

LEGISLATIVE DIGEST

[Planning Code - Technical Amendments]

Ordinance amending the Planning Code in order to correct errors in enacted legislation, update outdated references, clarify existing requirements, and re-enact existing text inadvertently deleted in the reorganization of Articles 2 and 7; affirming the Planning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 adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

Existing Law

This ordinance amends multiple sections of the Planning Code.

Amendments to Current Law

The proposed ordinance amends a number of Code sections to (1) correct identified errors in grammar, syntax, cross-references, and format and (2) clarify existing text, re-enact text that had been deleted inadvertently or not carried forward in the reorganization of Articles 2 and 7, or add text necessary to understand the existing requirement. The vast number of the proposed changes are in category (1) and clearly non-substantive; however, the proposed changes in category (2), listed below, may be considered more substantive:

- **Section 145.4 – Required Ground floor Commercial Uses.** The proposed amendment allows an exception to the requirement in the C-2 [Community Business] and C-3 [Downtown] zoning districts. With the exception of Commercial zoning districts, in all districts where the requirement applies the Code explicitly identifies whether and how it can be modified. The proposed amendment corrects this oversight and allows the Planning Commission to waive the ground floor commercial use requirement in Commercial districts with a Conditional Use authorization, which is the existing rule for Neighborhood Commercial Districts.
- **Section 202.2(e)(1) – Location and Operating Conditions for Medical Cannabis Dispensaries (MCDs).** San Francisco recently adopted land use regulations for cannabis-related businesses, however the failure to modify existing controls in the Planning Code created controls that are overlapping and inconsistent. This subsection is amended to clarify that (1) MCDs are subject to the notice requirements of Section 312 and not the previous “custom” notice requirements and (2) Mandatory Discretionary Review is only required when the MCD is located in a Neighborhood

Commercial zoning district. These proposed changes are consistent with the intent of recent cannabis legislation.

- **Section 415.6 – On-Site Affordable Housing Alternative.** The proposed amendment to Section 415.6 was requested by the Mayor’s Office of Housing and Community Development to correct a drafting error that established a rent and sales price benchmark for affordable housing inconsistent with the legislative intent. The goal of the provision is to ensure that Inclusionary Units at the higher income tiers (110% for rental and 130% for ownership) are sufficiently below market to make a difference for low- and moderate-income households. To use the medium rents or sales prices for the neighborhood, as the Code currently does, includes all properties in the neighborhood in the evaluation, including rent-controlled buildings, results in a benchmark that does not solve the problem and is inconsistent with the legislative intent.

Background Information

The Planning Code is amended frequently. Although the Planning Department and the City Attorney’s Office review individual ordinances, errors in grammar and syntax, mistakes in cross-references, and accidental additions and deletions of text occur due to the sheer number of legislative actions and the complexity of the Code. The recent wholesale reorganizations of Articles 2 and 7 has compounded this problem. The Planning Department and the City Attorney’s Office actively collect the Code errors and the Publisher also notes many of them in Codification Notes at the end of the section to which they apply. The Department presents these identified errors for correction in an annual “Code Corrections Ordinance.”

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