



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution Number 19323

HEARING DATE: FEBRUARY 12, 2015

Record Number: 2015-000909CRV
Project Name: Community Business Priority Processing Program ("CB3P")
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ADOPTING THE COMMUNITY BUSINESS PRIORITY PROCESSING PROGRAM ("CB3P") AS THE SUCCESSOR PROGRAM TO THE SMALL BUSINESS PRIORITY PROCESSING PILOT PROGRAM ("SB4P") IN ORDER TO STREAMLINE THE LAND USE REVIEW AND HEARING PROCESS FOR CERTAIN NEW OR EXPANDING BUSINESSES.

WHEREAS, On April 11, 2013, the Planning Commission ("Commission") unanimously adopted Resolution Number 18842 which adopted the SB4P in order to "bolster the City's small business community"; and

WHEREAS, the recitals in Resolution 18842 are incorporated by reference herein as though fully set forth; and

WHEREAS, the SB4P has been acknowledged as a successful, if limited, pilot program which accelerates the review of certain small business applications without compromising review times of other applications; and

WHEREAS, the Commission continues to seek opportunities to more efficiently review the various applications it reviews, especially when those efficiencies can be passed on to applicants in the form of time savings; and

WHEREAS, Staff from the Planning Department, in consultation with staff from the Office of Small Business ("OSB"), have proposed changes to the SB4P which would expand the program in large part by modifying the eligibility criteria for enrollment, thus encompassing additional types of applications.

NOW THEREFORE BE IT RESOLVED that the Commission hereby adopts a new program known as the Community Business Priority Processing Program ("CB3P" or "Program") which supersedes the SB4P established under Resolution 18842. The intent of the CB3P is to support the businesses community – especially small and mid-sized businesses - and to increase efficiencies in the way the Commission and Department handle related applications.

AND BE IT FURTHER RESOLVED that the CB3P shall be administered by the Department as set forth below:

- A. **Eligibility.** In order to enroll in the Program, an application must:
1. be for Conditional Use Authorization; and
 2. pertain exclusively to non-residential uses; and
 3. be limited to interior or store-front work such as changes of use or tenant improvements, and not involve any new construction or building expansion; and
 4. not involve a Formula Retail use, unless the Formula Retail use in question has fewer than 20 other establishments; and
 5. not involve the consolidation of multiple tenant spaces (e.g. storefronts) into a single tenant space; and
 6. not seek Conditional Use authorization to provide off-street parking in a quantity beyond that allowed on an as-of-right basis; and
 7. not involve the removal of any dwelling units; and
 8. not seek to establish, expand or intensify activities during hours of operation beyond those permitted on an as-of-right basis; and
 9. not seek to sell alcoholic beverages for either on- or off-premises consumption, excepting beer and/or wine sold on or off-site in conjunction with the operation of a Bona Fide Eating Place; and
 10. not seek to establish or expand any of the following uses: Massage Establishment, Tobacco Paraphernalia Establishment, Adult Entertainment, Medical Cannabis Dispensary, Wireless Telecommunication Facility, Outdoor Activity Area, Bar, Liquor Store, Nighttime/Other Entertainment, Drive-up Facility, Fringe Financial Service; ground floor office that is closed to the general public.
- B. **Pre-Application Assistance.**
1. In order to provide guidance to CB3P-eligible applicants, the Department shall make available staff who are familiar with the Program and the Conditional Use authorization process at the Planning Information Center during regular business hours. Staff shall assist CB3P-eligible applicants in identifying application requirements, understanding the review process, and developing suitable responses to all Conditional Use application requirements, including "general" Planning Code Section 303(c) findings [relating to overall necessity and desirability] along with "specific" findings [relating to use-specific issues] contained in Planning Code Sections 303(g) through (o) and elsewhere in the Planning Code. Staff shall not, however, write any application materials for, or on behalf of, the applicant. Planning Department Staff shall also refer applicants or prospective applicants to OSB as appropriate.
 2. OSB, along with the Office of Economic and Workforce Development ("OEWD"), shall screen and refer businesses eligible to participate in the CB3P to the Planning Department. OSB and OEWD staff shall provide additional guidance to eligible businesses on the Conditional Use process and shall assist businesses in the completion of required application materials, as appropriate.
- C. **Pre-Application Requirements.** The Pre-Application Meeting process, which otherwise would apply only to projects involving new construction or certain building expansions, must be completed by all CB3P-eligible projects prior to a CB3P application being deemed complete. The

Commission further urges applicants to the CB3P to employ additional outreach measures to nearby residents, property owners and merchants that may not have been identified through the Pre-Application Meeting process.

- D. Filing of Application and Enrollment.** Projects seeking enrollment in the CB3P shall be subject to the same application requirements of non-CB3P applications with the following exceptions:
1. A supplemental application for enrollment in the CB3P, on a designated form provided by the Department and indicating compliance with all eligibility criteria, is to be submitted; and
 2. detailed and complete responses to all required findings are to be submitted and, in the sole determination of the Department, be sufficient to justify the granting of the requested Conditional Use authorization; and
 3. any project that (a) does not involve a Formula Retail use and (b) does not propose any physical work [e.g. addition of a full liquor license to an existing restaurant] shall not be required to submit any floor plans or other architectural drawings. Rather, photographs of the interior of the tenant space and exterior of the building are to be provided.
- E. Executive Review and "Un-enrollment".** The Director of Planning, the Commission President, or the Commission Vice-President may remove (i.e. "un-enroll") any application from Program at any time during the application process based on the expectation that the proposal would be found highly objectionable or incompatible with the immediate or broader contexts, in his or her sole opinion.
- F. Handling of Enrolled Applications.** CB3P projects shall be subject to the same review and procedures of non-CB3P applications with the following exceptions:
1. Hearing Timeline. The Department shall endeavor to arrange for a Commission hearing within 90 days of submittal of a complete application. The Commission shall endeavor to accommodate CB3P projects on any agenda, regardless of other items on that agenda.
 2. Consent Calendar. CB3P applications shall be placed on the Commission's Consent Calendar.
 3. Project Summary and Motion. Unlike typical projects heard by the Commission, no Staff Report, Executive Summary, conventional draft motion or similar documents shall be prepared in connection with the hearing on the application. Rather, a combined Project Summary and Draft Motion ("PS&M") of no more than one double-sided page shall be provided stating (1) the project description, as it appeared in the required public notice along with any other essential descriptors, (2) that the application has qualified for review under the CB3P, (3) the action required of the Commission along with an acknowledgement that the case file contains adequate responses to all criteria prerequisite to that action and (4) any procedural information deemed absolutely necessary by the Zoning Administrator and/or the Office of the City Attorney. While it may contain a generalized basis for approval of no more than one paragraph, the PS&M shall not rephrase, reiterate, or replace any project information, findings, or other arguments prepared by the applicant and contained in the application. The PS&M may contain one exhibit containing any conditions of approval; no additional exhibits (e.g. floor plans, photographs, etc) are to be included, excepting only as discussed below.

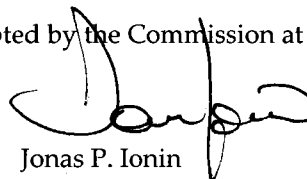
G. Comment and Objections. Treatment of comments and objections shall be as follows:

1. Public comment prior to hearing. Should the Department receive any written opposition to a CB3P project prior to circulation of the PS&M to the Commission, a copy of such opposition is to be included along with the PS&M. The receipt of any written opposition, regardless of timing, shall cause the matter to be removed from the Commission's Consent Calendar and placed amongst the first items on the Regular Calendar. No written response to objections or comments shall be prepared by the Department. Rather, Department Staff is to provide a verbal response to any opposition at the public hearing.
2. Executive comment prior to hearing. Should the Director, Commission President or Commission Vice-President un-enroll any application as discussed above in Section E, he or she shall direct Staff as to whether the application should be handled (a) as would any other non-CB3P application or (b) whether certain elements of the Program (e.g. use of the PS&M) should continue to apply.
3. Comment at the hearing. Should any Commissioner or member of the public cause the application to be removed from the Consent Calendar at the Commission hearing, the application is to be treated in the same fashion as any other item so-removed from the Consent Calendar and could be acted on during the Regular Calendar at that same hearing. Should the Commission continue the item to a later hearing date on the basis that additional information was needed, such continuance is to be (a) accompanied by a specific request from the Commission identifying the particular area of need and (b) responded to by Staff in a concise memorandum rather than a conventional case report or Draft Motion.

H. Applicability to pending applications. It is the Commission's intention to make the CB3P as inclusive as possible with respect to applications filed before the date of this Resolution. Accordingly, any such application that would qualify for review under the CB3P may be enrolled in the Program upon successful completion of the required Pre-Application Meeting, as described above in Section C. The Pre-Application Meeting requirement shall not apply in those cases where any neighborhood notification required under the Planning Code has already been issued. Similarly, any application currently enrolled in the SB4P which has not yet been heard by the Commission is to be handled as a CB3P application.

AND BE IT FURTHER RESOLVED that, while no longer a pilot program, the CB3P represents a new and innovative approach intended to improve the review process for certain application types. As such, the Commission remains amenable to changes to the Program and encourages Staff to provide updates and recommendations to the Commission as the CB3P moves forward.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 12, 2015.



Jonas P. Ionin
Commission Secretary

AYES: Antonini, Fong, Hillis, Johnson
NOES: Moore, Richards, Wu
ABSENT: None
ADOPTED: February 12, 2015