

LEGISLATIVE DIGEST

[Planning Code - Temporary Use Authorizations]

Ordinance amending the Planning Code to streamline and simplify the process for obtaining and extending temporary use authorizations, implement standard requirements for any temporary use authorization, and permit as temporary uses seasonal political campaign offices for up to one year, and extend the maximum time period for a Pop-Up Retail temporary use to three years; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302

Existing Law

The Planning Code allows temporary uses subject to certain requirements. Temporary uses range from carnivals, Christmas tree and Halloween pumpkin markets, to Retail uses, to uses associated with larger development projects. Some temporary uses are authorized for short periods (up to 60 days) and some are authorized for longer periods (up to seven years). Each type of authorization is subject to specific conditions, limitations on extensions, and limitations on permissible uses.

Amendments to Current Law

This ordinance would provide a uniform set of conditions that apply to all temporary uses. The ordinance would also clarify that the temporary use authorizations are an exception to the Planning Code, provided that voter initiatives like the prohibition on Formula Retail in Neighborhood Commercial Districts shall continue to apply. The ordinance would also clarify that a temporary use authorization does not convert, change, replace or abandon the existing use on site.

The ordinance would consolidate two temporary use authorizations – Pop-Up Retail and Pop-Up Activations – and provide one set of requirements for Pop-Up Retail temporary uses. The newly defined Pop-Up Retail temporary uses would include Retail, Entertainment, and Arts Activities in commercial spaces, meaning that it would encompass the temporary use authorizations for Bars and Entertainment uses currently codified in Section 205.6, which allows temporary Retail uses in vacant Bars and Entertainment spaces. As a result, the ordinance would delete the existing Section 205.6.

The ordinance would also allow General Office for seasonal political campaigns as a temporary use in certain zoning districts.

The ordinance would expand the criteria for temporary structures and uses incidental to the construction of a building or group of buildings to include parcels that are not adjacent to the construction. The permissible distance between parcels would vary based on certain size criteria.

The ordinance would also remove temporary use authorizations permitted as part of the response to the City's COVID-19 recovery and relief efforts.

Background Information

This ordinance is one of several ordinances being introduced as part of PermitSF, which is a City effort to make permitting customer-centric, fast, predictable, transparent and unified.

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