

**REVISED LEGISLATIVE DIGEST**

(Substituted, 3/3/2020)

[Planning, Various Codes - Technical Corrections]

**Ordinance amending the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; amending Article 4 to move the language regarding timing of fee payments to the beginning of the Article and cross-reference it in the individual impact fee sections and to add an additional fee waiver based on the replacement of gross floor area in buildings damaged or destroyed by fire or other calamity; amending the Administrative, Health, and Police Codes to correct outdated Planning Code cross-references; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of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, as well as sections of the Administrative, Health, and Police Codes that make cross-references to Planning Code sections.

Amendments to Current Law

**Planning Code.** The ordinance makes 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sections of the existing Code in order to (1) correct errors in spelling, grammar, punctuation, or format, (2) correct outdated cross-references, and (3) make the Code language consistent or clarify existing text.

The following amendments have been made to Article 4, which sets forth the City’s Development Impact Fee and In-Lieu Fee requirements for development projects:

- A new subsection (d) has been added to Section 402 - “Procedure for Payment and Collection of Development Fees.” Since the timing and collection of fee payments is the same for each of the development impact fees (excepting only the Transit Impact Development Fee in Section 411), the text on the timing and collection of the other impact development fees has been standardized and moved to the new subsection.
- A new subsection (f) has been added to Section 406 – “Waiver, Reduction, or Adjustment of Development Project Requirements” – to clarify the existing rule that in the case of a building damaged or destroyed by fire or other calamity and meeting the

provisions of Section 188(b) of the Code, only additional land uses or addition of gross floor area beyond what is needed to replace the damaged or destroyed building is subject to any applicable Article 4 development impact fees.

**Administrative Code.** Revisions are made to Sections 5.132, 8.28, 29A.1, 60.3, 61.2, 61.6, 61.7, and 79.2 to (1) correct outdated names for the General Plan, Planning Department, and Planning Commission in several sections, (2) update cross-references to Planning Code sections that have been repealed or renumbered, and (3) make a couple of format corrections.

Section 2A.54 “Planning Commission Evaluation of Medical Cannabis Dispensary Location Regulations.” This section is proposed to be repealed in its entirety because the Commission’s written report to the Board of Supervisors has been completed and nothing more is required by this section.

Sections 41.4 and 79.3. The definition of Tourist Hotel in Section 41.4 and the exemption for City projects in Section 79.3 are revised to correct cross-references to Planning Code sections that have been repealed, and to update the Use references.

**Health Code.** Section 22A.2 is revised to (1) correct an erroneous Building Code cross-reference and (2) update the definitions of “Industrial Use and “Industrially Zoned” so that they conform with the current Planning Code.

**Police Code.** Section 21 (Consuming Alcoholic Beverages on Public Streets, Etc., or on Public Property Open to Public View), Section 1036.23 (Mechanical Amusement Devices), and Section 3300E.2 (Hospitality Industry Worker Retention) are revised to correct Planning Code cross-references.

### 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.

Over time, errors are created in other City Codes as Planning Code sections are repealed or renumbered and Use references are updated. This ordinance also correct these errors.