

LEGISLATIVE DIGEST

(Duplicated in Committee – December 9, 2024)

[Building, Planning Codes - Code Corrections and Updates]

Ordinance amending the Building and Planning Codes to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions; directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Department of Housing and Community Development upon final passage; 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 ordinance would make non-substantive amendments to multiple sections of the existing Code in order to (1) correct errors in spelling, grammar, punctuation, or format, (2) correct outdated cross-references, and (3) make the Code language consistent or clarify existing text.

In addition, this ordinance would make several minor, substantive clarifications to the code, including:

- amending the definition of Historic Resource to include resources that are determined to be a contributor through historic resource review.
- clarifying that the rear yard requirement does not apply in NC-S Districts.
- adding back language that allows the ZA to modify or waive the required rear yard in NC Zoning Districts administratively. This was inadvertently removed in a prior ordinance.
- adding back front setback requirements in Section 132, which were inadvertently removed a provision for properties that only have one adjacent building, such as buildings on corner lots. This was inadvertently removed in a prior ordinance.
- clarifying that Mandatory Discretionary Review is included in the types of entitlements that are not required for projects seeking approval pursuant to Section 206.6.
- modifying the specific materials that must be included in mailed notice.
- reinstating controls for Intermediate Length Occupancy, which were inadvertently removed.
- clarifying that Ground Floor Commercial uses are required in the Polk Street NCD.

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 Department and the City Attorney's Office 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. While many of these errors can be – and are – corrected in subsequent legislation, those errors that have not been corrected or code text clarified through subsequent legislation are recommended to the Board by the Planning Commission in an annual Code Corrections Ordinance.

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