

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 11/01/2021)

[Planning Code - Repealing Article 12 Regarding Oil and Gas Facilities]

Ordinance amending the Planning Code to repeal Article 12, which contains regulations governing land use activities associated with oil and gas exploration, development, and processing; amending the definitions of Heavy Manufacturing 2 and Heavy Manufacturing 3 to exclude oil and gas production or processing for fuel purposes as allowable Industrial Uses; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Article 12 of the Planning Code contains land use regulations for oil and gas exploration, development, and processing. Under Article 12, a proposed oil and gas facility may apply for one of two overlay districts—oil and gas support (OG-S) or oil and gas processing (OG-P)—by submitting a development plan to, and seeking a conditional use authorization from, the Planning Commission. If approved by the Planning Commission, the appropriate overlay district is mapped and the zoning controls specific to the OG-P or OG-S district apply to the proposed facility.

Amendments to Current Law

The Proposed Legislation would repeal the entirety of Article 12, removing the process for creating OG-P and OG-S overlay districts and thus the siting of new oil and gas exploration, development, and processing facilities under the provisions of Article 12. The Land Use Committee amended the Proposed Legislation, as recommended by the Planning Commission, to ensure that Heavy Manufacturing 2 and 3 Industrial Uses do not include oil and gas production or processing for fuel purposes.

Background

There are no OG-P or OG-S overlay districts in the City and no pending applications to create either overlay district. If Article 12 is repealed, the current definitions of Heavy Manufacturing 2 and 3 would potentially allow petroleum refinement for petroleum products in zones that allow Heavy Manufacturing 2 or 3 Industrial Uses. The Proposed Legislation would exclude petroleum refinement or processing for use as a fuel source from those definitions.

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