City Council shall make findings that the proposed change to the zoning regulation or zoning map is consistent with the policies of the General Plan and the notice and hearing provisions of this Article. (Ord. 2001-015 § 1)

5-2714 Revisions of Proposed Amendments

- A. Revisions. At or after a public hearing, the Planning Commission or the City 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 Planning Commission recommendation; or
 3. Considering zoning regulation amendments not originally presented in a motion, petition, or Planning Commission recommendation.
- B. Supplemental Notice. Notice shall be given prior to a hearing on a revised amendment, unless the Planning Commission or City Council finds that the revised amendment will not have impacts greater than those that would result from the amendment in its original form. (Ord. 2001-015 § 1)

5-2716 Resubmittal of Application

Following denial of an application or petition for an amendment to the zoning regulations or the zoning map by the Planning Commission or City Council, no new application or petition for the same, or substantially the same, amendment shall be accepted within one (1) year of the date of denial, unless denial is made without prejudice. (Ord. 2001-015 § 1)