

**REVISED LEGISLATIVE DIGEST**  
(Substituted, 4/10/2018)

[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.”

Amendments to Current Law

The proposed ordinance would amend Section 183 to allow the owner of an existing nonconforming Self-Storage use that is changed to a conforming public safety-related use due solely to the City’s occupancy to resume the Self-Storage use after the City vacates the property, provided that (1) the pre-existing use is resumed within two years after the City vacates the property or the lease is terminated and (2) the property owner applies for and obtains any permits required to resume the Self-Storage use. If a building permit is required to resume the pre-existing Self-Storage use and the permit application is limited to its reestablishment, the permit is not subject to the notification requirements of Planning Code Section 312 or other notification requirements of the Code.

In the case of an existing Self-Storage use that has operated without the benefit of a required permit, the owner may “legitimize” the existing use by seeking and being granted a permit for such use so long as the permit:

- is filed for a property located within the Service/Arts/Light Industrial Zoning District and 1,000 feet of the South of Market Special Hall Of Justice Legal Services District; and

- relates to a Self-Storage use that the Zoning Administrator determines (1) existed as of the date of application for the required permit, (2) would have been permitted under the Planning Code in effect when the use was established, (3) has been regularly operating or functioning on a continuous basis for no less than five years prior to the effective date of this ordinance, and (4) is not accessory to any other use.

Prior to issuance of the permit to “legitimize” the existing Self-Storage use, the owner must pay all fees that would have been due at the time of the original establishment of said use including but not limited to the Transit Impact Development Fee. Said permit must be issued prior to the earlier of (1) commencement of the City’s occupancy of the property or (2) issuance of any required permit to establish the City’s use. If the permit to “legitimize” the Self-Storage use is not issued, the existing Self-Storage use shall be deemed irrevocably abandoned.

#### 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\01265570.docx