

**REVISED LEGISLATIVE DIGEST**  
(Amended in Committee, 4/30/2018)

[Planning Code - Legitimization and Reestablishment of Certain Self-Storage Uses]

**Ordinance amending the Planning Code to allow the owner of premises leased to the City and County of San Francisco for a public safety-related use to resume a pre-existing Self-Storage use after the City vacates the property without regard to whether that Self-Storage use was established with benefit of permit; 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

Planning Code Section 183 provides that “[w]henver a nonconforming use has been changed to a conforming use, or discontinued for a continuous period of three years, or whenever there is otherwise evident a clear intent on the part of the owner to abandon a nonconforming use, such use shall not after being so changed, discontinued or abandoned be reestablished, and the use of the property thereafter shall be in conformity with the use limitations of this Code for the district in which the property is located.”

Planning Code Section 846 establishes the SALI – Service/Arts/Light Industrial District. In the Zoning Control Table, a Self-Storage use currently is Not Permitted.

Amendments to Current Law

The proposed ordinance would amend Section 183 to establish a process by which the owner of property with a Self-Storage use that was established and is operating in the Western South of Market Plan Area without the benefit of a required change of use permit to (1) “legitimize” the use by seeking and being granted the required permit notwithstanding the limitation of No. 846.48 of the Section 846 Zoning Control Table, (2) lease the property to the City and County of San Francisco for a public-safety related purpose, and (3) re-establish a legal nonconforming Self-Storage use after the City vacates the property.

Any application for a building permit required for the City to occupy the property for a public-safety related use is not subject to the notification requirements of Section 312 of the Planning Code or discretionary review. Applications for a building permit to legitimize an existing Self-Storage use or to re-establish a Self-Storage use after the City vacates the property are not subject to the notification requirements of Section 312 of the Planning Code or discretionary review provided that the specified requirements are met.

Prior to issuance of a permit to “legitimize” an existing Self-Storage use, the property owner must pay the Transit Impact Development Fee that would have been due at the time of the original establishment of the existing Self-Storage use. If the property owner does not apply for and receive a building permit to legitimize an existing Self-Storage use, the Self-Storage use shall be deemed irrevocably abandoned and may not be re-established.

#### Background Information

The City intends to lease property for the storage of Police Department evidence currently located at the Hall of Justice. The lease term is 10 years and, if the City exercises its options, could be as long as 20 years. The Board of Supervisors has approved a letter of intent to lease property at 6th Street and Brannan for this purpose and the Department of Real Estate is currently in lease negotiations with the property owner.

The Brannan Street property is an existing Self-Storage use in the SALI zoning district. The owners of the property are willing to lease the property to the City for the City’s intended purpose, but have stated that a condition precedent to execution of the lease is the owner’s right to resume use of the property as a Self-Storage use after the City vacates the property.

n:\legana\as2018\1800365\01271420.docx