

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

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

9 NOTE: Additions are *single-underline italics Times New Roman*;
10 deletions are ~~*strike-through italics Times New Roman*~~.
11 Board amendment additions are double-underlined;
12 Board amendment deletions are ~~strike through normal~~.

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

14 Section 1. Findings.

15 (a) The Planning Department has determined that the actions contemplated in this
16 Ordinance are in compliance with the California Environmental Quality Act (California Public
17 Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the
18 Board of Supervisors in File No. _____ and is incorporated herein by
19 reference as though fully set forth.

20 (b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
21 Ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
22 Planning Commission Resolution No. _____, which resolution is incorporated herein
23 by reference as though fully set forth. A copy of Resolution No. _____ is on file
24 with the Clerk of the Board of Supervisors in File No. _____.

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1 (c) The Board of Supervisors finds that this Ordinance is consistent with the City's
2 General Plan and the Priority Policies of Planning Code Section 101.1(b) for the reasons set
3 forth in Planning Commission Resolution No. _____.
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5 Section 2. The San Francisco Code is hereby amended by amending Section
6 179.1(b), to read as follows:

7 (b) **Applicability.**

8 (1) **Geography.** This Section shall apply only to property located in the Eastern
9 Neighborhoods Mixed Use Districts, the SLI District, or any PDR District which is located
10 within the boundaries of the Eastern Neighborhoods Project Area pursuant to Section 327.2(j).
11 This Section shall not apply to any Live/Work use as set forth in Section 233.

12 (2) **Eligibility.** Any use that is the subject of an application under this Section shall
13 be one that is determined by the Zoning Administrator as one which:

14 (A) exists as of the date of the application;

15 (B) would have been principally permitted or permitted with conditional use
16 authorization under provisions of the Planning Code that were effective on April 17, 2008;

17 (C) would not be permitted under current provisions of this Code;

18 (D) is a land use that either:

19 (1) has been regularly operating or functioning on a continuous basis for no less
20 than 2 years prior to the effective date of this Section; or

21 (2) has been functioning in the space since at least April 17, 2008, and is associated
22 with an organization, entity or enterprise which has been located in this space on a continuous
23 basis for no less than 2 years prior to the effective date of this Section;

24 (E) is not accessory to any other use; and
25

1 (F) is not discontinued and abandoned pursuant to the provisions of Section 183
2 that would otherwise apply to nonconforming uses.

3 (3) **Sunset.** All applications for a determination of eligibility under Subsection (d)
4 must be received by the Zoning Administrator within three years and ninety days of the effective
5 date of this Section. The Planning Department may consider all applications received prior to this
6 date. If the Planning Department fails to timely issue notice pursuant to Subsection (c), the
7 Zoning Administrator may extend this termination date for an additional period of time not to
8 exceed the number of days that the Department delayed in issuing the notice.

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10 Section 3. Effective Date. This ordinance shall become effective 30 days from the
11 date of passage.

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13 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to
14 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
15 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
16 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
17 Board amendment deletions in accordance with the "Note" that appears under the official title
18 of the legislation.

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

22 By: _____
23 JUDITH A. BOYAJIAN
24 Deputy City Attorney