

LEGISLATIVE DIGEST

[Planning Code - Exceptions and Extensions for Existing Uses]

Ordinance amending the Planning Code to modify offset requirement for heights exceeding 30 feet in the Bernal Heights Special Use District; permit large movie theater signage in the Japantown Neighborhood Commercial District; allow Medical Cannabis Dispensaries to continue operating as Temporary Cannabis Retail Uses until December 31, 2024; clarify eligibility for reduction in Inclusionary Housing requirements; and correct an error in the Zoning Control Table for the Urban Mixed Use District; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

Planning Code Section 242 generally requires that no portion of a dwelling in any portion of this district shall exceed a height of 30 feet, with certain exceptions.

Sign heights and size in neighborhood commercial districts are generally governed by Planning Code Section 607.1.

Planning Code Sections 190, 191, and 205.2, permit Temporary Cannabis uses. The code sections authorizing this use were set to sunset on January 1, 2024.

Planning Code Section 415A.2 defines the terms “Finally Approved” or “Final Approval” to mean the (1) approval of a project’s first Development Application, unless such approval is appealed; or (2) if a project only requires a building permit, issuance of the first site or building permit, unless such permit is appealed; or (3) if the first Development Application or first site or building permit is appealed, then the final decision upholding the Development Application, or first site or building permit, on the appeal by the relevant City Board or Commission.

Planning Code Section 838 generally specifies the controls applicable to Urban Mixed-Use Districts.

Amendments to Current Law

This ordinance would:

- Create an exception to the height limits in Planning Code Section 242 for building permits for structures erected on Lots 055, 056, and 057 in Block 5526 approved before January 8, 2020.

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- Create specific size and location controls for wall signs for movie theaters located within the Japantown NCD.
- Extend the sunset date for the Temporary Cannabis Uses to December 31, 2024.
- Amend the definition of “Finally Approved” or “Final Approval” for purposes of Planning Code Section 415A.2 to mean the Planning Department’s approval of a building permit rather than the issuance of a building permit or site permit.
- Correct a typographical error regarding the applicable control for Wireless Telecommunications Services Facilities in the Urban Mixed-Use District.

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