

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/20/2020)

[Planning Code - Arts Activities, Social Service or Philanthropic Facilities, and COVID-19 Recovery Activities as Temporary Uses; Fee Waiver for COVID-19 Recovery Activities]

Ordinance amending the Planning Code to allow Arts Activities, Social Service or Philanthropic Facilities, and COVID-19 Recovery Activities as a temporary use in vacant ground-floor 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 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

Existing Law

Sections 205 through 205.5 authorize various types of temporary uses to operate for time limits that vary between 24 hours and four years with options for extension.

Amendments to Current Law

This ordinance would enact an additional form of temporary use which would allow Arts Activities, Social Service or Philanthropic Facility Uses, and COVID-19 Relief and Recovery uses for up to four years in a vacant ground-floor commercial space in all use districts other than Residential Districts. The temporary use may be provided, in whole or in part, either on site or off site, and such use may also conduct its administrative activities on site as a sole principal use. If the applicant for the temporary use proposes a COVID-19 Recovery and Relief use, the Planning Department fee for reviewing the application shall be waived.

The approval or commencement of the temporary use is not considered a conversion, discontinuance, abandonment, or change of the current authorized use. Authorization of the temporary use does not waive the requirement to obtain any additional permits that may be required by other City Codes or preclude authorization of any other temporary uses recognized under Sections 205 et seq.

Arts Activities are defined in Section 102 of the Planning Code as a use that “includes performance, exhibition (except exhibition of films), rehearsal, production, post-production and some schools of any of the following: dance; music; dramatic art; film; video; graphic art; painting; drawing; sculpture; small-scale glassworks; ceramics; textiles; woodworking; photography; custom-made jewelry or apparel; and other visual, performance, and sound arts and craft.” It excludes accredited Schools and Post-Secondary Educational Institutions and includes commercial arts and art-related business service uses, as described in the definition. A Social Service or Philanthropic Facility use is defined in Section 102 as “an Institutional Community Use providing assistance of a charitable or public service nature, and not of a profit-making or commercial nature.” A COVID-19 Relief and Recovery use is defined in the ordinance as “any use providing direct services in housing, employment, health, education and training, legal assistance, public benefits, enrollment and financial assistance preparing

and distributing food, water and other essential items, establishing testing facilities, or providing access to restroom or handwashing facilities, or performing any other service that the Department determines will aid COVID-19 relief and recovery efforts.”

Background Information

Empty storefronts are currently pervasive throughout San Francisco, which is having a harmful effect on the health and well-being of the City’s commercial corridors. Meanwhile, arts organizations and community-serving agencies are increasingly struggling with displacement, planned and unplanned transitions between facilities that disrupt operations, and a general lack of stability in the places where they operate. This ordinance provides a temporary use option that will enable arts and community service organizations to operate out of unused or underused vacant storefront properties and allow these vital services to remain and thrive in San Francisco. In turn, their presence will help to mitigate the neighborhood blight caused by vacant storefronts, encourage economic activity along commercial corridors struggling with vacancies, and promote arts, cultural and civic activities in San Francisco. Allowing art and community service activities to operate as temporary uses in vacant storefront properties is intended to help preserve and promote the cultural, socioeconomic, and historical context of the surrounding neighborhood, especially within vulnerable communities.

This temporary use option provides multiple benefits. For the City and its neighborhoods, it helps to mitigate the presence of neighborhood blight; encourages economic activity along commercial corridors struggling with vacancies; promotes arts, cultural, and civic activities; and facilitates constructive, efficient, and community-affirming uses of unused or underused private property for the public good. For nonprofit agencies, it provides access to new spaces in which to operate on either a short-term or mid-term basis that can assist them during periods of transition between facilities. For property owners, it provides an efficient way of activating an otherwise unused storefront property that would allow owners to avoid costly fees for blight violations, fees for registering a vacant storefront under the City’s Vacant and Abandoned Commercial Storefront program, or any new fees associated with the proposed vacancy tax on the March, 2020 ballot.

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