

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 12/16/2019)

[Planning Code - Authorizing Interim Activities at Development Sites]

Ordinance amending the Planning Code to enable the use of development project sites during the project approval and entitlement process by authorizing the Planning Department to authorize certain interim activities at development project sites as Temporary Uses for up to 36 months, subject to extension at the discretion of the Planning Director in increments for up to a maximum possible total of 24 additional months; adopting the Planning Department’s determination under the California Environmental Quality Act; making findings of public convenience, necessity, and welfare under Planning Code, Section 302; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Currently, the Planning Code allows the Zoning Administrator to authorize certain temporary uses for up to sixty days, for uses such as open air sale of agriculturally produced seasonal decorations (e.g., Christmas trees and Halloween pumpkins); up to two years, for uses such as temporary structures and uses incidental to the construction of a group of buildings on the same or adjacent premises; and up to four years for Temporary Cannabis Retail Uses. In addition, the Zoning Administrator may authorize certain temporary uses for a period not to exceed twenty-four hours per event, once a month, and for up to twelve events per year per premises for uses such as performances, exhibitions, dances, or festivals that require City permits. The Zoning Administrator may also authorize certain intermittent outdoor activities including mobile food facilities, farmers markets, and open-air craft markets.

Amendments to Current Law

This legislation would make substantive changes to the authorization of temporary uses under the Planning Code, as described below.

First, temporary uses would be authorized by the Planning Director rather than the Zoning Administrator. The Planning Director’s decision to authorize or deny authorization of any temporary use would be appealable to the Board of Appeals.

Second, certain development sites could be eligible for the authorization of a new category of temporary uses (“Interim Activities”) for up to thirty-six months (the “Initial Period”), after the project developer has submitted and the City has accepted all applications and fees for the required land use and permit entitlements and for the completion of environmental review. Planning Director may extend the Initial Period in increments for up to a maximum possible total of twenty-four additional months. Interim Activities would include any Arts Activities Use;

any Entertainment, General Use; any Light Manufacturing, or Metal Working Use within a PDR-1-D District; and/or any use principally permitted in the subject zoning district.

To be eligible for the authorization of an Interim Activity, a development site would need to be located in the Commercial (C), Residential-Commercial (RC), Downtown Residential (DTR), or Neighborhood Commercial Transit (NCT) Districts, or Mixed Use and Neighborhood Commercial (NC) Districts within the area bounded by Market Street, 13th Street/Duboce Avenue, Division Street, and King Street. In addition, the development site would need to be a legal lot on which: (1) an application has been submitted and accepted either to permit demolition of an existing structure, or to permit alterations tantamount to demolition; (2) applications and the associated fees have been submitted and accepted to obtain all required land use and permit entitlements for an associated development project that, if approved and completed, would result in greater residential density than the residential density existing as of the time both the land use and permit entitlement applications were submitted to the City; and (3) applications and the associated fees have been submitted and accepted to evaluate compliance of the proposed development project with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.) pursuant to Administrative Code Section 31.22.

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