

[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.

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

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

Section 1. Environmental and Land Use Findings.

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

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

6 (c) Pursuant to Planning Code Section 302, the Board finds that these Planning Code
7 amendments will serve the public necessity, convenience, and welfare for the reasons set
8 forth in Planning Commission Resolution No. _____, and the Board incorporates such
9 reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of
10 Supervisors in File No. _____.
11

12 Section 2. General Background and Findings.

13 (a) San Francisco's fragmented and protracted permitting processes hinder small
14 businesses and impede housing development. A fast, predictable, and transparent permitting
15 process will create new jobs, businesses, and homes, as well as facilitate the City's economic
16 recovery from the COVID-19 pandemic. Commonly referred to as "PermitSF," the City's effort
17 to reform permitting consists of improving the customer experience by streamlining approval
18 processes; promoting government accountability to provide certainty about the delivery of
19 government services; and centralizing technology to create a single point of permitting
20 access.

21 (b) This ordinance enhances customer experience by removing barriers to ground floor
22 uses in downtown, where economic recovery continues to lag behind other neighborhoods.
23 Removing the conditional use requirement will streamline the approval of certain non-retail
24 sales and service uses—including office uses—in the C-3 (Downtown Commercial) Districts
25 through December 31, 2030.

1 (c) This ordinance also streamlines the approval of sales and service uses on the
2 upper floors in RC districts (Residential-Commercial Districts) by removing the conditional use
3 requirement for retail sales and service uses and removing the prohibition on non-retail sales
4 and service uses on the upper floors.

5 (d) Empty storefronts are currently pervasive throughout San Francisco, which is
6 having a harmful effect on the health and well-being of the City's commercial corridors. In
7 addition, previously approved development projects are not moving forward, resulting in
8 empty land or buildings, which may become underutilized, vacant, and economically
9 unproductive for prolonged time periods.

10 (e) Occupying and activating such land or buildings with temporary activities, would
11 create an active and vital street frontage, generate economic activity, create jobs, deter crime
12 and nuisance activities, and enhance the vitality of the public realm near or within such land or
13 buildings.

14 (f) Low-barrier planning permits such as temporary use authorizations enable
15 appropriate uses, such as retail, arts, and community service organizations, to operate out of
16 unused or underused vacant storefront properties. Such activation serves the dual purposes
17 of allowing these vital services to remain and thrive in San Francisco, and activating the
18 vacant spaces.

19 (g) Activating such land or buildings with temporary uses will also help ensure the
20 proper upkeep and maintenance of such land and buildings, while encouraging property
21 owners to provide invaluable and scarce space for arts activities, light industrial uses, retail or
22 institutional uses, and other land uses.

1 Section 3. Article 2 of the Planning Code is hereby amended by revising Sections 205,
2 205.1, 205.2, 205.3, 205.4, 205.5, deleting 205.6, renumbering existing Sections 205.7, and
3 205.8 as Section 205.6 and 205.7 respectively and revising such sections, to read as follows:

4
5 **SEC. 205. TEMPORARY USES, GENERAL.**

6 (a) **Purpose.** *Sections 205 et seq. of this Code provide for streamlined consideration of time-*
7 *limited, non-permanent establishment of certain temporary uses, in specific locations, and for specified*
8 *durations, as provided below.*

9 (b) **Temporary Uses Authorized.** The authorized temporary uses listed in Sections 205 *et*
10 *seq. 1 through 205.7, where not otherwise permitted in the district,* may be authorized as provided
11 *herein and in this Section 205,* up to the time limits indicated. *Further time for such uses may be*
12 *authorized only by action upon a new application, subject to all the requirements for the original*
13 *application, unless otherwise indicated in Sections 205.1 through 205.7. In the event of a conflict*
14 *between the controls in Sections 205 et seq. and the controls of the applicable Zoning District, Sections*
15 *205 et seq. shall apply; provided that, pursuant to Section 703.4, Formula Retail uses are not permitted*
16 *in Neighborhood Commercial Districts.*

17 ~~(b) Action upon such uses may be authorized by the Planning Director without a public~~
18 ~~hearing.~~

19 (c) **Existing Temporary Uses.** Wherever a use exists ~~on~~^{at} the effective date of this
20 Code or of an amendment thereto under which such use is classified as a temporary use, or
21 wherever a use is being conducted under a temporary use authorization given prior to such a
22 date, such use may be continued for the maximum term specified therefor, calculated from
23 said effective date or date of authorization. No such use shall continue thereafter unless a
24 temporary use authorization has been sought and obtained under a new application.
25 Continuance of a temporary use beyond the date of expiration of the period authorized

therefor, or failure to remove a structure for such temporary use within 10 days thereafter, shall constitute a violation of this Code.

(d) **Calculation of Time.** ~~Unless otherwise specified, t~~The time periods referenced in this Sections 205 et seq. ~~1 through 205.3 and Sections 205.5 through 205.7~~ are consecutive hours or consecutive calendar days; they are not the total number of hours or days that the use is in operation. Therefore, a 24-hour authorization that begins at 6:00 a.m. expires at 6:00 a.m. the following day, even if the use was in operation only eight hours of that 24-hour period. Similarly, a 60-day authorization expires after 60 calendar days even though the use may only have been open for business three days per week during that 60-day period. Hours or days of unused authorization cannot be stored or credited.

(e) ~~Any temporary uses authorized pursuant to this Section 205 and Sections 205.1 through 205.7 shall not be required to comply with any Planning Code requirements that are not expressly applicable to such temporary uses under this Section 205 and Sections 205.1 through 205.7, provided, however, any temporary uses authorized pursuant to this Section 205 and Sections 205.1 through 205.7 shall be subject to all applicable initiative ordinances approved by the voters of the City and County of San Francisco.~~

(f) **Application, Appeals, and Renewal.** The Planning Director or the Planning Director's designee shall have authority to approve or deny an application for temporary use authorization, and may act upon an application without a public hearing. The decision ~~of the Planning Director~~ to authorize or deny ~~authorization of~~ any temporary use pursuant to ~~this Sections 205 et seq. and Sections 205.1 through 205.7~~ may be appealed to the Board of Appeals within 15 days after the date of the decision by filing a written notice of appeal with that body. The Planning Director or Director's designee may authorize additional time for a temporary use by action upon a new application, subject to all the requirements for the original application, unless otherwise indicated in Sections 205 et seq.

1 (f) **No Conversion, Change, Discontinuance, or Abandonment of Use.** The approval or
2 commencement of a temporary use authorized under Sections 205 et seq. shall not be considered a
3 conversion, discontinuance, abandonment, or change of the authorized land use(s) preceding the
4 temporary use authorized under Sections 205 et seq. Any property for which the temporary use is
5 authorized shall retain its preceding authorized land use(s).

6 (g) **Multiple Temporary Uses.** Authorization of an Interim Activity under Sections 205 et seq.
7 at a given property or for a given use shall not preclude the concurrent authorization of any other
8 temporary uses recognized in this Section.

9 (h) **Additional Permits.** Authorization of a temporary use under Sections 205 et seq. does not
10 wave the requirement to obtain any additional permit that may be required by the San Francisco
11 municipal Code, including but not limited to permits required by the Health Code or Building Code.

13 **SEC. 205.1. TEMPORARY USES: SIXTY-DAY LIMIT.**

14 A temporary use may be authorized for a period not to exceed 60 days for any of the
15 following uses:

16 (a) Neighborhood carnival, exhibition, celebration or festival sponsored by an
17 organized group of residents in the vicinity or, in Neighborhood Commercial, Mixed Use, PDR,
18 C, or M Districts, sponsored by property owners or businesses in the vicinity;

19 (b) Booth for charitable, patriotic or welfare purposes;

20 (c) Open air sale of agriculturally produced seasonal decorations, including, but not
21 necessarily limited to, Christmas trees and Halloween pumpkins;

22 (d) ~~Pop-Up Retail, which is a temporary Retail Use permitted within either a vacant~~
23 ~~commercial space or a space occupied by a legally established Commercial Use. If the Pop-Up Retail~~
24 ~~use is in a Residential District then the temporary Pop-Up Retail use may not serve alcohol or have~~

1 ~~hours of operation past 10:00 pm, and such use shall not be permitted within six months of the date a~~
2 ~~prior Pop-Up Retail use began its occupancy of the same commercial space.~~

3 (e) Within the C-3-R District, installation of a temporary Sign, other than a General
4 Advertising Sign, or a temporary decorative or artistic display or installation. Such Sign or
5 installation shall have a maximum height of 16 feet above the roofline of the building to which
6 it is affixed.

7
8 **SEC. 205.2. TEMPORARY USES: ONE- TO THREE SEVEN-YEAR LIMIT.**

9 (a) Temporary authorization for a period not to exceed one year.

10 * * * *

11 (2) Pop-Up Retail Activations. Pop-Up Retail is a time-limited Retail, Entertainment,
12 or Arts Activities use permitted within either a vacant commercial space or a space occupied by a
13 legally established Commercial Use. Pop-Up Retail may be authorized and renewed as a temporary
14 use for up to a total of three years. Activations are temporary Non-Residential uses, including but not
15 limited to Pop-Up Retail, Entertainment, or Arts Activity uses, permitted within either a vacant space
16 last occupied by a Non-Residential use or a space occupied by a legally established Non-Residential
17 use, and that is located within a C-3 zoning district or a C-2 zoning district that is east of or fronting
18 Franklin/13th Street and north of Townsend Street or within an NC, NCT, or Mixed Use District that is
19 south of Market Street, north of Townsend/Division/13th Streets, and east of South Van Ness Avenue.
20 Such uses may include Formula Retail uses so long as Formula Retail uses are principally permitted in
21 the underlying zoning. Any Pop-Up Retail use shall satisfy all of these requirements:

22 (A) Operate within the hours of operation of the applicable Zoning District;
23 provided that any Pop-Up Retail use located within a Limited Commercial use may not have hours of
24 operation past 10:00 p.m.

1 (B) Not establish a temporary use within a Residential District, unless the
2 temporary use is located within a Limited Commercial use.

3 (C) Comply with the fenestration, transparency, and any other visibility
4 requirements of Section 145.1 of this Code; provided that the these requirements shall not apply to the
5 Pop-Up Retail for the first 60-days of the use.

6 (3) Temporary General Office uses for seasonal political campaigns in zoning districts
7 other than PDR Districts, and Residential Districts, unless the temporary use is located within a
8 Limited Commercial use.

9 **(b) Temporary authorization for a period not to exceed two years.**

10 (1) Temporary structures and uses incidental to the construction of a building or
11 group of buildings on the same or adjacent premises, or on a parcel within one-half mile of the
12 premises when required due to land availability and circulation patterns. Where the temporary
13 structures and uses are incidental to a project constructing at least 500,000 new gross square feet, said
14 temporary structures and uses may be located on a parcel within two miles of the premises when
15 required due to land availability and circulation patterns.

16 (2) Rental or sales office incidental to a new residential development, not
17 including the conduct of a general real estate business, provided that it be located within the
18 development, ~~and in a temporary structure or part of a dwelling. A temporary use may be authorized~~
19 ~~for a period not to exceed one year (including any extensions) for the following year.~~

20 (3) Temporary uses under subsections (b)(1) and (b)(2) may not be renewed following
21 the First Certificate of Occupancy, as defined in Section 401, for the last building of a project.

22 (4) In any M-1 or M-2 District, an Automobile Wrecking use as defined in
23 Section 102 of this Code, provided if the operation would be a conditional use in the district in
24 question, that the Planning Director determines the operation will meet within 90 days of
25 commencing operation all conditions applicable to such use in that district.

~~(c) Temporary authorization for a period not to exceed five years, with exceptions as specified herein.~~

~~———— (1) Vehicle Triage Centers or Safe Parking Program sites.~~

~~———— (A) On parcels designated and authorized, as applicable, for use as Vehicle Triage Centers or Safe Parking Program sites, temporary long-term parking of and overnight camping in vehicles, and ancillary uses in portable, temporary structures including administrative offices, restrooms, showering or bathing facilities, kitchen or other food preparation facilities, and eating areas, may be permitted, subject to compliance with all other Municipal Code requirements, including but not limited to the Overnight Safe Parking Pilot Program, Administrative Code Chapter 119, Article I.~~

~~———— (B) The Director may authorize up to two extensions of this temporary use for a maximum of six months each, based on public health and safety considerations or delay in approval or operation of the site as a Vehicle Triage Center or Safe Parking Program site.~~

~~(d) Temporary authorization for a period not to exceed seven years. Temporary Cannabis Retail Use, as provided by Section 191, to be authorized no earlier than January 1, 2018 and to expire on December 31, 2024. This is the only type of Temporary Use allowed for the sale of cannabis or cannabis products.~~

~~(e) Temporary Cannabis Retail Use, as provided by Section 191, to be authorized no earlier than January 1, 2018 and to expire on January 1, 2024. This is the only type of Temporary Use allowed for the sale of cannabis or cannabis products.~~

SEC. 205.3. TEMPORARY USES: TWENTY-FOUR-HOUR LIMIT.

Outside of Residential Districts ~~Within the PDR, C, M, Neighborhood Commercial, or Mixed Use Districts~~, a temporary use may be authorized for a period not to exceed 24 hours per event once a month for up to 12 events per year per premises for any of the following uses:

* * * *

SEC. 205.4. TEMPORARY USES: INTERMITTENT ACTIVITIES.

An intermittent activity is an outdoor use which, while occasional, occurs with some routine or regularity. Intermittent activities include, but are not limited to, the following uses: mobile food facilities, farmers markets, and open-air craft markets. Such uses typically require additional authorization(s) from other City Departments. An intermittent activity may be authorized as a temporary use for a period not to exceed one year.

(a) In all Districts other than RH, RM, RED, and RTO Districts an intermittent activity is permissible if it satisfies all of the following conditions:

* * * *

(3) It shall be open for business only during the hours of operation permitted as a principal use for the District in which it is located, if any such hourly limits exist.

~~(4) If located in a District that is subject to any of the neighborhood notification requirements as set forth in Section 311 of this Code, notification pursuant to Section 311 shall be required as follows:~~

~~—————(A) Notification shall be required if the vending space, as defined below, would exceed 300 square feet.~~

~~—————(B) Notification shall be required if any portion of the vending space would be located within 50 feet of an RH, RM, RED, or RTO District. Distances to RH, RM, RED, and RTO Districts shall be measured from the extreme perimeter of any vending space to the nearest property line of any parcel which is partially or wholly so zoned.~~

~~—————(C) For purposes of this Section, "Vending Space" shall be defined as the entire area within a single rectangular perimeter formed by extending lines around the extreme limits of all~~

1 ~~carts, vehicles, tables, chairs, or other equipment associated with all intermittent activities located on~~
2 ~~the parcel.~~

3 ~~————— (D) Notwithstanding Subsections (4)(A) and (B) above, and in order to~~
4 ~~eliminate redundant notification, notification shall not be required for the resumption of an intermittent~~
5 ~~activity or the extension of time for an intermittent activity when all of the following criteria are met: (i)~~
6 ~~an intermittent activity is currently authorized on the property or has been authorized on the property~~
7 ~~within the 12 months immediately preceding the filing of an application for resumption or extension;~~
8 ~~(ii) the existing or recent intermittent activity lawfully exceeds or exceeded the thresholds of~~
9 ~~Subsections (4)(A) and/or (B), above, and was the subject of neighborhood notice under Section 311 at~~
10 ~~the time of its establishment; and (iii) the intermittent activity would not further exceed the thresholds~~
11 ~~of Subsections (4)(A) and/or (B), above.~~

12 * * * *

13
14 **SEC. 205.5. TEMPORARY USES: INTERIM ACTIVITIES ON DEVELOPMENT**
15 **SITES.**

16 (a) Upon the satisfaction of the requirements in this Section 205.5, an Interim Activity,
17 as defined below, ~~on an Eligible Development Site located in an Eligible Area~~ may be authorized as
18 a temporary use on a legal lot that is subject to a Development Project, in any district other than a
19 Residential District, for an initial period not to exceed 36 months ("Initial Period").

20 (b) **Definitions.** For purposes of this Section 205.5, the following definitions shall
21 apply:

22 **"Development Project"** ~~has the meaning set forth in the definition of Eligible~~
23 ~~Development Site.~~ means a project for which a development application and any associated fees have
24 been submitted and accepted to obtain all required land use and permit entitlements, including any
25

1 environmental review, for a project that proposes to demolish an existing structure or work that is
2 tantamount to demolition, as defined in Section 317.

3 ~~“Eligible Area” means the Commercial (C), Residential Commercial (RC), Downtown~~
4 ~~Residential (DTR), and Neighborhood Commercial Transit (NCT) Districts, and Mixed Use and~~
5 ~~Neighborhood Commercial (NC) Districts within the area bounded by Market Street, 13th~~
6 ~~Street/Duboce Avenue, Division Street, and King Street.~~

7 ~~“Eligible Development Site” means a legal lot on which all of the following requirements have~~
8 ~~been satisfied: (1) an application has been submitted and accepted either to permit demolition of an~~
9 ~~existing structure, or to permit alterations sufficiently extensive to be considered, in the judgment of the~~
10 ~~Planning Director, tantamount to demolition for the purposes of this Section 205.5; (2) applications~~
11 ~~and the associated fees have been submitted and accepted to obtain all required land use and permit~~
12 ~~entitlements for an associated development project (“Development Project”); (3) provided that a~~
13 ~~Development Project proposes to include residential uses, it would result in greater residential density~~
14 ~~than the residential density existing as of the time both the land use and permit entitlement applications~~
15 ~~were submitted to the City; and (4) applications and the associated fees have been submitted and~~
16 ~~accepted to evaluate compliance of the Development Project with the California Environmental Quality~~
17 ~~Act (California Public Resources Code Sections 21000 et seq.) pursuant to Administrative Code~~
18 ~~Section 31.22.~~

19 “Interim Activity” means any Arts Activities Use; any Entertainment, General Use;
20 ~~any Use within a PDR I-D District;~~ and/or any Use Principally Permitted in the subject zoning
21 district. For development sites entitled with affordable housing project(s) as defined in Section 315,
22 Interim Activity shall include any parking use.

23 (c) **Application.** The property owner or the property owner’s authorized agent
24 (“Applicant”) shall submit an application for temporary use to the Planning Department, on a
25 form prepared by the Planning Department. The application shall be accompanied by the

1 applicable fees pursuant to Planning Code Section 350 and shall include an affidavit signed
2 by the Applicant and, as applicable, each tenant occupying any portion of the eEligible
3 ~~Development~~ sSite for the Interim Activity, or each tenant's authorized agent, acknowledging
4 that the use of the eEligible ~~Development~~ sSite for the Interim Activity is temporary and subject
5 to the time limits set forth in this Section 205.5 and acknowledging that the Applicant has to
6 pay any outstanding fees, invoices, or penalties owed to City agencies, and is in compliance
7 with all requirements of the Municipal Code, including any requirements to file Updates to
8 Institutional Master Plans and abate any Code or Building Code violations. The Applicant shall
9 not be required to pay additional fees set forth in Article 4 of the Planning Code as a
10 prerequisite to obtaining temporary use authorization pursuant to this Section 205.5.

11 * * * *

12 (e) **New Tenants.** Additional or different tenants (each a "New Tenant") may
13 commence occupancy within and use of the eEligible ~~Development~~ sSite in question without
14 additional applications or fees, provided that each New Tenant submits a completed affidavit
15 to the Department attesting to the truthfulness and correctness of the previously submitted
16 application and declaring that the New Tenant will not discontinue, add to, or modify the
17 approved Interim Activity

18 (f) ~~No Conversion, Change, Discontinuance, or Abandonment of Use. The approval or~~
19 ~~commencement of an Interim Activity as a temporary use as authorized under this Section 205.5 shall~~
20 ~~not be considered a conversion, discontinuance, abandonment, or change of use for purposes of this~~
21 ~~Code, notwithstanding Sections 182 and 183 of this Code. Any property for which the Interim Activity~~
22 ~~is authorized shall retain its authorized land use(s). Such authorized land uses, including any~~
23 ~~nonconforming uses, shall become operative upon the expiration, termination, or abandonment of such~~
24 ~~temporary use authorization.~~

1 (g) **Fenestration, Transparency, and Visibility Requirements.** Construction
2 proposed in connection with the Interim Activity shall not cause noncompliance or exacerbate
3 existing noncompliance with respect to fenestration, transparency, or any other visibility
4 requirement of Section 145.1 of this Code. Further, no film, adhesive, blinds, or other
5 treatment may be applied to any existing fenestration.

6 ~~(h) **Information To Be Available To Public.** The Department shall make available to the public~~
7 ~~in the Planning Department's main office and on its website a list of all applications approved under~~
8 ~~this Section 205.5, along with applicable time frames and any additional information the Planning~~
9 ~~Department deems useful for or relevant to the continued and successful activation of those spaces in~~
10 ~~the Eligible Area.~~

11 (gi) **Extension of Initial Period.** Upon the Planning Director's or the Director's
12 designee's determination that permits for the Development Project are being and have been
13 diligently pursued, and that the Interim Activity has been consistent with public convenience,
14 necessity, or the general welfare of the City, the Planning Director is authorized to permit the
15 Interim Activity to exceed the Initial Period unless or until the applicant either withdraws the
16 entitlement for the Development Project or construction of the Development Project commences. ~~for an~~
17 ~~additional period not to exceed 12 months. The Planning Director is authorized to extend the Initial~~
18 ~~Period up to two times (the first time being the extension referenced in the previous sentence) such that~~
19 ~~each extension of the Initial Period may be up to 12 months, each extension shall require a separate~~
20 ~~determination of the Planning Director according to this Section 205.5(i), and the authorization of the~~
21 ~~Interim Activity may not exceed a total duration of 60 months.~~

22 ~~(j) **Other Temporary Uses.** Authorization of an Interim Activity pursuant to this Section 205.5~~
23 ~~shall not preclude the authorization of any other temporary uses recognized in Sections 205.1 through~~
24 ~~205.4.~~

1 **~~SEC. 205.6. TEMPORARY USES: INTERIM USES WITHIN BARS AND~~**
2 **~~ENTERTAINMENT USES.~~**

3 ~~Any Retail Use may be authorized as a temporary use within any space authorized as a Bar,~~
4 ~~General Entertainment or Nighttime Entertainment Use for a period not to exceed four years from the~~
5 ~~date of any such authorization, provided that the period terminates within 6 years from the effective~~
6 ~~date of this Section 205.6. Such temporary uses shall be subject to applicable operating conditions,~~
7 ~~including but not limited to those conditions set forth in Section 202.2(a)(1) of this Code.~~

8
9 **SEC. 205.67. TEMPORARY USES: FIVE-YEAR LIMIT.** ~~**TEMPORARY USES: INTERIM**~~
10 ~~**ACTIVITIES IN VACANT GROUND-FLOOR COMMERCIAL SPACES.**~~

11 Vehicle Triage Centers and Safe Parking Program Sites. On parcels designated and
12 authorized, as applicable, for use as Vehicle Triage Centers or Safe Parking Program sites, temporary
13 long-term parking of and overnight camping in vehicles, and ancillary uses in portable, temporary
14 structures including administrative offices, restrooms, showering or bathing facilities, kitchen or other
15 food preparation facilities, and eating areas, may be permitted, subject to compliance with all other
16 Municipal Code requirements, including but not limited to the Overnight Safe Parking Pilot Program,
17 Administrative Code Chapter 119, Article I.

18 Beyond the five-year limit on the temporary uses in this Section 205.6, the Director may
19 authorize up to two extensions of this temporary use for a maximum of six months each, based on
20 public health and safety considerations or delay in approval or operation of the site as a Vehicle Triage
21 Center or Safe Parking Program site.

22 ~~(a) Arts Activities, Social Service or Philanthropic Facilities, and COVID-19 Relief and~~
23 ~~Recovery uses; Authorization as Temporary Uses. Within all districts listed in Section 201 of this Code~~
24 ~~except for Residential Districts, the Planning Director may authorize an Arts Activity or Social Service~~
25 ~~or Philanthropic Facility use, as those uses are defined in Section 102, or any COVID-19 Relief and~~

1 ~~Recovery use as defined in subsection (b) as a temporary use in a vacant ground floor commercial~~
2 ~~space for a maximum of four years. The temporary uses may be provided, in whole or in part, either on~~
3 ~~site or off site. Such uses may also conduct their administrative activities on site as a sole Principal~~
4 ~~Use.~~

5 ~~The Planning Director's initial authorization ("Initial Period") shall not exceed two years and~~
6 ~~may be extended by the Director up to the four year maximum pursuant to the provisions of subsection~~
7 ~~(i) below. I~~

8 ~~(b) Definitions. For purposes of this Section 205.6, I the following definitions shall apply:~~

9 ~~———"COVID-19 Relief and Recovery use" means any use providing direct services in~~
10 ~~housing, employment, health, education and training, legal assistance, public benefits, enrollment and~~
11 ~~financial assistance preparing and distributing food, water and other essential items, establishing~~
12 ~~testing facilities, or providing access to restroom or handwashing facilities, or performing any other~~
13 ~~service that the Department determines will aid COVID-19 relief and recovery efforts.~~

14 ~~———"Vacant ground floor commercial space" means a space with street frontage on the~~
15 ~~ground floor that is zoned for a Non-Residential Use, as defined in Section 102 of this Code, and is~~
16 ~~vacant.~~

17 ~~(c) Application. The property owner or the property owner's authorized agent ("Applicant," in~~
18 ~~either case) shall submit an application for temporary use to the Planning Department, on a form~~
19 ~~prepared by the Planning Department. The application shall be accompanied by the applicable fees~~
20 ~~pursuant to Planning Code Section 350 and shall include an affidavit signed by the Applicant and, if~~
21 ~~applicable, each tenant occupying any portion of the vacant ground floor commercial space for the~~
22 ~~temporary use or each tenant's authorized agent, acknowledging that (1) the use of the space is~~
23 ~~temporary and subject to the time limits set forth in this Section 205.6, I (2) the Applicant will pay any~~
24 ~~outstanding fees, invoices, or penalties owed to City agencies, and (3) the Applicant is in compliance~~
25 ~~with all requirements of the Municipal Code, including any requirements to abate any Code violations,~~

1 ~~including Building Code violations. The Applicant shall not be required to pay additional fees set forth~~
2 ~~in Article 4 of the Planning Code as a prerequisite to obtaining temporary use authorization pursuant~~
3 ~~to this Section 205.7.~~

4 ~~(d) New, Additional, or Modified Temporary Uses. New, additional, or modified temporary~~
5 ~~uses that were not previously approved by the Planning Director shall be reviewed through the filing of~~
6 ~~a new application and submittal of a new application fee.~~

7 ~~(e) New Tenants. Additional or different tenants may commence occupancy within and use the~~
8 ~~subject site without additional applications or fees, provided that each new tenant submits a completed~~
9 ~~affidavit to the Department attesting to the truthfulness and correctness of the information in the~~
10 ~~previously submitted application and declaring that the new tenant will not discontinue, add to, or~~
11 ~~modify the approved Interim Activity.~~

12 ~~(f) No Conversion, Change, Discontinuance, or Abandonment of Use. The approval or~~
13 ~~commencement of a temporary use as authorized under this Section 205.7 shall not be considered a~~
14 ~~conversion, discontinuance, abandonment, or change of use for purposes of this Code, notwithstanding~~
15 ~~Sections 182 and 183 of this Code. Any property for which the temporary use is authorized shall retain~~
16 ~~its authorized land use(s). Such authorized land uses, including any nonconforming uses, shall become~~
17 ~~operative upon the expiration, termination, or abandonment of such temporary use authorization.~~

18 ~~(g) Fenestration, Transparency, and Visibility Requirements. Construction proposed in~~
19 ~~connection with the temporary use shall not cause noncompliance or exacerbate existing~~
20 ~~noncompliance with respect to fenestration, transparency, or any other visibility requirement of Section~~
21 ~~145.1 of this Code. Further, no film, adhesive, blinds, or other treatment may be applied to any existing~~
22 ~~fenestration.~~

23 ~~(h) Information To Be Available To Public. The Department shall make available to the public~~
24 ~~in the Planning Department's main office and on its website a list of all applications approved under~~
25 ~~this Section 205.6,1 along with applicable time frames and any additional information the Planning~~

1 ~~Department deems useful for or relevant to the continued and successful activation of the subject sites~~
2 ~~in the surrounding neighborhood.~~

3 ~~(i) Extension of Initial Period. Upon the Planning Director's written determination that~~
4 ~~permits for the vacant ground floor commercial space are being and have been diligently pursued, and~~
5 ~~that the temporary use has been consistent with public convenience, necessity, or the general welfare of~~
6 ~~the City, the Planning Director is authorized to permit the temporary use to exceed the Initial Period~~
7 ~~for an additional period of time not to exceed a total time of 24 months. This extension shall require a~~
8 ~~separate determination of the Planning Director according to this Section 205.7(i), and the~~
9 ~~authorization of the temporary use may not exceed a total duration of 48 months.~~

10 ~~(j) Other Temporary Uses. Authorization of a temporary use pursuant to this Section 205.7~~
11 ~~shall not preclude the authorization of any other temporary uses recognized in Sections 205.1 through~~
12 ~~205.6.1~~

13 ~~(k) Additional Permits. Authorization of a temporary use under this Section 205.7 does not~~
14 ~~waive the requirement to obtain any additional permit(s) that may be required by other City Codes,~~
15 ~~including but not limited to permits required by the Health Code or Building Code.~~

16 ~~(l) Fee Waiver for Uses that Propose a COVID-19 Recovery and Relief Activity. If an~~
17 ~~applicant for approval of a temporary use under this Section 205.6.1 proposes a COVID-19 Recovery~~
18 ~~and Relief use, as defined in subsection (b) above, the Planning Department fee for reviewing the~~
19 ~~application shall be waived.~~

20
21 **SEC. 205.78. TEMPORARY USES: OUTDOOR ENTERTAINMENT, ARTS AND**
22 **RECREATION ACTIVITIES.**

23 (a) **Entertainment, Retail Sales and Service, Arts and Recreation Activities.**
24 Entertainment, Retail Sales and Service, Arts and Recreation Uses, as defined in Section 102,
25 may be authorized as a temporary use in outdoor areas, including temporary structures, and

1 any ancillary uses of indoor areas, for a maximum of two years. Such uses may also include
2 the administrative activities of such use.

3 (b) **Duration.** The initial authorization ("Initial Period") shall not exceed one year and
4 may be extended for an additional year by the Planning Director, for a maximum authorized
5 period of up to two years, pursuant to this Section 205.78.

6 (c) **Hours of Operation.** Uses permitted by this Section 205.78 may not exceed the
7 hours of 9:00 a.m. to 10:00 p.m.

8 ~~(d) New, Additional, or Modified Temporary Uses. New, additional, or modified temporary~~
9 ~~uses that were not previously approved by the Planning Director shall be reviewed through the filing of~~
10 ~~a new application and submittal of a new application fee.~~

11 ~~(e) No Conversion, Change, Discontinuance, or Abandonment of Use. The approval or~~
12 ~~commencement of a temporary use as authorized under this Section 205.8 shall not be considered a~~
13 ~~conversion, discontinuance, abandonment, or change of use for purposes of this Code, notwithstanding~~
14 ~~Sections 178, 182, and 183 of this Code. Any property for which the temporary use is authorized shall~~
15 ~~retain its authorized land use(s). Such authorized land uses, including any nonconforming uses, shall~~
16 ~~again become operative upon the expiration, termination, or abandonment of such temporary use~~
17 ~~authorization.~~

18 ~~(f) Information To Be Available To Public. The Department shall make available to the public~~
19 ~~in the Planning Department's main office and on its website a list of all applications approved under~~
20 ~~this Section 205.8 along with applicable time frames and any additional information the Planning~~
21 ~~Department deems useful for or relevant to the continued and successful activation of the subject sites~~
22 ~~in the surrounding neighborhood.~~

23
24 Section 4. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board
2 of Supervisors overrides the Mayor’s veto of the ordinance.

3
4 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the “Note” that appears under
9 the official title of the ordinance.

10 APPROVED AS TO FORM:
11 DAVID CHIU, City Attorney

12 By: /s/
13 AUSTIN M. YANG
14 Deputy City Attorney

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