

BOARD of SUPERVISORS



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February 20, 2019

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On February 12, 2019, Supervisor Ronen introduced the following legislation:

File No. 190165

Ordinance amending the Planning Code to establish a legitimization program for certain Non-Residential Uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106); 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: John Rahaim, Director
Scott Sanchez, Acting Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Dan Sider, Director of Executive Programs
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

[Planning Code - Legitimization Program for Non-Residential Uses at 3150-18th Street]

Ordinance amending the Planning Code to establish a legitimization program for certain Non-Residential Uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106); 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this determination.

(b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience, and welfare, for the reasons set forth in Planning Commission Resolution No. _____, and incorporates such reasons by this reference thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. _____.

1 (c) On _____, the Planning Commission, in Resolution No. _____,
2 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
3 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
4 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
5 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

6 Section 2. Article 1.7 of the Planning Code is hereby amended by adding Section 192,
7 to read as follows:

8 **SEC. 192. LEGITIMIZATION OF CERTAIN LAND USES AT 3150 18TH STREET.**

9 (a) Intent. The purpose of this Section 192 is to establish a time-limited program whereby
10 existing land uses at 3150 18th Street (Assessor's Block No. 3573, Lot No. 106), which have operated
11 without required permits, may be permitted notwithstanding the zoning controls imposed by Planning
12 Code Section 210.3.

13 (b) Legitimization Program for Certain Land Uses. Any Non-Residential Use at 3150 18th
14 Street may be considered a Legal Non-conforming Use, if it meets all of the following requirements:

- 15 (1) The use is not an Office Use;
16 (2) As of January 15, 2019, it was operating in that location;
17 (3) As of January 15, 2019, it had a lease with the owner of 3150 18th Street; and
18 (4) Applications for all appropriate permits from any City or State agency to legalize
19 the use are filed within 30 days of the effective date of this Section 192, and the applicant pursues the
20 permit(s) until they are issued.

21 (c) Website Notice. The Planning Department shall post notice of this legitimization program
22 on its website, inviting tenants at 3150 18th Street to participate in this program and describing its
23 contents and requirements. The notice shall also inform the public about the uses principally permitted
24 in PDR-1-G Districts, as set forth in Planning Code Section 210.3.
25

1 (d) **Determination of Applicability.** The Planning Department shall determine whether a land
2 use at 3150 18th Street meets the conditions set forth in this Section 192. Evidence relevant to said
3 determination may include, but is not limited to, the following: rental or lease agreements, building or
4 other permits, utility records, business licenses, permit applications submitted by a tenant to a City or
5 State agency, permits issued by a City or State agency, and tax records.

6 (e) **Limitation of Enlargement, Intensification, or Discontinuance.** Enlargements,
7 Intensifications, or Discontinuances of eligible uses that follow the Legitimization Process authorized
8 by this Section 192 shall be subject to the controls applicable under Sections 178, 181, 182, and 183 of
9 this Code.

10 (f) **Compliance with Other Requirements of the Planning Code.** Non-Residential Uses that
11 follow the Legitimization Process authorized by this Section 192 shall comply with all applicable
12 requirements of the Planning Code, other than those requirements from which they are specifically
13 exempted under this Section 192, including, but not limited to, the payment of any applicable impact
14 fees.

15 Section 3. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By:

23 
ANDREW SHEN
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Legitimization Program for Non-Residential Uses at 3150 18th Street]

Ordinance amending the Planning Code to establish a legitimization program for certain Non-Residential Uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106); 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, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

The Planning Code does not currently establish a legitimization program for uses at 3150 18th Street.

Amendments to Current Law

The legislation would codify a new Section 192, establishing a legitimization program to allow existing uses operating at 3150 18th Street without the benefit of all required permits to seek those permits. The legitimization program applies to non-residential uses that meet the following conditions:

- (1) the use may not be for office;
- (2) as of January 15, 2019, it was already operating at 3150 18th Street;
- (3) as of January 15, 2019, it had a lease with the owner of 3150 18th Street; and
- (4) applications for all appropriate permits from any City or State agency to legalize the use are filed within 30 days of the effective date of this ordinance, and the applicant pursues the permit(s) until they are issued.

Non-Residential Uses that qualify under this legitimization program would be considered Legal Non-Conforming Uses.

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