

1 [Planning Code - Arts Activities and Social Service or Philanthropic Facilities as Temporary
2 Uses]

3 **Ordinance amending the Planning Code to allow Arts Activities and Social Service or**
4 **Philanthropic Facilities as a temporary use in vacant ground-floor commercial space;**
5 **affirming the Planning Department’s determination under the California Environmental**
6 **Quality Act; making findings of consistency with the General Plan, and the eight**
7 **priority policies of Planning Code, Section 101.1; and adopting findings of public**
8 **necessity, convenience, and general welfare under Planning Code, Section 302.**

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

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

17 Section 1. Findings.

18 (a) The Planning Department has determined that the actions contemplated in this
19 ordinance comply with the California Environmental Quality Act (California Public Resources
20 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
21 Supervisors in File No. 200215

22 and is incorporated herein by reference. The Board affirms this determination.

23 (b) On June 25, 2020, the Planning Commission, in Resolution No. 20750, adopted
24 findings that the actions contemplated in this ordinance are consistent, on balance, with the
25 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. 200215, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
4 Planning Code will serve the public necessity, convenience, and welfare for the reasons set
5 forth in Planning Commission Resolution No. 20750, and the Board incorporates such
6 reasons herein by reference.

7
8 Section 2. Article 2 of the Planning Code is hereby amended by revising Section 205
9 and adding Section 205.6, to read as follows:

10 **SEC. 205. TEMPORARY USES, GENERAL.**

11 * * * *

12 (e) Any temporary uses authorized pursuant to this Section 205 and Sections 205.1
13 through ~~205.6~~ ~~205.5~~ shall not be required to comply with any Planning Code requirements that
14 are not expressly applicable to such temporary uses under this Section 205 and Sections
15 205.1 through ~~205.6~~ ~~205.5~~, provided, however, any temporary uses authorized pursuant to this
16 Section 205 and Sections 205.1 through ~~205.6~~ ~~205.5~~ shall be subject to all applicable initiative
17 ordinances approved by the voters of the City and County of San Francisco.

18 * * * *

19 **SEC. 205.6. TEMPORARY USES: INTERIM ACTIVITIES IN VACANT GROUND-FLOOR**
20 **COMMERCIAL SPACES.**

21 (a) **Interim Activity as a Temporary Use.** Within all districts listed in Section 201 of this
22 Code except for Residential Districts, the Planning Director may authorize an Interim Activity as a
23 temporary use in a vacant ground-floor commercial space for a maximum of two years. The Planning
24 Director’s initial authorization (“Initial Period”) shall not exceed one year and may be extended by the
25 Director up to the two-year maximum pursuant to the provisions of subsection (i) below.

1 **(b) Definitions.** *For purposes of this Section 205.6, the following definitions shall apply:*

2 *“Interim Activity” means any Arts Activity or any Social Service or Philanthropic Facility, as*
3 *those terms are defined in Section 102 of this Code. An Office use for administrative purposes may be*
4 *allowed if it is incidental to the Interim Activity’s provision of services to the public.*

5 *“Vacant ground-floor commercial space” means a space with street frontage on the ground*
6 *floor that is zoned for a Non-Residential Use, as defined in Section 102 of this Code, and is vacant.*

7 **(c) Application.** *The property owner or the property owner’s authorized agent*
8 *(“Applicant,” in either case) shall submit an application for temporary use to the Planning*
9 *Department, on a form prepared by the Planning Department. The application shall be accompanied*
10 *by the applicable fees pursuant to Planning Code Section 350 and shall include an affidavit signed by*
11 *the Applicant and, if applicable, each tenant occupying any portion of the vacant ground-floor*
12 *commercial space for the Interim Activity or each tenant’s authorized agent, acknowledging that (1) the*
13 *use of the space for the Interim Activity is temporary and subject to the time limits set forth in this*
14 *Section 205.6, (2) the Applicant will pay any outstanding fees, invoices, or penalties owed to City*
15 *agencies, and (3) the Applicant is in compliance with all requirements of the Municipal Code, including*
16 *any requirements to abate any Code violations, including Building Code violations. The Applicant shall*
17 *not be required to pay additional fees set forth in Article 4 of the Planning Code as a prerequisite to*
18 *obtaining temporary use authorization pursuant to this Section 205.6.*

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

22 **(e) New Tenants.** *Additional or different tenants may commence occupancy within and use*
23 *the subject site without additional applications or fees, provided that each new tenant submits a*
24 *completed affidavit to the Department attesting to the truthfulness and correctness of the information in*
25

1 the previously submitted application and declaring that the new tenant will not discontinue, add to, or
2 modify the approved Interim Activity.

3 (f) **No Conversion, Change, Discontinuance, or Abandonment of Use.** The approval or
4 commencement of an Interim Activity as a temporary use as authorized under this Section 205.6 shall
5 not be considered a conversion, discontinuance, abandonment, or change of use for purposes of this
6 Code, notwithstanding Sections 182 and 183 of this Code. Any property for which the Interim Activity
7 is authorized shall retain its authorized land use(s). Such authorized land uses, including any
8 nonconforming uses, shall become operative upon the expiration, termination, or abandonment of such
9 temporary use authorization.

10 (g) **Fenestration, Transparency, and Visibility Requirements.** Construction proposed in
11 connection with the Interim Activity shall not cause noncompliance or exacerbate existing
12 noncompliance with respect to fenestration, transparency, or any other visibility requirement of Section
13 145.1 of this Code. Further, no film, adhesive, blinds, or other treatment may be applied to any
14 existing fenestration.

15 (h) **Information To Be Available To Public.** The Department shall make available to the
16 public in the Planning Department's main office and on its website a list of all applications approved
17 under this Section 205.6, along with applicable time frames and any additional information the
18 Planning Department deems useful for or relevant to the continued and successful activation of the
19 subject sites in the surrounding neighborhood.

20 (i) **Extension of Initial Period.** Upon the Planning Director's written determination that
21 permits for the vacant ground-floor commercial space are being and have been diligently pursued, and
22 that the Interim Activity has been consistent with public convenience, necessity, or the general welfare
23 of the City, the Planning Director is authorized to permit the Interim Activity to exceed the Initial
24 Period for an additional period of time not to exceed a total time of 24 months for the Interim Activity.
25 This extension shall require a separate determination of the Planning Director according to this

1 Section 205.6(i), and the authorization of the Interim Activity may not exceed a total duration of 24
2 months.

3 (j) Other Temporary Uses. Authorization of an Interim Activity pursuant to this Section 205.6
4 shall not preclude the authorization of any other temporary uses recognized in Sections 205.1 through
5 205.5.

6
7 Section 3. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor’s veto of the ordinance

11
12 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the “Note” that appears under
17 the official title of the ordinance.

18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By: _____
22 JUDITH A. BOYAJIAN
23 Deputy City Attorney

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