

**City of Westminster
Planning Department
Applicant's Guide For:**

**ZONE CHANGE/ZONING TEXT AMENDMENTS
GENERAL PLAN AMENDMENTS**

PURPOSE

The City divides all property into various zoning districts for designating permitted land uses and development standards. California State law requires that these zoning districts be consistent with the land use designations of the City's General Plan. As such, amendments to the General Plan also require subsequent rezoning to provide consistency. **Only four General Plan Amendments are allowed per year and processing schedules for public hearing dates are subject to staff discretion.**

The provisions set forth in the Zoning Ordinance may be amended by following the process outlined below. The Zoning Ordinance, like the General Plan, represents one of the most important policy documents of the City, and any changes are reviewed very carefully by staff, the Planning Commission and City Council. Application for zone changes and zoning text amendments should only be made when there are compelling reasons for the proposed change. Spot rezoning of properties to comply with code enforcement violations for instance, are not compelling, nor is rezoning a property allow or expand the continuation of a non-conforming land use.

PROCESS

Preliminary Plan Review: Preliminary plan review is required of all zone change and General Plan Amendment applications so that staff can provide the applicant with as much information as possible regarding staff consensus. This is helpful to the applicant because it allows them enough information to determine if the project is feasible prior to paying for detailed plans and filing fees. Discussing similar or relevant proposals is also beneficial.

Filing the Application: After preliminary plan review the applicant may file the application. The applicant should submit the complete application, filing fee and other required information to the Planning Department. A Planner will be assigned to review the material and make sure the application is complete. The applicant will be notified within 30 days after filing as to the status of the project. After completeness is determined, the project will be placed on the next available Planning Commission agenda.

Environmental Review: All zone changes, General Plan amendments and zoning text amendments are required to have an environmental assessment to determine whether it is necessary to prepare a Negative Declaration, Mitigated Negative Declaration or an Environmental Impact Report (EIR). If an EIR is required, the applicant should request a meeting with the assigned staff planner to determine the procedure for EIR adoption.

Staff Review: The staff will review the proposed zone change, General Plan amendment or text amendment in terms of consistency with the City's General Plan and the compatibility of the proposal with surrounding land uses. A written staff report is prepared for the Planning Commission, which includes a description of the proposal, staff recommendation and suggested conditions, if any. The staff report is available to the applicant, property owner and the Planning Commission the Friday before the meeting. Copies of reports

are also available to the public after they have been sent to the Planning Commission.

Planning Commission Review: The Planning Commission is required to hold at least one public hearing on the application. At least 10 days prior to the meeting, owners of property within 500 feet of the subject site are notified by mail of the forthcoming hearing. A notice of public hearing is also posted at the subject site, City Hall and outside the City Council Chambers.

At the meeting, staff makes a presentation on the application, which is followed by questions from the Commissioners. The public hearing is then open, first hearing from people in favor of the application, then by project opponents and finally rebuttal statements. The Planning Commission then closes the public hearing and makes a decision to transmit a recommendation of either approval or denial to the City Council or continue the item. The Planning Commission works as an advisory board on these matters and the final decision must be made by the City Council.

City Council Review: After the Planning Commission makes a recommendation, a public hearing is scheduled for the City Council. The same legal notification provided for Planning Commission consideration is also provided for the City Council hearing. At the meeting, the Council considers the public testimony, staff report, environmental information and the Planning Commission recommendation. Following the public testimony, the City Council may; 1) refer the matter back to the Planning Commission for further evaluation; 2) continue the hearing to a specific date; or 3) close the public hearing and make their final decision. The City Council decision is final.