

LEGISLATIVE DIGEST
(Substituted 9/29/2015)

[Planning Code - Technical Amendments and Corrections]

Ordinance amending the Planning Code to correct errors, reenact previously-existing language that was repealed in error as part of the Article 2 Reorganization Ordinance, update the Code, and make nonsubstantive language revisions to simplify and clarify text; affirming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.

Existing Law

Multiple sections in Articles 1, 2, 3, 4, 6, 7, and 8 of the Planning Code are being amended in this 2015 Code Corrections Ordinance to correct errors, reenact previously existing language that was repealed in error in past legislation, update the Code, and make nonsubstantive language revisions to simply and clarify text.

Amendments to Current Law

A significant portion of this 2015 Code Corrections Ordinance is updating out-of-date Code language, for example changing “Master Plan” to “General Plan,” “Department of City Planning” to “Planning Department,” “City Planning Commission” to “Planning Commission,” “Board of Permit Appeals” to “Board of Appeals” and the like. Numerous other amendments are to correct typos, spelling errors, and section cross-references. Language that was repealed in error in the Article 2 Reorganization Ordinance is also reenacted. A list and description of the proposed amendments is contained in the Executive Summary for the Planning Code Text Amendment dated August 15, 2015, and transmitted to the Board of Supervisors by Planning Department staff.

In addition to the amendments listed in the Executive Summary, Section 102 is amended to add “Instructional Services” to the definition of “Sales and Services, Retail” to make it consistent with the “Service, Instructional” definition; Section 155.2 is amended to delete “square footage” after the words “Gross Floor Area” in subsection (a)(6) and to delete “Residential Care Facility” from the Senior Housing box in the Table since that use is listed with the Institutional Educational use; to amend the Section 209.3 Zoning Control Table for Residential-Commercial Districts by re-enacting the conditional use requirement for Group Housing affiliated with and operated by a Hospital or Institutional Educational Use that was repealed in error in the Article 2 Reorganization Ordinance; and to delete Section 121.5 from the Large Project Review box in the Section 209.4 Zoning Control Table for RTO Districts since Section 121.5 has been repealed.

Background Information

The Planning Code is amended approximately 30-40 times a year. While each ordinance is reviewed by Planning Department staff and the City Attorney's Office for consistency and accuracy, the number of changes that occur and the complexity of the Planning Code results in not all errors being caught before the final adoption of legislation. Further, even though the errors typically are minor, they cannot be corrected without legislative action. The last time this was done was in November, 2012.

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