



## **Guidelines for Determining Project Conformity With the General Plan and Zoning Regulations**

Adopted by the  
City of Oakland  
City Planning Commission

May 6, 1998

Amended November 3, 1999 (100-31)  
Amended August 8, 2001  
Amended December 5, 2001  
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**TABLE OF CONTENTS**

<b>UNDERSTANDING THE GUIDELINES .....</b>	<b>2</b>
A. OVERVIEW AND TABLE 1 .....	2-3
B. BACKGROUND .....	4
C. PROCEDURES .....	4
1. Discussion of "Express Conflict" between the General Plan and Zoning .....	5
2. Examples of "No Express Conflict" between the General Plan and Zoning .....	5
 <b>APPLICATION OF GUIDELINES TO DETERMINE PROJECT CONFORMITY .....</b>	 <b>6</b>
A. General Plan Land Use Classification and Zoning District Determination .....	7
B. Land Use Activity and Facility Types .....	8
C. Density or Intensity .....	8
D. General Plan Policy .....	9
1. "Best Fit Zone" and Other Possible Zones .....	10
 <b>CHARTS, TABLES AND CHECKLISTS.....</b>	 <b>11</b>
 <b>APPENDIX (Relevant General Plan Policies)</b>	
A. LAND USE AND TRANSPORTATION ELEMENT .....	1
B. BICYCLE MASTER PLAN (BMP) .....	5
C. ESTUARY POLICY PLAN ELEMENT .....	6
D. OSCAR ELEMENT .....	8
E. HISTORIC PRESERVATION ELEMENT .....	10

## UNDERSTANDING THE GUIDELINES

### A. OVERVIEW

This document, Guidelines for Determining Project Conformity, describes the procedure for deciding whether a project is consistent with the General Plan. The document also describes the procedure to follow when the Zoning Regulations and General Plan conflict.

Because the General Plan was adopted more recently than Zoning Regulations, the General Plan and Zoning Regulations may conflict. As a result, some projects may be consistent with Zoning Regulations but inconsistent with the General Plan. When a conflict occurs between Zoning Regulations and the General Plan, the General Plan controls. There are three criteria used to determine whether a project is consistent with the General Plan. They are:

1. Is the proposed activity and facility type permitted under the General Plan? (Refer to Table 2 or 2A)
2. Is the proposed intensity (Floor Area Ratio for non-residential projects) or density (dwelling units per gross acre for residential projects) less than or equal to the maximum permitted by the General Plan? (Refer to Table 3 or 3A)
3. Is the project consistent with relevant General Plan policies? (Refer to Checklist 4)

If the answer to any of the foregoing questions is no, an application for the project will not be processed unless the Director of City Planning makes a determination that the project is consistent with the written goals and policies of the General Plan. The Director would need to make the finding that the land use map shows only the predominant use or average density for the area and that for an individual parcel or small area a different use or density may be appropriate. Additionally, the Director would have to find that the proposal conforms to all of the general use permit criteria, as well as to any and all other applicable use permit criteria pursuant to Section 17.134.050 of the Oakland Planning Code.

If the answer to each of the foregoing questions is yes or the General Plan does not address the issue (i.e., is silent), it must next be determined whether the project is permitted under the Zoning Regulations. Questions are:

1. Is the proposed activity and facility type permitted under the Zoning regulations?
2. Is the project consistent with other regulations of the zone?

If the answer to questions 1 and 2 is yes, the permitting procedure prescribed by the Zoning Regulations is followed (i.e., permitted outright or a conditional use permit required).

If the answer to question 1 is no, a “best fit zone” must be selected by reference to Table 5. There are two situations where Table 5 is used to select a “best fit zone”: (1) where the General Plan allows the activity/facility type, but the Zoning Regulations prohibit it (known as “express conflict”); and (2) where the General Plan is silent on the issue, and the Zoning Regulations prohibit the activity/facility type. Where a “best fit zone” is required, the project proponent must apply for either an interim use permit or rezoning.

This is an overview of the procedure for determining consistency with the general Plan. It is not meant to replace the more detailed guidelines that follow. To determine whether a specific proposal is consistent with the General Plan, the Director of City Planning will apply the following Guidelines. The Director’s decision is appealable to the City Planning Commission as described in the Planning Code.

**[LEAVE THIS PAGE BLANK AND INSERT “PROJECT CONSISTENCY WITH GENERAL PLAN AND ZONING/SUBDIVISION REGULATIONS”]**

## **B. BACKGROUND**

On March 24, 1998, the City Council passed Resolution No. 74129 C.M.S. approving the new Land Use and Transportation Element of the Oakland General Plan. That resolution stipulates that

"Until the City's zoning regulations are updated, the City shall apply land use designations, zoning controls and subdivision controls as specified by the planning code and subdivision regulations, except where such action would expressly conflict with the updated General Plan. Where an express conflict does arise, the City will apply the updated General Plan policies and land use designation."

On May 12, 1998, the City Council passed Ordinance No. 12054 C.M.S. adopting interim controls for implementing the General Plan prior to the adoption of revisions to the Oakland Planning Code. This ordinance adds Chapter 17.01 to the Planning Code entitled "General Provisions of Planning Code and General Plan Conformity".

Subsequently, other Elements of the Oakland General Plan have been prepared and adopted by the Oakland City Council. Each of these Elements is also to be implemented on the basis of interim controls until final zones, zoning controls, subdivision, and environmental controls are adopted through the Zoning update process. Recently adopted General Plan Elements are: the Estuary Policy Plan (June 8, 1999, City Council Resolution No. 75037 C.M.S.), the Historic Preservation Element (amended July 21, 1998, Resolution No. 74403C.M.S.), and the Bicycle Master Plan, also an Element of the General Plan, (July 20, 1999, Resolution No. 75148 C.M.S.) The General Plan Guidelines for determining General Plan Conformity have been revised to reflect these recent adoptions.

Section 17.01.060 of the Planning Code directs the City Planning Commission to "adopt guidelines for determining the General Plan conformity of any specific proposal. Such guidelines shall address activity and facility types, density and intensity of development, and relevant General Plan policies. They shall also identify the 'best fit' zones of the Zoning Regulations, and other possible zones, corresponding to the Land Use Classifications of the General Plan."

Section 17.01.070 of the Planning Code stipulates that "the Director of City Planning shall determine whether any specific proposal conforms with the General Plan. The Director shall use the guidelines adopted pursuant to Section 17.01.060 in making this determination. Any interested party may request that this determination be made in writing, upon payment of a fee as prescribed in the City Master Fee Schedule."

Section 17.01.080 of the Planning Code provides that "within ten calendar days of a written determination by the Director of City Planning pursuant to Section 17.01.070, an appeal of said determination may be taken to the City Planning Commission by the applicant or any other interested party. Such appeal shall be accompanied by a fee as prescribed in the City Master Fee Schedule, and shall be processed in accordance with the Administrative Appeal Procedure."

These are the guidelines mandated by Section 17.01.060 of the Planning Code, to be used by staff in determining Project Conformity with the General Plan for all projects.

## **C. PROCEDURES**

The interim controls define an "express conflict" as "any situation where a proposal clearly conforms with the General Plan but is not permitted by the Zoning and/or Subdivision Regulations, or where a proposal clearly does not conform with the General Plan but is permitted or conditionally permitted by the Zoning and/or Subdivision Regulations." They also specify procedures to be followed in each case. These procedures, and, in some cases, project sponsor options, are summarized in Flow Chart 1.

There are three possibilities under the General Plan Elements: the project may be determined to "clearly conform", to "clearly not conform", or the General Plan may be silent or not clear as to conformity. In the Zoning and/or Subdivision Regulations, a project may be permitted outright, conditionally permitted, or not permitted. Therefore,

nine possible combinations exist for evaluating for Zoning and/or Subdivision Regulations status and General Plan conformity.

### **1. Discussion of "Express Conflict" between the General Plan and Zoning**

An "express conflict" exists where the project clearly conforms to the General Plan, but is not permitted by the Zoning and/or Subdivision Regulations, or where the project clearly does not conform to the General Plan, but is permitted or conditionally permitted by the Zoning and/or Subdivision Regulations.

In the case where the project clearly conforms to the General Plan, but is not allowed by the Zoning and/or Subdivision Regulations, the project may be allowed upon the granting of a conditional use permit. Section 17.01.100B of the Planning Code stipulates that this shall be processed as either a minor or major conditional use permit, in accordance with the regular conditional use permit procedures of the Zoning Regulations. In addition to the general use permit criteria, the following three special findings must be made:

- That the proposal is clearly appropriate in consideration of the characteristics of the proposal and the surrounding area;
- That the proposal is clearly consistent with the intent and desired character of the relevant Land Use Classification or Classifications of the General Plan and any associated policies;
- That the proposal will clearly promote implementation of the General Plan.

Since the proposal is not permitted under the Zoning Regulations, there would be no set development standards for evaluating it (e.g. height limit, setback, density, parking requirements, etc.). Therefore, Section 17.01.100B stipulates that the proposal shall be subject to the provisions of the "best fit zone" corresponding to the General Plan Land Use Classification in which the site is located (see Section B.5. below). However, the project sponsor may alternatively elect to apply for a rezoning to the "best fit zone" or other possible zone instead of a conditional use permit.

The only exception to this procedure is for proposals within the Mixed Housing Type Residential General Plan Classification, where no project can have a higher density than allowed by its current zoning without a major variance or a rezoning. Under no situation, however, can a project exceed the maximum density permitted under the General Plan, even if the density allowed by the current zoning is greater than the General Plan.

### **2. Examples of "No Express Conflict" between the General Plan and Zoning**

In the case where the project clearly does not conform to the General Plan, *even if the Zoning and/or Subdivision Regulations permit it*, the project is not allowed and no application may be accepted. The project sponsor may modify the project to conform to the General Plan, or apply for a General Plan Amendment. In addition, the determination that the project does not conform to the General Plan may be appealed to the City Planning Commission pursuant to Section 17.01.080.

In some cases, the proposed project may be consistent with the surrounding land uses and appropriate for the area, but not be permitted by the General Plan. It is recognized that the General Plan land uses are broadly applied to areas and that its details are largely illustrative of the Plan's written goals and policies. It is quite possible that slightly different versions would service those goals and policies just as well, or even better. Because the map is generalized, and does not necessarily depict the accuracy of each parcel or very small land area, a determination of project consistency could be requested of the Director of City Planning. The applicant would need to demonstrate that a predominant use, or average density, different from that shown on the map would be appropriate for a relatively small area and that the project is in conformance with the written goals and policies of the General Plan. The project may be allowed upon the granting of an interim conditional use permit or a conditional use permit. Written notice of the Director's determination would be sent to all property owners within 300 feet of the property involved. The Director's determination may be appealed to the City Planning Commission pursuant to Section 17.01.080.

If the project clearly conforms with the General Plan or the General Plan is silent or not clear, and the project is permitted and/or conditionally permitted by the Zoning and/or Subdivision Regulations, there is no "express conflict" and the normal Zoning and/or Subdivision process applies.

Similarly, if the project clearly does not conform to the General Plan and is not allowed by the Zoning and/or Subdivision Regulations, there is no "express conflict". In this case, the project is not allowed, and no application may be accepted, since General Plan variances are not an option. To continue, the project sponsor has two choices: elect to modify the project to conform to the General Plan and existing Zoning; or apply for a General Plan Amendment and rezoning to the "best fit zone" or other possible zone. If the Director of Planning and Zoning issues a determination that the proposed project does not conform to the General Plan and the project sponsor disagrees with that determination, the project sponsor may appeal the determination of nonconformity with the General Plan to the City Planning Commission.

There is also no "express conflict" if the General Plan is silent or not clear and the Zoning and/or Subdivision Regulations do not allow the project. In this case, the project sponsor may modify the project to fit the zone, apply for a rezoning to the "best fit zone" or other possible zone, or apply for a variance, (since no variance from the General Plan would be involved).

## APPLICATION OF GUIDELINES TO DETERMINE PROJECT CONFORMITY

In making a determination of Project Conformity with the General Plan, the following factors shall be evaluated:

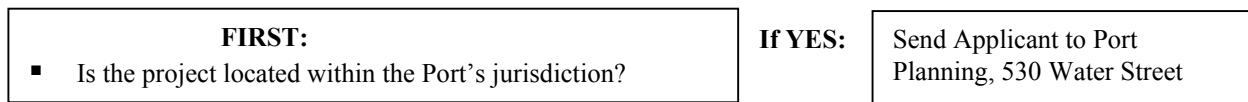
- The General Plan Land Use Classification and Zoning District within which the proposed project is located
- The Zoning Land use classification of the project (activity and facility type)
- The Project intensity (residential density and/or nonresidential floor area ratio)
- Relevant General Plan policies from all adopted Elements.

In order to "clearly conform" to the General Plan, a project must be found to clearly conform by all relevant factors. If the project is found to clearly not conform in any one factor, then the entire project is in nonconformance. Note that if none of the General Plan policies identified in Section B4 apply to the project, this factor should not be considered in the conformity determination; in this case, only land use and project intensity would be considered.

### A. General Plan Land Use Classification and Zoning District Determination

To determine the correct General Plan Land Use Classification and Zoning District for the project proposal, determine the proposed project's location on either the General Plan Land Use Diagram or Estuary Policy Plan Land Use Diagram and the City's official Zoning Map. The General Plan Land Use Classifications are broad and indicate the kinds of development expected in any given area of the city. The Zoning District will assist in determining if the intent of the District is similar to that of the General Plan. These two elements will give the reviewer an initial understanding of possible conformity. The flow chart on the next page is intended to assist in this effort, beginning with the General Plan Land Use Classification and Zoning District. However, each project must also be evaluated according to the next three factors below, for a complete understanding of the potential project's conformity status.

#### **FLOW CHART 1: Determining A Project's Conformity with the General Plan and Zoning Regulations**



**If NO, follow steps 1 through 4**

<i>IDENTIFY PROJECT</i>	<b>Zoning:</b>
<b>Location:</b>	<b>General Plan Designation:</b>
<i>ASSESS PROJECT ELEMENTS</i>	
<ol style="list-style-type: none"> <li><b>1. Identify the project's activity and facility type.</b> See Section 2, and Table 2 or 2A.</li> <li><b>2. Calculate the project's density or intensity.</b> See Section 3, and Table 3 or 3A.</li> <li><b>3. Identify relevant General Plan Policies.</b> See Section 4 and Checklist 4. The actual text of many policies are located in the appendix, or you can consult the Elements themselves.</li> </ol>	
<i>SUMMARIZE FINDINGS</i>	
<p><b>Does the project conform to the General Plan Land Use Classification, density or intensity standards, and relevant Plan policies?</b></p> <p><b>Does the project conform to Zoning activities or facilities, density/intensity*, and other regulations of the zone?</b>      * The General Plan ultimately controls application of density/intensity.</p>	

Then choose A, B, or C below to determine the appropriate action:

**A. IF THE PROJECT CONFORMS TO THE GENERAL PLAN:**

**And the project is permitted by zoning,**  
Then the project is permitted outright

**And the project would normally require a Conditional Use Permit (CUP),** then it's permitted with approval of a CUP.

**But the project is not permitted by zoning; this is an express conflict with the General Plan.** The project can only be allowed with an Interim CUP or an approved application for a Rezoning.  
*See Table 5 for "Best Fit Zones" for the rezoning.*

**B. IF THE GENERAL PLAN IS SILENT:**

**And the project is permitted by zoning,**  
Then the project is permitted outright.

**And the project would normally require a CUP,**  
Then it's permitted with approval of a CUP

**But the project is not permitted by zoning,** the project must be modified to conform to Zoning, or apply for a Rezoning.  
*See Table 5 for "Best Fit Zones"*

**C. IF THE PROJECT DOES NOT CONFORM TO THE GENERAL PLAN:**

**Even if the project is permitted by zoning, it is not allowed.**  
**This is an express conflict with the General Plan.**

Options: Modify the project to conform to the General Plan, ~~or~~ apply for a General Plan Amendment, or apply for a General Plan conformity determination from the Director of City Planning (an interim CUP is required).

**And even if the project would normally require a CUP, it is not allowed. This is an express conflict with the General Plan.**

Options: Modify the project to conform to the General Plan, ~~or~~ apply for a General Plan Amendment, or apply for a General Plan conformity determination from the Director of City Planning. In all cases a CUP is still required.

**And if the project is not permitted by zoning, it is not allowed.**

Options: Modify the project to conform to both the General Plan and Zoning, or apply for a General Plan Amendment and a Rezoning.  
*See Table 5 for "Best Fit Zones"*

## **B. Land Use Activity and Facility Types**

Determine the activity and facility type of the proposal, referring to Chapter 17.10 of the Zoning Regulations if necessary. Then determine the General Plan Land Use Classification of the site, referring to the Land Use Diagram of the Land Use and Transportation Element or the Land Use Diagram of the Estuary Policy Plan, as appropriate. Consult Table 2 or 2A to determine the status of this activity and facility type in this Land Use Classification.

For residential uses, both the activity type (usually Permanent Residential) and the facility type must be found to "clearly conform" for the project to clearly conform with respect to land use, since residential density and housing type are explicitly addressed in many of the Land Use Classifications. For nonresidential uses, the primary concern is the activity type, since the Land Use Classifications do not generally address the form of nonresidential structures. In other words, if the nonresidential activity type clearly conforms, and the General Plan is silent on the nonresidential facility type, the use may still be determined to clearly conform.

In the event that either the activity or facility type is found to clearly not conform to the General Plan according to Table 2 or 2A, the entire use does not conform and must be modified accordingly or rejected.

## **C. Density or Intensity**

Intensity of development is measured by floor area ratio (FAR) for nonresidential projects and dwelling unit density for residential projects, as explained in Zoning Code Bulletin No. C-002, issued April 20, 2000 by the Community and Economic Development Agency, Planning and Zoning. Tables 3 and 3A give the allowable FAR and density for each Land Use Classification.

### **1. Nonresidential Floor Area Ratio**

The calculation of floor area ratio for nonresidential projects is explained in Zoning Code Bulletin No. C-002, issued April 20, 2000 by the Community and Economic Development Agency, Planning and Zoning. If the result exceeds the FAR allowed in the relevant Land Use Classification, the project clearly does not conform. If it is equal or less, the project clearly does conform.

Note, however, that the maximum FAR specified by the General Plan might not be allowed in particular cases. For example, in the Central Business District, an FAR of 20.0 is specified. However, the description of the Central Business District Land Use Classification states that "in some areas ... such as the Broadway spine, the highest FAR may be encouraged, while in other areas such as near Lake Merritt and Old Oakland, lower FARs may be appropriate." Thus, a project that was within the FAR limit of 20.0 in the CBD might still not be able to comply with the special use permit criteria of Section 17.01.100B, depending on its location within the downtown area. The policies for the downtown and its various sub-areas should also be consulted (see Section 4 below).

### **2. Residential Density**

Residential density is somewhat more complicated, because the General Plan specifies density as "principal units per gross acre". Gross acreage includes all land in the neighborhood, including streets and parks. To calculate permitted density on a particular parcel, this gross density figure must be translated to net density. To complicate matters further, there is not a consistent net-to-gross ratio for the entire City. It ranges from more than 80% in some parts of the hills to less than 60% downtown. Overall, an average net-to-gross ratio of 75% is assumed, except downtown where 60% is assumed, and is used in Table 3 or 3A to determine net density limits.

However, if it appears in any given situation that the net-to-gross ratio is significantly different than indicated in Table 3 or 3A, an individual calculation should be made for the site in question. This is done as follows:

- a. Draw a 1,000-foot square centered on the site.
- b. Calculate the total area of all developable land, exclusive of streets or parkland, within that square.

- c. Divide the area determined in step 2 by 1,000,000 square feet (the total area of a 1,000-foot square). The result is the net-to-gross ratio for this area, expressed as a fraction. (Multiply by 100 to get a percent figure.)
- d. Divide the maximum "principal units per gross acre" of the relevant Land Use Classification by the net-to-gross ratio determined in step 3. The result is the maximum principal units per net acre.
- e. Divide 43,560 (the number of square feet in an acre) by the figure determined in step 4 to get the number of square feet of lot area per dwelling unit. This is the way density is calculated in the Zoning Regulations.
- f. Divide the site area by the number determined in step 5, rounding to the nearest whole number. This is the maximum number of principal units permitted on the site by the General Plan.

For example, suppose that the site is 10,000 square feet and is located in the Mixed Housing Type Residential Land Use Classification, which allows up to 30 principal units per gross acre. Here is a possible scenario:

- a. Draw the 1,000-foot square on a parcel map of the area, centered on the site.
- b. Calculate developable area. Suppose the result is 780,000 square feet.
- c. Divide 780,000 by 1,000,000. The result is 0.78, for a net-to-gross ratio of 78%. ( $780,000 / 1,000,000 = 0.78$ .  $0.78 \times 100 = 78$ )
- d. Divide 30 principal units per gross acre by 0.78. The result is 38.46. This is the allowable number of principal units per net acre. ( $30 / 0.78 = 38.46$ )
- e. Divide 43,560 square feet per acre by 38.46 units per acre. The result is 1,132.6 square feet of site area per unit. ( $43,560 / 38.46 = 1,132.6$ )
- f. Divide the site area of 10,000 square feet by 1,132.6 square feet of site area per unit. The result is 8.83, which rounds to 9. ( $10,000 / 1,132.6 = 8.83$  rounded to 9). Thus a maximum of 9 units is allowable on this site under the General Plan.

### **3. Subdivisions in the Hillside Residential Land Use Classification**

In addition to maximum residential density, subdivision lot sizes are specified for the Hillside Residential Land Use Classification. The description of this classification states that "typical lot sizes range from approximately 8,000 square feet to one acre in size." Further, Policy N7.3, entitled "Hill Area Subdivision", reads:

"At least 8,000 square feet of lot area per dwelling unit should be required when land in the hill area is subdivided. Lots smaller than 8,000 square feet may be created only when this ratio is maintained for the parcel being divided."

This policy is interpreted to mean that the average lot size of any subdivision in the Hillside Residential Land Use Classification shall not be less than 8,000 square feet. However, this policy is only intended to apply to large, unsubdivided parcels. As a general rule, the policy would apply to subdivisions of five lots or more requiring a tract map, but not to subdivisions of four lots or fewer requiring a parcel map. In the latter case, the provisions of the Zoning and Subdivision Regulations regarding minimum lot size would prevail.

When a large parcel in the Hillside Residential area is subdivided, it must conform to the minimum lot size specified in the Zoning Regulations, the prevailing lot size specified in the Subdivision Regulations, and the 8,000 square foot minimum average lot size specified in Policy N7.3. If the average lot size of the proposed subdivision is less than 8,000 square feet, the project clearly does not conform to the General Plan and is not allowed. If the average lot size is 8,000 square feet or more, there is no General Plan problem and the Zoning and Subdivision Regulations prevail. The conditional use permit provided by Section 17.01.100B would not be allowed in this situation, since it is not the intent of the General Plan to permit subdivisions with lots smaller than would otherwise be allowed under current

regulations.

#### 4. Mixed Use Projects

The density for Mixed Use Projects in the Central Business District and Jack London District is calculated pursuant to Ordinance No. 12349 C.M.S. dated July 24, 2001 amending the Oakland Planning Code Section 17.106.030.

#### D. General Plan Policy

Checklist 4 lists policies from various General Plan elements that have been identified for use in screening projects for General Plan conformity. The policies listed in Checklist 4 are written in full form in the Appendix, however many additional policies that exist in the City's General Plan Elements are not listed here. The Checklist and Appendix contain most policies that seem to be immediately relevant to land use decision-making, however it may be necessary to consult the Elements themselves for additional guidance or to resolve complex questions. For any given project, go through the checklist to determine whether any of these policies apply. If so, consult the policy to determine whether the project conforms. If none of these policies applies to the project, the conformity determination will be based solely on land use and intensity, as discussed above. However, if any of these policies do apply, the project must conform to them in order to conform to the General Plan.

For example, a hotel is proposed along upper Broadway in North Oakland in an area designated Community Commercial by the General Plan and zoned C-40. A hotel is a Transient Habitation Commercial Activity, which is conditionally permitted in the C-40 Zone. According to Table 2, the General Plan is silent on Transient Habitation Commercial Activities in the Community Commercial Land Use Classification. Suppose the calculated FAR of the hotel is 2.5; the Community Commercial designation allows an FAR up to 5.0. Thus, the hotel passes the land use and intensity tests, so it appears that the zoning would prevail and the hotel would be conditionally permitted. However, consulting the checklist in Table 4, we find the question "Does the project involve development of a hotel or motel? If yes, see policy N1.7." Policy N1.7 is entitled "Locating Hotel and Motels", and states:

"Hotels and motels should be encouraged to locate downtown, along the waterfront, near the airport, or along the I-880 corridor. ***No new hotels or motels should be located elsewhere in the city***, however, the development of 'bed-and-breakfast' type lodgings should be allowed in the neighborhoods, provided that the use and activities of the establishment do not adversely impact nearby areas, and parking areas are screened." [emphasis added].

Thus, it can be clearly seen that the proposed hotel would conflict with this policy, and would therefore not conform to the General Plan. As stipulated in Planning Code Section 17.01.120, the project is not allowed and no application may be accepted. The project sponsor has four options: change the project to conform (e.g. change the project from a hotel to some other use), apply for a General Plan amendment (in this case it would be an amendment to the text of Policy N1.7), find another site where the General Plan allows hotels. If the project sponsor believes that staff's determination regarding General Plan conformity is in error, the sponsor may appeal the determination to the City Planning Commission.

#### 1. "Best Fit Zone" and Other Possible Zones

Under the conditional use permit provided by Section 17.01.100B of the Planning Code the project in question is to be subject to the "best fit zone" from the Zoning Regulations. Such "best fit zones" (and "other possible zones") are identified in Table 5 or 5A for the various General Plan Land Use Classifications. Where more than one "best fit zone" is identified for a particular Land Use Classification, Section 17.100B stipulates that "the Director of City Planning shall determine which zone to apply, with consideration given to the characteristics of the proposal and the surrounding area and any relevant provisions of the General Plan." The Director's determination of "best fit zone" cannot be appealed to the City Planning Commission under Section 17.01.080, because it is made in conjunction with a conditional use permit, which allows appeals under the conditional use permit procedures.

In the case where the project sponsor opts for a rezoning, or for a General Plan amendment to match the current zoning, the "best fit zone" or "other possible zones" are allowed in determining which zone or General Plan Land Use Classification to use. The City Planning Commission and City Council make the ultimate determination of which zone to apply since a rezoning requires passage of an ordinance by the Council with a recommendation from the Commission. Specifically, Section 17.144.060 of the Rezoning and Law Change Procedure provides that the Commission "shall consider whether the existing zone ... [is] inadequate or otherwise contrary to the public interest and may approve, modify, or disapprove the application." "If the project sponsor requests one of these other possible zones, the application should fully explain why this other zone is considered preferable to the "best fit zone."

**CHARTS, TABLES AND CHECKLISTS**