

1 [Planning, Administrative Codes - Legitimization Program for Non-Residential Uses at 3150-
2 18th Street]

3 **Ordinance amending the Planning and Administrative Codes to establish a**
4 **legitimization program for certain Non-Residential Uses at 3150-18th Street (Assessor's**
5 **Parcel Block No. 3573, Lot No. 106), and to require the Office of Small Business to**
6 **assist businesses under the program; affirming the Planning Department's**
7 **determination under the California Environmental Quality Act; and making findings of**
8 **consistency with the General Plan, and the eight priority policies of Planning Code,**
9 **Section 101.1, and findings of public necessity, convenience, and welfare under**
10 **Planning Code, Section 302.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.
13 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
14 **Board amendment additions** are in double-underlined Arial font.
15 **Board amendment deletions** are in ~~Arial font~~.
16 **Asterisks (* * * *)** indicate the omission of unchanged Code
17 subsections or parts of tables.

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

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. 190165 and is incorporated herein by reference. The Board affirms
24 this determination.

25 (b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
ordinance will serve the public necessity, convenience, and welfare, for the reasons set forth
in Planning Commission Resolution No. 20453, and incorporates such reasons by this

1 reference thereto. A copy of said resolution is on file with the Clerk of the Board of
2 Supervisors in File No. 190165.

3 (c) On May 23, 2019, the Planning Commission, in Resolution No. 20453, adopted
4 findings that the actions contemplated in this ordinance are consistent, on balance, with the
5 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
6 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
7 Board of Supervisors in File No. 190165, and is incorporated herein by reference.

8
9 Section 2. Article 1.7 of the Planning Code is hereby amended by adding Section 192,
10 to read as follows:

11 **SEC. 192. LEGITIMIZATION OF CERTAIN LAND USES AT 3150 18TH STREET.**

12 (a) **Intent.** The purpose of this Section 192 is to establish a time-limited program whereby
13 existing land uses at 3150 18th Street (Assessor's Parcel Block No. 3573, Lot No. 106), which have
14 operated without required permits, may be permitted notwithstanding the zoning controls imposed by
15 Planning Code Section 210.3.

16 (b) **Legitimization Program for Certain Land Uses.** Any Non-Residential or PDR Use at 3150
17 18th Street that otherwise is not permitted pursuant to Planning Code Section 210.3 may be established
18 as a Legal Non-conforming Use, if it meets all of the following requirements:

19 (1) If the use is an Office Use, any building permit for such Office Use will be subject to
20 Mandatory Discretionary Review by the Planning Commission;

21 (2) As of January 15, 2019, it was operating in that location;

22 (3) As of January 15, 2019, it had a lease with the owner of 3150 18th Street, or it had a
23 written agreement with an entity who has such a lease with the owner to operate in that location; and

1 (4) Applications for all appropriate permits from any City or State agency to legalize
2 the use are filed within 90 days of the effective date of this Section 192, and the applicant diligently
3 pursues the permit(s) until they are issued.

4 (c) Notice.

5 (1) Notice by Planning Department. The Planning Department shall post notice of this
6 legitimization program on its website to describe its contents and requirements in order to assist
7 tenants at 3150 18th Street with participation in this program. The notice shall also inform the public
8 about the uses principally and conditionally permitted in PDR-1-G Districts, as set forth in Planning
9 Code Section 210.3.

10 (2) Notice by Owner. The owner of 3150 18th Street shall provide written notice to any
11 prospective tenant at this property about the uses principally and conditionally permitted in PDR-1-G
12 Districts, as set forth in Planning Code Section 210.3, prior to entering into any lease with the tenant.
13 The owner of 3150 18th Street shall also provide written notice to its current tenants at this property
14 regarding the legitimization program established by this Section 192, and such notice shall specify the
15 date on which this Section 192 will sunset under subsection (g).

16 (d) Determination of Applicability.

17 (1) Initial Determination. The Planning Department shall initially determine, through
18 the review of a building permit, whether a land use at 3150 18th Street meets the conditions set forth in
19 this Section 192. Evidence relevant to said determination may include, but is not limited to, the
20 following: rental or lease agreements, building or other permits, utility records, business licenses,
21 permit applications submitted by a tenant to a City or State agency, permits issued by a City or State
22 agency, and tax records.

23 (2) Monitoring and Reporting. To ensure that any Non-Residential Use continues to
24 meet the conditions set forth in this Section 192, the owner of 3150 18th Street shall, upon request,
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1 provide the Planning Department with information about the uses at the property and copies of the
2 written notices it has provided to prospective and current tenants under subsection (c)(2).

3 (e) **Limitation of Enlargement, Intensification, or Discontinuance.** Enlargements,
4 Intensifications, or Discontinuances of eligible uses that follow the legitimization program authorized
5 by this Section 192 shall be subject to the relevant controls applicable under Sections 178, 181, 182,
6 and 183 of this Planning Code.

7 (f) **Compliance with Other Requirements of the Planning Code.** Non-Residential Uses that
8 follow the legitimization program authorized by this Section 192 shall comply with all applicable
9 requirements of the Planning Code, other than those requirements from which they are specifically
10 exempted under this Section 192, but such uses shall not be subject to any applicable impact fees
11 imposed by Planning Code Article 4.

12 (g) **Sunset; Abandonment of Legitimized Uses.**

13 (1) **Office Uses.** Three years after the effective date of the ordinance in Board
14 File No. 190165, any Office Use that is a Legal Non-conforming Use established through this
15 Section 192 shall lose such non-conforming status, and shall be considered abandoned
16 pursuant to Section 183.

17 (2) **All Uses Other Than Office.** Unless readopted, this Section 192 shall sunset ten
18 years after ~~its~~ effective date of the ordinance in Board File No. 190165. Upon such date, all
19 remaining Legal Non-conforming Uses established through this Section 192 shall lose such non-
20 conforming status, and shall be considered abandoned pursuant to Section 183.

21
22 Section 3. Article XVI of Chapter 2A of the Administrative Code is hereby amended by
23 adding Section 2A.244, to read as follows.

24 **SEC. 2A.244. PERMITTING PROGRAM FOR TENANTS AT 3150 18TH STREET.**
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1 The Office of Small Business shall assist tenants operating businesses at 3150 18th
2 Street by referring them to appropriate City departments to apply for permits or licenses
3 during the period of the time-limited legitimization program established in Planning Code
4 Section 192. All other City departments shall provide information or assistance upon request
5 to the Office of Small Business in carrying out its responsibilities under this Section 2A.244.

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7 Section 34. No Retroactive Effect. This ordinance shall have no retroactive effect and
8 does not forgive or waive enforcement of any violations that occurred prior to the ordinance's
9 effective date.

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11 Section 45. Effective Date. This ordinance shall become effective 30 days after
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
14 of Supervisors overrides the Mayor's veto of the ordinance.

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16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By: _____
19 ANDREW SHEN
20 Deputy City Attorney

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