



To: Ramon Trias, Development Services Assistant Director for Planning

From: Gustavo J. Ceballos, Assistant City Attorney

Approved By: Miriam Soler Ramos, City Attorney *MSR*

RE: Legal Opinion Regarding Text Amendments to Zoning Code

Date: February 9, 2022

This office has been asked to issue a determination regarding the process for private individuals to seek text amendments that are quasi-judicial in nature to the City's Zoning Code.

Section 14-212.1 "Purpose and applicability" establishes the procedures for initiating district boundary changes or text amendments of the City's Zoning Code. Section 14-212.1 states that text amendments or map amendments may be initiated by the City but private owners may only initiate a map amendment. This limitation prevents private individuals from proposing changes to the Zoning Code that are legislative in nature.

In contrast to large scale or City-wide zoning code amendments, there are text amendments that impact a limited number of properties, such as proposed changes to site-specific regulations. Such amendments are considered quasi-judicial in nature, not legislative, and were not contemplated by the limitation above. Property owners must have a process to petition their elected officials for zoning code changes whether it be a text or map amendment, that solely affect their properties. In addition, requiring a private property owner to obtain a Commission sponsor would encourage ex-parte communications which are to be avoided in quasi-judicial matters. Accordingly, any requests for amendments to site-specific zoning regulations or other zoning code amendments impacting a limited number of properties that are quasi-judicial in nature, shall follow the same procedure as map amendment requests under the Zoning Code.

The City Attorney has been granted express authority to take such action under Section 2-252(e)(8) of the City Code.