

LEGISLATIVE DIGEST

(Substituted 05/07/19)

[Planning Code - Legitimization Program for Non-Residential Uses at 3150 18th Street]

Ordinance amending the Planning Code to establish a legitimization program for certain non-residential uses at 3150-18th Street (Assessor's Parcel Block No. 3573, Lot No. 106); affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

The Planning Code does not currently establish a legitimization program for uses at 3150 18th Street.

Amendments to Current Law

The legislation would codify a new Section 192, establishing a legitimization program to allow existing uses operating at 3150 18th Street without the benefit of all required permits to seek those permits. The legitimization program applies to non-residential uses that meet the following conditions:

- (1) if the use is for office, any building permit will be subject to mandatory discretionary review by the Planning Commission;
- (2) as of January 15, 2019, it was already operating at 3150 18th Street;
- (3) as of January 15, 2019, it had a lease with the owner of 3150 18th Street, or a written agreement with an entity that has such a lease with the owner; and
- (4) applications for all appropriate permits from any City or State agency to legalize the use are filed within 90 days of the effective date of this ordinance, and the applicant diligently pursues the permit(s) until they are issued.

Non-Residential or Production, Distribution, and Repair (PDR) Uses that qualify under this legitimization program would be considered Legal Non-Conforming Uses.

This legitimization program will sunset in 10 years, and any legal non-conforming uses would lose such status on that date.

This legislation would have no retroactive effect, and would not forgive or waive enforcement of any violations that occurred prior to the ordinance's effective date.

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