

LEGISLATIVE DIGEST

[Planning Code - Laboratory Uses in the Urban Mixed Use Zoning District]

Ordinance amending the Planning Code to revise the definition of Laboratory to include Biotechnology, and to make Laboratory uses, as defined, a not permitted use in the Urban Mixed Use zoning district; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The Planning Code sets forth different zoning districts where different uses are permitted, conditionally permitted, or prohibited, and where various controls (such as density, height and bulk standards, rear yard, and open space requirements) apply.

The Urban Mixed Use (UMU) district was created in 2008 as part of the Eastern Neighborhoods area plans and related rezoning effort. According to the Planning Code, the UMU "is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. Within the UMU, office uses are restricted to the upper floors of multiple story buildings."

Currently, Laboratory uses are permitted within the UMU, as part of the larger zoning category of "Non-Retail Sales and Service." Life Science uses are not permitted. The current definitions of Laboratories and Life Science, which apply Citywide, do not include biotechnology.

Amendments to Current Law

This ordinance amends the current definition of Laboratory uses to include biotechnology research and experimental development. It also makes Laboratory uses not permitted within the UMU, and makes conforming changes to other Planning Code sections that regulate uses in the UMU.

Background Information

The ordinance contains findings explaining that UMU zoning was developed to mediate tensions between residential and commercial uses competing over limited land and building space.

Those tensions have continued in recent years, including with proposed Laboratory developments in the UMU that have marketed themselves as available for Life Science uses, despite the prohibition of Life Science. This has resulted in the loss of opportunities for housing, community-serving amenities and the complete neighborhoods that were primary goals of the Eastern Neighborhoods Plan, and the UMU District in particular.

The ordinance intends to address these problems.

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