FILE NO. 240173

LEGISLATIVE DIGEST

[Planning Code, Zoning Map - Residential Enclave-Mixed District, Rezone 135 Kissling Street]

Ordinance amending the Planning Code to conditionally permit vehicle storage lots in the Residential Enclave-Mixed (RED-MX) District and to update citations and cross-references in the text and tables of specified Mixed Use Districts; amending the Zoning Map to rezone 135 Kissling Street, Assessor's Parcel Block No. 3516, Lot No. 068, from Residential Enclave (RED) to RED-MX; 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 pursuant to Planning Code, Section 302.

Existing Law

In the Planning Code, different uses are permitted, conditionally permitted, or not permitted in various zoning districts covering a geographic area. For each zoning district, the Planning Code specifies the allowable or prohibited uses, and often describes relevant terms and definitions by cross-referencing other sections of the Planning Code.

A mix of uses are permitted or conditionally permitted in the Residential Enclave-Mixed (RED-MX) district, including residential, retail, and some automotive uses. In the zoning control table for this district, only specified automotive uses are permitted or conditionally permitted, and all other automotive uses are not permitted. Currently, vehicle storage lots are not specifically listed as permitted, therefore appear to be not permitted under existing law.

Under existing law, the parcel located at 135 Kissling Street is zoned Residential Enclave (RED), where automotive uses are not permitted. Certain parcels adjacent to 135 Kissling Street have been rezoned to RED-MX.

Amendments to Current Law

Pursuant to this ordinance, various cross-references to other sections of the Planning Code would be updated and corrected. These changes are technical only and do not make substantive changes to which uses are allowed or prohibited.

In the RED-MX District, this ordinance would specifically list vehicle storage lots as conditionally permitted.

The parcel located at 135 Kissling Street would be rezoned from RED to RED-MX. The zoning controls applicable in the RED-MX district would apply to the parcel instead of the zoning controls applicable to the RED district.

Background Information

In Ordinance No. 70-23, Article 8 of the Planning Code was reorganized, with several sections deleted and re-adopted in a new format. This reorganization affected each of the sections included in this ordinance. This ordinance makes updates and corrections needed following the reorganization in Ordinance No. 70-23, including updating cross-references and inserting inadvertently omitted text that vehicle storage lots are to be conditionally permitted in the RED-MX district.

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