

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/27/2020)

[Planning Code - Conditional Use Review and Approval Process: Priority Processing and Reduced Application Fee for Certain Uses of Commercial Space]

Ordinance amending the Planning Code to expedite the Conditional Use authorization review and approval process and reduce the application fee for certain uses of commercial space; 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; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

Existing Law

Planning Code Section 303 establishes procedures for the Planning Commission’s review and determination of applications for Conditional Use authorization.

Amendments to Current Law

This ordinance adds a new section that expedites the Conditional Use authorization review and approval process for certain uses of commercial space. Applications that comply with the eligibility requirements are entitled to a Planning Commission hearing within 90 days of the application’s submittal, unless that time is extended by the Commission, and a reduced application fee.

In order to be qualify for priority processing and a reduced fee, an application must: 1) pertain exclusively to non-residential uses, 2) be limited to interior or store-front work, 3) not involve a Formula Retail use or the removal of any dwelling units, 4) not propose or require the consolidation of multiple storefronts, 5) not seek additional off-street parking, or the expansion or intensification of hours of use, beyond those permitted as of right, 6) not seek to sell alcoholic beverages except for beer and/or wine sold in conjunction with a Bona Fide Eating Place, and 7) not seek to establish or expand an adult entertainment use, bar, drive-up facility, fringe financial service, medical cannabis dispensary, nighttime entertainment, non-retail sales and service closed to the public, a tobacco paraphernalia establishment, or a wireless communication facility, and not be within the Calle 24 Special Use District.

Background Information

In April, 2013, the Planning Commission adopted the Small Business Priority Processing Pilot Program, the stated goal of which was to accelerate the review of certain small business applications without compromising the review times of other applications. Building on the success of the pilot program, Planning Department staff in consultation with

staff from the Office of Small Business proposed expanding the program to additional types of applications. In February, 2017, the Planning Commission adopted the expanded program, which was renamed the Community Business Priority Processing Program. This ordinance builds upon the success of the Community Business Priority Process Program by expanding the scope of eligible projects and ensuring that all eligible projects are considered. The intent of this ordinance is to expedite the review and hearing process for vital small and mid-sized businesses without compromising public notice and input or the review times of other applications, and its enactment underscores the importance of small and mid-sized businesses to the economic vitality of San Francisco's neighborhoods and to the City as a whole, its residents and visitors. Projects within the Calle 24 Special Use District are excluded from the priority processing provided by this ordinance because of its unique history and special character, as described in subsection (a)(4) of the ordinance.

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