

LEGISLATIVE DIGEST

[Planning Code - Extension of Time for Legitimization of Existing Eastern Neighborhoods Uses]

Ordinance amending the San Francisco Planning Code Section 179.1(b) to: 1) extend by 90 days the period of time in which existing uses in the Eastern Neighborhoods area that have operated without permits may file an application for determination of eligibility for legitimization; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

Planning Code Section 179.1 provides a process for the legitimization of certain existing land uses in the Eastern Neighborhoods area, office and housing uses in particular, that are no longer permitted as a result of the recent adoption of Eastern Neighborhoods Zoning Controls. These uses were permitted under the prior controls but were operating without the required permits. Section 179.1(b) requires all applications for a determination of eligibility for legitimization to be received by the Zoning Administrator by January 12, 2012.

Amendments to Current Law

This legislation amends Section 179.1(b) to extend for an additional ninety days the time within which the Zoning Administrator must receive a request for a determination of eligibility for legitimization.

Background Information

Although the Section 179.1 legitimization program has been in effect for almost three years, to date only three entities have taken advantage of the program. Members of the Eastern Neighborhoods Citizens Advisory Committee (CAC) have expressed concern that the program was not being utilized and have advocated for additional time to explore the reasons for the lack of participation and to propose any appropriate remedies. At its November 21, 2011 meeting, the CAC unanimously adopted a motion to request the Board of Supervisors to extend the legitimization program for 90 days to enable further study of the program. The CAC further requested that the Board hold an informational hearing to hear from the Mayor's Office of Economic and Workforce Development, the Planning Department, and other interested parties and to consider further extending the program.