

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

3 **Ordinance amending the San Francisco Code Section 179.1(b) to: 1) extend ~~by 90 days~~  
4 through November 12, 2012, the period of time in which existing uses in the Eastern  
5 Neighborhoods area that have operated without permits may file an application for  
6 determination of eligibility for legitimization; 2) establish a deadline within which the  
7 applicant must proceed with the legitimization process; and 3) making environmental  
8 findings, Planning Code Section 302 findings, and findings of consistency with the  
9 General Plan and the Priority Policies of Planning Code Section 101.1.**

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

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

15 Section 1. Findings.

16 (a) The Planning Department has determined that the actions contemplated in this  
17 Ordinance are in compliance with the California Environmental Quality Act (California Public  
18 Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the  
19 Board of Supervisors in File No. 111337 and is incorporated herein by reference as though  
20 fully set forth.

21 (b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
22 Ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
23 Planning Commission Resolution No. 18549, which resolution is incorporated herein by  
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1 reference as though fully set forth. A copy of Resolution No. 18549 is on file with the Clerk of  
2 the Board of Supervisors in File No. 111337.

3 (c) The Board of Supervisors finds that this Ordinance is consistent with the City's  
4 General Plan and the Priority Policies of Planning Code Section 101.1(b) for the reasons set  
5 forth in Planning Commission Resolution No. 18549.

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7 Section 2. The San Francisco Code is hereby amended by amending Section  
8 179.1(b), to read as follows:

9 (b) **Applicability.**

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

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

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

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

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

20 (D) is a land use that either:

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

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

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

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

4 (3) **Sunset.** All applications for a determination of eligibility under Subsection (d)  
5 must be received by the Zoning Administrator on or before November 12, 2012 ~~within three~~  
6 ~~years of the effective date of this Section.~~ If the Planning Department fails to timely issue  
7 notice pursuant to Subsection (c), the Zoning Administrator may extend this termination date  
8 for an additional period of time not to exceed the number of days that the Department delayed  
9 in issuing the notice. An applicant who has received a determination of eligibility must submit  
10 to the Department all required application materials for legitimization within 90 days of the  
11 date of issuance of the determination of eligibility and diligently pursue the legitimization  
12 process until completion. For purposes of this section, "diligently pursue" shall mean timely  
13 responding to all requests for additional information from the Department or other City agency  
14 reviewing the matter and timely applying for and pursuing all permits and other approvals  
15 required to legitimize the use. Failure to do so may result in the Zoning Administrator's  
16 revocation of the legitimization letter.

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

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21 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to  
22 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
23 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are  
24 explicitly shown in this legislation as additions, deletions, Board amendment additions, and

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1 Board amendment deletions in accordance with the "Note" that appears under the official title  
2 of the legislation.

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4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By: \_\_\_\_\_  
7 JUDITH A. BOYAJIAN  
8 Deputy City Attorney

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