

LEGISLATIVE DIGEST

(Substituted 1/13/2015)

[Planning Code - Consolidate Definitions, Reorganize Article 2, and Make Other Nonsubstantive Changes to Update, Clarify, and Simplify Code Language.]

Ordinance amending the Planning Code to consolidate definitions into Section 102, reorganize Article 2 to create Zoning Control Tables, and make nonsubstantive changes to various sections in Articles 1, 2, 3, 4, 6, 7, and 8 in order to update, clarify, and simplify Code language; affirming the Planning Department’s California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Article 1 of the Planning Code contains development standards for all zoning districts in the City, such as rear yard and front yard setbacks, open space requirements, parking ratios, and the like. While Article 1 is the primary section for Planning Code definitions, definitions are found in almost every Article of the Code. Use definitions are located in Articles 2, 7, and 8. Many of the definitions are duplicative or overlap.

Article 2 contains use and residential density controls for Residential (R), Commercial (C), Manufacturing (M), and Production Distribution and Repair (PDR) Districts. Articles 7 and 8 contain zoning control tables for the City’s Neighborhood Commercial Districts (NCDs) and Mixed Use Districts (MUDs). Zoning control tables include a summary of use controls as well as development standards. Each zoning district has its own table and divides the uses into vertical controls (i.e., uses are separated by story).

Amendments to Current Law

All use definitions and “universal” definitions (i.e., definitions that are not specific to one Article or Section of the Code or that are general terms) have been moved into Article 1. Location and operational conditions have been separated out from use definitions and put into Article 2. The use tables in Article 2 have been replaced with zoning control tables similar to those found in Articles 7 and 8. However, rather than giving each zoning district its own table, similar zoning districts – such as RH (Residential, House) or RM (Residential, Mixed) – are grouped into one table; and the tables are not divided up into vertical controls as they are in NCDs and MUDs because, for the most part, uses in these districts are not regulated by story. The Article 2 tables also include the use controls as well as development standards for the particular zoning district.

Background Information

The Planning Code has maintained the same basic structure since 1986, when the Article 7 NCD controls were added to the Code. Prior to that time, all development standards and

general definitions were located in Article 2, and use definitions and use controls were located in Article 2. For its time, Article 7 was a dramatically new way of organizing the Code and thinking about land use, primarily because it used vertical controls to regulate uses. However, because of the structural differences between Articles 2 and 7, and the desire to more closely regulate retail and service uses, Article 7 was given its own set of use definitions. When Article 8 was added to the Code, it followed the same format as Article 7, along with adding its own list of use definitions. We now have four sets of use definitions in the Code: one for R Districts and one for C, M and PDR Districts in Article 2; one for NCDs in Article 7; and one for MUDs in Article 8. Many of these uses overlap and some are exact copies, while other use definitions are exclusive to that particular Article.

This legislation is the first phase of a three-phased reorganization of the Code that primarily is nonsubstantive. The ultimate goal is to (1) reorganize Article 2 so that it is easier to use, (2) rationalize use definitions by consolidating them into one section of the Code, and (3) have all zoning districts reference one set of use definitions. This first phase consolidates all definitions into one location (Section 102) and reorganizes Article 2 into a format similar to Articles 7 and 8. The second and third phases that will come later will delete the use definitions in Articles 7 and 8 and modify those Articles so that they reference the consolidated use definitions in Section 102.

This three-phase approach breaks up the proposal so that it is not overwhelming and reduces the potential for errors and oversights. While this temporarily will make the Planning Code longer and redundant in parts, the Planning Commission believes that breaking up the proposal into three phases is essential to ensuring a process that is as transparent and efficient as possible.

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