

LEGISLATIVE DIGEST

[Planning Code - Automotive Uses; Housing Density]

Ordinance amending the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, except for Residential-Mixed (RM) and Residential-Commercial (RC) districts and designated historic districts, but which do not currently have any residential use or a legacy business, and to remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use, and amend zoning control tables to reflect this change; 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 101.1; and making findings of public necessity, convenience, and welfare as required by Planning Code, Section 302.

Existing Law

Under existing Planning Code requirements, changing the use of an automotive service station to another use requires a conditional use permit and adoption of specified findings.

The Planning Code contains different density controls and limits for residential uses, depending on the particular zoning district. Density may also be controlled by floor area ratio, or by height and bulk restrictions. The Planning Code also regulates the amount of parking for different uses.

Amendments to Current Law

The proposed legislation would eliminate the requirement to procure a conditional use permit for a conversion of an automotive service station to another use.

The proposed legislation also creates a new program in the Planning Code that allows parcels currently used for auto-oriented uses, (defined as accessory parking lots or garages or any use defined as an Automotive Use), to be developed as housing at densities greater than otherwise allowed. Eligible parcels must (1) not currently contain a residential use; and (2) must not have contained a Legacy Business for the previous 4 years. Sites in RM and RC districts, or historic districts designated in Article 10 of the Planning Code are not eligible. Sites with properties that have been nominated for a Legacy Business are also ineligible, unless the Small Business Commission finally determines that the business does not meet the criteria for a Legacy Business.

The program allows eligible sites in RH zoning districts to develop up to four dwelling units per lot as a principally permitted use. In other zoning districts, density would be regulated by the permitted height and bulk, and required setbacks, exposure, open space, and any adopted design standards or guidelines for each parcel. Any other conditional use requirement not

related to permitted residential density would continue to apply. The proposed legislation would apply reduced parking requirements for the sites, and would allow no more than 75% of otherwise allowed parking for non-residential uses.

The Planning Department must monitor and report on the number of units that are approved using the program. The program expires after 5000 units have been approved.

Background

This version of the legislation includes amendments made at the Land Use and Transportation Committee on June 6, 2022 to the substitute legislation introduced on February 15, 2022. These amendments make parcels in RM and RC districts, or in historic districts designated in Article 10 of the Planning Code ineligible for the program.

n:\legana\as2021\2100395\01608376.docx