



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: February 5, 2015
TO: Members of the Planning Commission
FROM: Daniel A. Sider, AICP - Planning Department Staff
dan.sider@sfgov.org / (415) 558-6697
RE: Proposed Changes to the
Small Business Priority Processing Pilot Program ("SB4P")

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The Small Business Priority Processing Pilot Program ("SB4P" or "Program") is an exploratory Planning Commission policy that was adopted in Spring 2013. The SB4P is an exploratory policy intended to streamline the review of certain types of small business applications without adversely impacting other types of applications.

The Planning Department, in consultation with the Office of Small Business ("OSB"), has crafted a package of proposed amendments to the SB4P. These amendments will be before the Commission for consideration and possible adoption of February 12, 2015. These proposed amendments have been prepared because of (1) the SB4P's approaching 'sunset' date of April 11, 2015, (2) increased Department backlogs for project review and approval, and (3) lessons learned with businesses of all sizes – including formula retailers - since the onset of the Program.

As a Planning Commission Policy, the SB4P was originally put in place through a Commission Resolution adopted by simple majority vote. Similarly, amendments to the SB4P can be made by a majority vote of the Commission at any properly noticed public hearing. This is unlike a legislative change, which involves a lengthy process ultimately adjudicated by the Board of Supervisors and Mayor. While a Commission Policy cannot change land use controls, it can – within limits – change *how* we implement those controls. Importantly, Commission Policies allow for a high level of responsiveness and adaptability over time.

What the SB4P does. As adopted by the Planning Commission under Resolution 18842, only certain types of Conditional Use ("CU") applications are eligible to participate in the SB4P. Those applications benefit from the Program through being guaranteed (1) a Commission hearing within 90 days of filing and (2) placement on the Commission's Consent calendar. In order to be enrolled in the Program, applicants must conduct a Pre-Application Meeting, pursuant to the Department's standards for such meetings, despite such projects typically not otherwise requiring a Pre-Application Meeting.

What the SB4P does not do. Like any other CU application, SB4P applications are subject to (1) the same level of neighborhood notice, (2) the same Planning Code requirement that the proposal be found "necessary or desirable," and (3) the same Commission Rule that automatically causes the matter to be shifted from the Consent Calendar to the Regular Calendar *whenever* so requested by a Planning Commissioner or member of the public. Accordingly, SB4P CU applications are identical to conventional CU applications except for timing, calendaring, and – as discussed below – paperwork.

How the SB4P works. Unlike conventional priority processing programs, the SB4P does not employ a "zero-sum" model. Rather than using the Department's finite resources to expedite review of SB4P projects - thus delaying review of non-SB4P projects - the Program instead reduces the amount of staff time involved in preparing SB4P applications for Commission hearing. This is accomplished by substituting (a) the typical 20-plus page Executive Summary and Draft Motion that Department Staff prepare for every CU application with (b) a two-page Project Summary and Motion ("PS&M"). In doing so, Department Staff are able to expedite SB4P projects without adversely impacting other projects.

Use of the PS&M is premised on the notion that the Department's practice of drafting exhaustive approval documents for smaller, conventional applications is not useful or additive. To wit, a Commission Motion from 2013 approving a 900 square foot expansion to an existing restaurant was 17 pages long, while the 1997 Motion authorizing construction of the 42,000-seat AT&T Park was just 10 pages long. Over time, the scope and length of the Department's approval documents have grown and, in retrospect, no implicit value can be found in the length of those documents.

Proposed changes to the SB4P. Two general categories of amendments are proposed: those to the Program's eligibility criteria and those to the Program's procedures. With respect to the former, the criteria that limit acceptance into the SB4P are relatively stringent, and enrollment in the Program consequently suffers. These criteria would be modified in order to extend the benefit of the SB4P to additional application types. These changes are summarized in Exhibit A. With respect to the latter, and based on our experience with the Program thus far, a number of clarifications and modest expansions of the process for reviewing SB4P projects are proposed. These changes are summarized in Exhibit B. Because of the increase in scope of the SB4P, as well as the evolution of the program itself, it is proposed to be retitled the Community Business Priority Processing Program ("CB3P").

Expanded scope and additional scrutiny. The proposed changes would increase enrollment in the Program. Had the CB3P been in place during calendar year 2014, roughly 40 of the 350 items heard by the Commission would have been eligible to enroll. In contrast, only 10 applications have enrolled in the SB4P to-date. Owing to this increase in volume and application types, and acknowledging the imperfect nature of any set of eligibility criteria, the CB3P explicitly empowers the Director of Planning, the Commission President and the Commission Vice President to disqualify any application from the Program at any time should he or she anticipate that the proposal would be highly objectionable or incompatible with the immediate or broader contexts.

Small Business Commission review. The Small Business Commission ("SBC") reviewed the proposed changes on January 26, 2015 and unanimously recommended that the Planning Commission adopt them, along with two recommendations, as follows: (1) The SBC suggested that applications submitted before the effective date of the CB3P be afforded an opportunity to enroll in the Program. Based on this recommendation, the CB3P includes a provision to enroll any such application upon the applicant's completion of the required Pre-Application Meeting, and (2) The SBC suggested that restaurants with full liquor licenses only be allowed to enroll in the CB3P when the "restaurant does not have a designated physical bar area," owing to the "greater potential for creating an intensification of use." The Department shares the SBC's concern; a number of restaurants have indeed transitioned into de-facto bars despite this transition comprising a violation of both local and State permits. However, because the issue is one of operational compliance rather than physical design, the Department recommends that this be addressed through post-approval monitoring and enforcement rather than through the CB3P.

Recommended Planning Commission action. The Department urges the Commission to adopt the CB3P as set forth in the attached Draft Resolution in order to modernize and expand the successful, if limited, SB4P. The Program would relieve straightforward applications from burdensome delays and would employ a more efficient and appropriate level of review for such projects. Additionally, by reducing the staff time required to prepare these applications for hearing, the CB3P would preclude adverse effects on conventional applications.

Exhibits

- A - Proposed eligibility criteria for the CB3P compared to those for the SB4P
- B - Proposed policies and procedures for the CB3P compared to those for the SB4P
- C - SBC letter of support for the CB3P
- D - Draft Commission Resolution adopting the CB3P
- E - Sample PS&M (Commission Motion Number 19253)
- F - April 2013 Planning Department memo discussing the adoption of the SB4P
- G - April 2013 Commission Resolution Number 18842 adopting the SB4P

Exhibit A - Proposed Eligibility Criteria for the CB3P compared to those for the SB4P

	Current Eligibility Criteria <i>Small Business Priority Processing Pilot Program</i> <i>(aka "SB4P")</i>	Proposed Eligibility Criteria <i>Community Business Priority Processing Program</i> <i>(aka "CB3P")</i>	Basis for Change
1.	CUs for Formula Retail are <u>not eligible</u> .	CUs for FR would be <u>eligible</u> if the application was for a: (1) new FR store for chain with fewer than 20 establishments, or (2) change from one FR use to another ¹ , or (3) new FR store not located on the ground floor that is a personal service, a financial service, or a limited financial service.	<i>This change stems from recent citywide Formula Retail discussions.</i>
2.	CUs for large non-residential use size are <u>not eligible</u> .	These CUs would be <u>eligible</u> .	<i>These policy concerns are already addressed through the existing criterion on storefront consolidation.</i>
3.	CUs involving properties containing non-residential off-street parking are <u>not eligible</u> .	CUs for properties that contain non-residential pre-existing off-street parking would be <u>eligible</u> . However, CUs sought in order to establish or expand off-street parking would be <u>not eligible</u> .	<i>This change would re-focus on the City's policy priorities and be less punitive to properties with existing, legal parking.</i>
4.	CUs for Restaurants that serve liquor are <u>not eligible</u> ; CUs for Restaurants that serve only beer/wine are <u>eligible</u> .	All restaurant CUs (both Limited Restaurants and Restaurants) would be <u>eligible</u> .	<i>Significant interest in the SB4P was expressed by restaurateurs who wanted to serve liquor. Additional impacts from liquor service are thought to be relatively minor. Bar uses would continue to be excluded from the CB3P.</i>
5.	CUs for properties that are not within both an NC District and an Invest in Neighborhoods Corridor are <u>not eligible</u> .	All properties, regardless of zoning or IIN status, would be <u>eligible</u> .	<i>There appears to be no basis to limit this policy based on geography or zoning district boundaries.</i>
6.	Only CUs for "non-residential uses open to the general public" are eligible.	This would be clarified to make any non-residential use (aside from the exclusions identified below) <u>eligible</u> .	<i>The phrase "open to the general public" is vague. This change would clarify that a reasonable breadth of uses (e.g. a membership-only health club) can participate.</i>
7.	CUs involving any of the following uses are <u>not eligible</u> : <ul style="list-style-type: none"> ▪ Massage Establishments ▪ Tobacco Paraphernalia Establishments ▪ Adult Entertainment Establishments ▪ Wireless Facilities ▪ Outdoor Activity Areas ▪ Bars ▪ Liquor Stores ▪ MCDs 	Additionally, the following uses would be made <u>not eligible</u> : <ul style="list-style-type: none"> ▪ Entertainment uses ▪ Drive-up Facilities ▪ Fringe Financial Services ▪ Offices closed to the public located on the ground story 	<i>These uses have potential negative externalities or negative policy implications.</i>
8.	Only Conditional Use applications are <u>eligible</u> .	No change.	<i>n/a</i>
9.	CUs involving the consolidation of multiple storefronts are <u>not eligible</u> .	No change.	<i>n/a</i>
10.	CUs involving the loss of any dwelling unit(s) are <u>not eligible</u> .	No change.	<i>n/a</i>
11.	CUs involving establishments with hours of operation beyond those permitted on an as-of-right basis are <u>not eligible</u> .	No change.	<i>n/a</i>
12.	CUs involving work beyond TI, storefront improvements, or similar (e.g. building expansions or new construction) are <u>not eligible</u> .	No change.	<i>n/a</i>

¹ A CU is required for a change from one FR to another only when (1) the original FR predated the CU requirement, (2) the new FR would add a commercial kitchen or additional floor area or (3) the new FR has a greater number of locations compared to the old FR.

Exhibit B – Proposed policies and procedures for the CB3P compared to those for the SB4P

	Current Policy <i>Small Business Priority Processing Pilot Program</i> <i>(aka "SB4P")</i>	Proposed Policy <i>Community Business Priority Processing Program</i> <i>(aka "CB3P")</i>	Basis for Change
1.	24-month sunset date.	The sunset date would be removed.	<i>After 21 months, the pilot program is concluding. Nonetheless, as with any Commission Policy, the CB3P could be amended or rescinded by the Commission at any duly noticed hearing.</i>
2.	Pre-application assistance to candidates provided by PIC Staff during designated days and hours.	PIC Staff to provide pre-application assistance to CB3P candidates during all business hours.	<i>The Department would train all PIC staff such that proscribed hours of assistance are no longer required.</i>
3.	The Director is provided the latitude to disqualify any application based on "the expectation that the proposal would be found highly objectionable or incompatible with the immediate or broader contexts, in his sole opinion."	This would be expanded to also include the President and Vice-President of the Planning Commission.	<i>Input from Commission Officers is thought to be especially appropriate in light of the proposed expansion of the Program and inclusion of additional uses not previously eligible.</i>
4.	The Director has the ability to expand the Program to other NC Districts that aren't within Invest in Neighborhoods Corridors.	Removed from policy.	<i>This ability is no longer relevant as the geographic limitations of the SB4P would be removed.</i>
5.	Applicants are required to submit plans for all CU applications, even those involving no construction (e.g. adding liquor service to a restaurant).	Projects that (a) do not propose any physical work and (b) do not involve a Formula Retail use would no longer be required to submit plans. Instead, they would submit photographs of the interior and exterior of the use and building.	<i>Preparation of plans is time consuming and expensive, particularly for small businesses. When no construction activities are proposed, there is typically no value in reviewing 'as-built' drawings.</i>
6.	Specificity is absent regarding provision of plans along with the PS&M.	It would be clarified that no plans are to be provided to the Commission along with the PS&M.	<i>This would formalize current practice.</i>
7.	Specificity is absent regarding procedures in those cases when an item is removed from the consent calendar.	It would be clarified that a CB3P item removed from the Consent Calendar would be treated in the same fashion as any other Consent Calendar item removed from the Consent calendar and could be acted on at that same hearing. Additionally, should the Commission continue the item to a later hearing date on the basis that additional information was needed, such request would be (a) specific and targeted to the particular issue of Commission interest and (b) responded to in a concise memorandum rather than a conventional case report or Draft Motion.	<i>This would formalize current practice.</i>
8.	OEWD and OSB to screen and refer possible candidate businesses to the Planning Department.	No change.	<i>n/a</i>
9.	Pre-application meetings required for all projects prior to acceptance into the Program.	No change.	<i>n/a</i>
10.	90-day hearing timetable, automatic Consent Calendar, and PS&M for all enrolled projects.	No change.	<i>n/a</i>

Exhibit C

Letter from the Small Business Commission

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SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

February 2, 2015

Rodney Fong
President of the Planning Commission
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Establishing Community Business Priority Process Program (CB3P)

Small Business Commission Recommendation: **Approval with modifications**

Dear President Fong:

On January 26, 2015, the Small Business Commission (SBC) voted unanimously to recommend to the Planning Commission the adoption of the proposed Community Business Priority Process Program (CB3P) with two modifications.

On May 14, 2014, the Small Business Commission submitted a letter to the Planning Commission in response to the Planning Department report "*San Francisco Formula Retail Economic Analysis*". The Community Business Priority Process Program (CB3P) achieves the recommendations stated in the letter:

"Formula retail applicants should be afforded the opportunity to request review under a process similar to that of the Planning Commission's Small Business Priority Processing Pilot Program ("SB4P"). Reviewing FR applications under such a process would expedite reviews for those uses a neighborhood deems desirable, while reserving the greatest scrutiny for controversial applications. Under an SB4P-type process, applicants that have satisfied neighborhood concerns would reduce by months their entitlement review timeline, while neighborhoods would reserve the opportunity to oppose an FR application and request a full review by the Planning Commission. To safeguard against frivolous requests for full review, the Planning Commission should consider establishing a minimum threshold for the number of appellants, possibly related to a proportion of population or to the number of parcels within a certain distance. The process should remain accessible for the community, but not prone to abuse.

Should it prove undesirable or infeasible to allow all FR applications to proceed under an expedited process, then the procedure should at a minimum apply to the subset of applications for like-to-like FR uses triggered by a change in business name or ownership that currently must undergo the full CU process."

The (CB3P) establishes one procedure while accomplishing four important goals, 1) expands the SB4P program Citywide, 2) establishes a streamlined procedure for small formula retailers with fewer than 20 locations worldwide, 3) establishes the procedures for *SEC. 303.1 FORMULA RETAIL USES (j)* of the Planning Code, and 4) retains the integrity and intent of the conditional use process for formula retailers.



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

The two modifications the Small Business Commission would like the Planning Commission to consider are:

- 1) Allow restaurants with a full liquor license as long as the restaurant does not have a designated physical bar area in the restaurant. Restaurants with physical bars have a greater potential for creating an intensification of use.
- 2) Upon adoption, allow small businesses with submitted CU applications that did not qualify for the SB4P due to being outside the boundaries of the Invest In Neighborhood areas, to transfer to the CB3P program and to allow them a means to meet the pre-application meeting requirements.

The Small Business Commission highly commends the work of Planning Department staff, Dan Sider for this well thought out streamlined review procedure for certain types of CU applications. The Small Business Commission appreciates the opportunity to work once again with Planning Commission to simplify these types of business applications procedures.

Sincerely,

A handwritten signature in black ink that reads 'Regina Dick-Endrizzi'.

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Nicole Elliot, Mayor's Office
John Rahaim, Director, Planning Department
Todd Rufo, Director, Office of Economic and Workforce Development
Dan Sider, Planning Department

Exhibit D

Draft Planning Commission Resolution Adopting the CB3P

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SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution

HEARING DATE: FEBRUARY 12, 2015

Date: February 5, 2015
Record Number: 2015-000909CRV
Project Name: Community Business Priority Processing Program ("CB3P")
Staff Contacts: Daniel A. Sider, AICP, Planning Department Staff – (415) 558-6697
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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 (a) has fewer than 20 other establishments, or (b) would replace another Formula Retail use, or (c) is a Personal Service, Financial Service, or Limited Financial Service that is not located on the ground floor; 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 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:

NOES:

ABSENT:

ADOPTED: February 12, 2015

Exhibit E

Sample Project Summary and Motion

(Commission Motion Number 19253)

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SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Project Summary and Motion No. 19253

SMALL BUSINESS PRIORITY PROCESSING PILOT PROGRAM

HEARING DATE: OCTOBER 9, 2014

Date Prepared: October 2, 2014
Case No.: **2014.1111C**
Project Address: **2240 TARAVAL STREET**
Zoning: Taraval Street NCD (Neighborhood Commercial District)
Taraval Street Restaurant Subdistrict
50-X Height and Bulk District
Block/Lot: 2361/018
Project Sponsor: Anne-Marie Burns, Copper Kettle
2711 37th Avenue
San Francisco, CA 94116
Staff Contact: Marcelle Boudreaux – (415) 575-9140
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PROJECT DESCRIPTION

The project seeks to change use of an existing Limited Restaurant (d.b.a. Copper Kettle) into a Restaurant under the same name in order to obtain an ABC Type 41 on-sale (beer and wine) license. No work is proposed at the approximately 2,277 square foot facility. The restaurant will be required to function as a bona fide eating place pursuant to Planning Code Section 790.142. The project has qualified for review under the Planning Commission's Small Business Priority Processing Pilot Program ("SB4P"). Located on the north side of Taraval Street between 33rd and 32nd Avenues, the project site falls within the Taraval Street Restaurant Subdistrict ("SUD"). Commercial uses in the surrounding blocks include professional services, personal services, full and limited restaurants, a liquor store, and retail sales and services.

REQUIRED COMMISSION ACTION

In the Taraval Street Restaurant Subdistrict, Restaurants are required to obtain Conditional Use Authorization. In addition, action is being sought on Motion No. 10529, approved December 19, 1985, which established the original Limited Restaurant use; condition No. 6 of this motion, with restrictions on ownership, shall be removed upon commission authorization.

DECISION

Based upon information set forth in application materials submitted by the project sponsor and available in the case file (which is incorporated herein by reference as though fully set forth) and based upon the SB4P Checklist and findings below, the Commission hereby **APPROVES Conditional Use Application No. 2014.1111C** and in general conformance with plans on file, and stamped "EXHIBIT B."

SB4P CHECKLIST

	Required Criteria			Comments (if any)
	Complete & adequate	Incomplete and / or inadequate	Not required and / or not applicable	
Project Sponsor's application	X			
SB4P eligibility checklist	X			
Planning Code §101.1 findings	X			
Planning Code §303(c) findings	X			
Planning Code §303(p) findings for Eating and Drinking Uses	X			The existing concentration of eating and drinking establishments is 14%, and includes the existing business; the change of use will not intensify the concentration. The total concentration of eating/drinking establishments in the Taraval Street Restaurant Subdistrict is approximately 17%.
Photographs of the site and/or context	X			
Scaled and/or dimensioned plans	X			

Additional Information	
Notification Period	Mailed notice 9/18/14 (21 days); Posted notice 9/18/14 (21 days)
Number and nature of public comments received	
Number of days between filing and hearing	81 days

Generalized Basis for Approval (max. one paragraph)

Pursuant to Section 303, 741.44 and 781.1, the project must obtain conditional use authorization in order to proceed. The sponsor proposes to change use from an existing Limited Restaurant to a Restaurant (d.b.a. Copper Kettle), and operate as a bona fide eating place, in a 2,277 square foot facility. Additionally, condition No. 6 from Motion No. 10529, with restrictions on ownership, shall be removed. The proposed project meets eligibility requirements of SB4P, meets all applicable requirements of the Planning Code and is consistent with the General Plan. The proposal is compatible with the neighborhood and necessary and desirable.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on October 9, 2014.

AYES: Commissioners Antonini, Johnson, Moore, Richards, Fong, and Wu

NAYES: None

ABSENT: Commissioner Hillis

Jonas P. Ionin
Planning Commission Secretary

ADOPTED: October 9, 2014

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors.

Exhibit F

April 2013 Planning Department memo discussing the adoption of the SB4P

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SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: April 4, 2013
TO: Honorable Members of the Planning Commission
FROM: John Rahaim - Director of Planning
STAFF CONTACT: Daniel A. Sider - Planning Department Staff
RE: Proposed Commission Policy
Small Business Priority Processing Pilot Program

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On April 11, 2013, the Planning Commission will conduct a public hearing on a proposed Small Business Priority Processing Pilot Program ("SB4P" or "Policy") that would streamline the Conditional Use process for certain small businesses applications.

Approximately 95 percent of San Francisco's registered businesses have fewer than 100 employees and are considered small businesses by the Office of Small Business ("OSB"). Small businesses account for half of the City's employment and tens of millions of dollars in sales tax revenue. Moreover, small businesses are critical ingredients in our unique civic character; they help create the neighborhood commercial districts that make San Francisco vibrant and distinctive.

Strategic informal discussions. Beginning in late 2011, individual members of the Planning Commission ("Commission") and Small Business Commission ("SBC") along with Staff from the Planning Department ("Department") and OSB have been informally working together to develop strategies to assist small businesses, especially with regard to the city planning review process. The following Commissioners were participants:

- *Planning Commission President Rodney Fong* is a fourth-generation San Franciscan who has served on the Commission since 2010. President Fong is the owner of the Wax Museum at Fisherman's Wharf, a well-known San Francisco small business which is celebrating its 50th year this year.
- *Former Planning Commissioner Ron Miguel* is a long-time San Francisco small businessman and ongoing contributor to civic affairs in the City. When Past-President Miguel stepped down from the Commission last year, Planning Commission Vice-President Cindy Wu assumed his role.
- *Planning Commission Vice-President Cindy Wu* is the Community Planning Manager at the Chinatown Community Development Center. Vice President Wu holds a Masters degree in Urban Planning from MIT and has worked closely with the community in Chinatown and elsewhere as part of the Central Subway, Broadway Street Design and other planning efforts.
- *Planning Commissioner Kathrin Moore* has served on the Commission since 2007 and is a registered architect and certified planner. Over the course of nearly 40 years as a design professional, Commissioner Moore has been a professor, author and critic, and has held numerous positions on industry and civic boards.

- *Small Business Commission President Stephen Adams* is the Senior Vice President for Sterling Bank and Trust, a Bay Area-focused bank dedicated to supporting small businesses. President Adams has held various leadership roles in a number of local civic and business groups, including serving as the President of the Merchants of Upper Market and Castro (“MUMC”).
- *Small Business Commissioner Kathleen Dooley* is a 25-year resident of Telegraph Hill and a longtime North Beach small business owner. Commissioner Dooley has been an active neighborhood organizer for years, serving in leadership roles for the Telegraph Hill Dwellers and as the co-founder and current president of the North Beach Business Association.
- *Small Business Commissioner Luke O’Brien* has managed and grown companies in various sectors of the economy including electronic engineering, telecommunications and real estate. Commissioner O’Brien is a real estate expert involved in construction and civic affairs in San Francisco and beyond.

Impacts of land use regulation. Over the years, the breadth and complexity of the City’s land use regulatory scheme has grown dramatically. For example, since 1987, when the Neighborhood Commercial (“NC”) zoning controls were adopted, more than 80 amendments have been made. While these changes support many of the City’s core goals, including preserving unique neighborhood character and bolstering small businesses, the expanded scope and scrutiny has had the unintended consequence of creating an environment in which small businesses frequently struggle to secure required permits, let alone become profitable.

For most small businesses, Conditional Use (“CU”) authorizations are the most common approval type that requires a Commission hearing. The Department has a goal of holding a hearing on every CU application within 120 days of filing. Owing to real estate industry practices, this delay typically means that a small business must execute a lease and make lease payments for many months prior to Commission action. The typical four-month processing time, when viewed in context of market rents and typical small business space needs, can cost a small business anywhere between \$12,000 and \$34,000. This is a financial commitment that is generally not feasible for many small businesses – but one that ironically *is* feasible for most Formula Retail uses. Accordingly, reducing this length of time has been identified as the most pressing, achievable improvement to the land use review process for small businesses.

Analysis and opportunities. This delay is attributable to two primary factors: (1) backlogs at the Commission level owing to overly-full weekly agendas and (2) backlogs at the Staff level owing to demands on staff time, many of which relate to Department practice of drafting an exhaustive Executive Summary and Draft Motion for every Commission action.

With respect to the Commission backlog, the reintroduction of a Consent Calendar in 2007 has proven useful in adjudicating straightforward cases with minimum delay. On average, only a quarter of the cases placed on the Consent Calendar are moved to the regular calendar, and few Consent Calendar items - if any - have ever been disapproved. Nonetheless, and especially given the increasing overall quantity of applications, the Consent Calendar remains underutilized.

With respect to the Staff backlog, the highly detailed analysis and length of prose associated with conventional Executive Summaries and Draft Motions is not necessarily appropriate for many minor applications involving small businesses. No implicit value is conferred simply by the length of an approval

document. To wit, a Commission Motion from earlier this year approving a 900 square foot expansion to an existing Limited Restaurant was 17 pages long, while the 1997 Commission Motion authorizing construction of the 42,000-seat AT&T Park was just 10 pages long.

In addition to these mechanical impediments in the review process are the less-than-optimal communication channels between prospective small businesses and the City. Too many small businesses first learn of the need for a CU or other land use authorization far too late in their business-planning process (e.g. well after signing leases or procuring equipment and stock), when the economic impacts of City delays are significantly amplified. Moreover, once aware of such a requirement, businesses can find themselves lost in the City's byzantine planning process.

In order to provide focused and customized community development assistance, and to address issues including the aforementioned communication problem, the Mayor's Invest in Neighborhoods ("IIN") Initiative has recently begun work in select neighborhood corridors throughout the City. Administered by the Office of Economic and Workforce Development ("OEWD"), and using small business as a key catalyst, IIN is intended to strengthen and revitalize these corridors by strategically marshaling City resources and programs from across multiple departments. The IIN infrastructure thus presents a valuable opportunity to engage, encourage, and assist small businesses from the earliest possible stages.

Implementation mechanism. Enhancements to the review process for small business applications could be manifested most easily through either (1) amendments to the Planning Code or (2) a Planning Commission Policy. While an amendment to the Planning Code typically requires a minimum of six months of review and approval by the Planning Commission, Board of Supervisors and Mayor, a Planning Commission Policy can be put in place through a Commission Resolution adopted by majority vote at the Planning Commission.

The SB4P is proposed as a nimble Commission Policy adopted through Resolution (attached as Exhibit A). Should the Commission choose to adopt it, it could subsequently be amended or rescinded by the Commission at any properly noticed public hearing without the time or complexity associated with Board and Mayoral review. While this approach precludes actual changes to land use regulations themselves, the significant enhancement in *how* we implement those regulations - along with the 'adaptability' of a Commission Policy - makes this path preferable.

Provisions of the policy. The SB4P would streamline Commission review of certain types of CU applications for small businesses by guaranteeing SB4P projects (1) a Commission hearing within 90 days of filing and (2) placement on the Commission's Consent Calendar.

In furtherance of these goals, the Policy would direct Staff to prepare a two-page Project Summary and Motion ("PS&M"; sample attached as Exhibit B) in connection with each SB4P project rather than the typical 20-plus page Executive Summary and Draft Motion. The Policy also (1) directs Planning and OSB Staff to provide dedicated assistance to SB4P applicants and (2) requires sponsors of SB4P projects to conduct a Pre-Application Meeting, pursuant to established standards for such meetings.

Not all applications would be eligible to participate in the SB4P. Enrollment would be limited to CU applications that:

- are for a property within both (1) an NC District and (2) an IIN corridor (see Exhibit C); and
- are for a property that does not contain any parking spaces for non-residential use(s); and
- do not involve a Formula Retail Use; and
- do not involve the consolidation of multiple storefronts; and
- do not involve the removal of any dwelling units; and
- do not involve a Massage Establishment; and
- do not involve a Tobacco Paraphernalia Establishment; and
- do not involve an Adult Entertainment Establishment; and
- do not involve a Medical Cannabis Dispensary; and
- do not involve a Wireless Telecommunications Facility; and
- do not involve a request for hours of operation beyond those permitted as-of-right; and
- do not involve a request for a non-residential use size that is permitted as-of-right; and
- do not involve a request for an Outdoor Activity Area at the rear of the property; and
- are not related to a business that sells alcohol, excepting beer and wine at a bona fide restaurant; and
- relate primarily to work associated with businesses open to the general public; and
- would be exempt from the California Environmental Quality Act (“CEQA”); and
- would be sent to the Planning Commission with a Staff recommendation for approval.

Administrative modification and sunset. Because the SB4P is an exploratory policy and because eventual enrollment may exceed - or fall short of - expectations, the Director of Planning is empowered to make minor modifications to the Policy and implementation thereof consistent with the overall intent. Specifically, the Policy would authorize the Director, without public hearing, to (1) modify the geographic eligibility of the SB4P so long as it remains within the NC Zoning Districts and/or (2) disqualify any application from participation in the SB4P if he feels that the proposal would be highly objectionable. Additionally, the SB4P contains a sunset date of 24 months from the date of adoption that can be modified or removed by the Commission at any point before then should it choose to do so.

Recommended Commission action. The Department urges the Commission to adopt the Policy. The SB4P would not only afford many small businesses relief from burdensome and often project-prohibitive delays in the planning process, but would also introduce a more efficient and appropriate Staff-level review of such projects. By substantially reducing the staff time required to bring a project to hearing, use of the proposed PS&M will effectively expedite small business application without having adverse effects on other applications.

Exhibits

- A** - Draft Commission Resolution
- B** - Sample PS&M
- C** - Map of SB4P Applicability
- D** - Letter from the Small Business Commission Recommending Adoption

Exhibit G

April 2013 Commission Resolution Number 18842 adopting the SB4P

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SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution Number 18842

HEARING DATE: APRIL 11, 2013

Date: April 4, 2013
Staff Contacts: Daniel A. Sider, Planning Department – (415) 558-6697
dan.sider@sfgov.org
Regina Dick-Endrizzi, Office of Small Business – (415) 554-6481
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ADOPTING THE SMALL BUSINESS PRIORITY PROCESSING PILOT PROGRAM (“SB4P”) IN ORDER TO BOLSTER THE CITY’S SMALL BUSINESS COMMUNITY BY STREAMLINING THE REVIEW AND HEARING PROCESS FOR CERTAIN NEW AND/OR EXPANDING SMALL BUSINESSES.

WHEREAS, Approximately 95 percent of the City’s registered businesses are small businesses with fewer than 100 employees; and

WHEREAS, Small businesses account for half of all employment in the City; and

WHEREAS, San Francisco’s small businesses are critical ingredients in both our local economy and our unique civic character. They help create the neighborhood commercial districts that make San Francisco vibrant and distinctive. These districts, in turn, provide needed goods and services to residents and bolster our position with respect to visitor and tourist trade.

WHEREAS, In the 1987, the Neighborhood Commercial (“NC”) zoning controls were adopted in an effort to preserve and enhance the individual character and balance of uses unique to each NC District. Those controls have been built upon steadily, with more than 80 amendments to the NC controls in the last 25 years. While these changes were designed to support the original goals of the NC zoning, the steadily increasing quantity and scrutiny of regulations has had the unintended consequence of creating an environment in which small businesses frequently struggle to secure required permits, much less become profitable.

WHEREAS, Existing regulations require additional review and apply increased scrutiny to projects involving Formula Retail uses but do not affirmatively ease the regulatory burden for small businesses; and

WHEREAS, Existing back-logs for reviewing and adjudicating Conditional Use applications require that commercial leases be signed and repeated lease payments be made for many months prior to Planning

Commission (“Commission”) action, during which time the commercial tenant is not open for business and receives no income; and

WHEREAS, At the present time, commercial rents in NC Districts can range from \$3,000 per month for 2,000 square feet on Ocean Avenue (\$1.50 per square foot) to \$8,500 per month for 2,500 square feet in Hayes Valley (\$3.40 per square foot). The typical four-month processing time for a Conditional Use authorization can therefore cost a small business between \$12,000 and \$34,000. This level of financial resources is generally not possessed by most small businesses; and

WHEREAS, The Invest in Neighborhoods Initiative, which is administered by the Office of Economic and Workforce Development (“OEWD”), provides focused, customized assistance that meets the specific needs of our NC corridors. The Invest in Neighborhoods Initiative strategically marshals City resources and programs from across multiple departments, with the intent to strengthen and revitalize commercial corridors around the City; and

WHEREAS, The 25 Invest in Neighborhoods Corridors currently generate \$14.5 million annually in sales tax revenue; and

WHEREAS, The Planning Department (“Department”) prepares exhaustive staff reports for all Conditional Use applications, performing a detailed level of review not necessary for many projects involving small businesses. Moreover, these staff reports require substantial staff resources and create extended delays and associated hardship for small business applicants; and

WHEREAS, Efficient review of development applications leads to faster job creation and generation of tax revenues; and

WHEREAS, More than half of the requests for Commission authorization heard in 2011 were placed on the Commission’s Consent Calendar. Only one-quarter of those were removed from the calendar and discussed on the Regular Calendar. None were ultimately disapproved; and

WHEREAS, Individual members of the Planning Commission and Small Business Commission (“SBC”) along with Planning Department Staff and Staff from the Office of Small Businesses (“OSB”) have been working together for the past year to develop strategies to assist small businesses, especially with regard to the Planning Department’s review process.

NOW THEREFORE BE IT RESOLVED that the Commission hereby adopts an exploratory program known as the Small Business Priority Processing Pilot Program (“SB4P” or “Program”). The intent of the SB4P is to bolster the City’s small business community by streamlining Commission review of certain projects that involve new and/or expanding small businesses.

AND BE IT FURTHER RESOLVED that the SB4P shall only remain in effect for twenty-four months following the date of this Resolution, or until such time as the Commission acts to repeal or extend the SB4P, should it choose to do so within that twenty-four month period.

AND BE IT FURTHER RESOLVED that the SB4P shall be administered by the Department as set forth below:

- A. **Eligibility.** Only applications meeting all of the following criteria shall be eligible to apply:
1. The application is for Conditional Use Authorization under Section 303 of the Planning Code; and
 2. the application does not involve a Formula Retail use, as defined in Planning Code Section 303(i); and
 3. the application does not seek to establish or expand a non-residential use size in excess of that which is allowed on an as-of-right basis in the subject zoning district; and
 4. the application does not involve the consolidation of multiple tenant spaces (e.g. storefronts) into a single tenant space; and
 5. the application does not seek to establish or expand an Outdoor Activity Area, as defined in Planning Code Section 790.70, other than one located at the front of a building at the ground level; and
 6. the property which is the subject of the application does not contain any off-street parking spaces for non-residential use; and
 7. the application does not seek to establish or expand a Massage Establishment, Tobacco Paraphernalia Establishment, Adult Entertainment establishment or Medical Cannabis Dispensary, as defined in Planning Code Sections 790.60, 790.123, 790.36 and 790.141, respectively; and
 8. the application does not involve the removal of any dwelling units; and
 9. the application does not involve a request for hours of operation beyond those permitted on an as-of-right basis in the subject zoning district; and
 10. the business with which the application is associated does not, nor does it presently 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 restaurant, as defined in Planning Code Section 790.142; and
 11. the property which is the subject of the application is located within both (1) a Neighborhood Commercial Zoning District and (2) a designated “Invest In Neighborhoods” corridor as shown in Exhibit A and as periodically amended by OEWD; and
 12. the application does not involve a Wireless Telecommunications Facility (“WTS”); and
 13. the application pertains exclusively, or in majority part, to changes of use, tenant improvements and/or similar work related to a non-residential use that is open to the general public; and
 14. the scope of the application is such that it would be considered categorically exempt from environmental review under the California Environmental Quality Act (“CEQA”).
- B. **Pre-Application Assistance.**
1. In order to provide guidance to SB4P-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 for at least 4 hours each business day. This staff shall assist SB4P-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 (p) 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 Invest In Neighborhoods and “Job Squad” Divisions of OEWD shall screen and refer businesses eligible to participate in the SB4P 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 SB4P-eligible projects prior to lodging a complete application. The Commission further urges applicants to the SB4P 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. **Enrollment.** The Planning Department shall enroll applications in the SB4P only after determining that all of the following criteria have been met:
1. An application for enrollment in the SB4P, on a designated form provided by the Department and indicating compliance with eligibility criteria, has been submitted; and
 2. an application for Conditional Use authorization, including complete and adequate responses to all required findings - in the sole determination of the Department - has been submitted; and
 3. the nature of the Conditional Use application is such that it would be submitted for Commission consideration with a Department recommendation for approval; and
 4. the applicant has paid all required application fees in full.
- E. **Priority Handling of Enrolled Applications.** Enrolled applications shall be processed by the Planning Department exactly as would other similar non-SB4P applications with the following specific 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 SB4P projects on any agenda, regardless of other items on that agenda.
 2. *Consent Calendar.* The application shall be placed on the Commission’s consent calendar unless any opposition is received by mail, fax, or electronic mail more than seven days before the public hearing. Such opposition shall be attached by staff to the “Commission Packet” in connection with the item, however no written response shall be prepared. Rather, Department Staff should provide a verbal response to any opposition at the public hearing.
 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 of approval (“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 SB4P, (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. .

AND BE IT FURTHER RESOLVED that the SB4P is a new and exploratory program. Accordingly, the possibility exists that applications enrolled in the Program could present unanticipated situations suggestive of conventional processing. Additionally, and in light of the relatively unknown demand for Program participation, there is a need to ensure that the number of enrolled applications is sufficient but not excessive. Accordingly, and without Commission action, the Director of Planning may:

1. modify the geographic eligibility criteria of the SB4P as set forth in Section A(10), above, so long as the Program does not expand to include any zoning district other than a Neighborhood Commercial Zoning District; and/or
2. disqualify any application from enrollment in the Program based on the expectation that the proposal would be found highly objectionable or incompatible with the immediate or broader contexts, in his sole opinion.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on April 11, 2013.

Jonas P. Ionin

Acting Commission Secretary

AYES: Fong, Antonini, Borden, Hillis, Moore, Sugaya, Wu

NOES: None

ABSENT: None

ADOPTED: April 11, 2013

EXHIBIT A
Invest in Neighborhoods Commercial District Boundaries as of October 18, 2012

Neighborhood	Corridor	Boundaries	District
Richmond	Geary Blvd.	Geary Blvd. from 14 th Ave. to 28 th Ave.	1
Marina	Union St.	Union St. from Steiner to Van Ness	2
Pacific Heights	Lombard St.	Lombard St. from Lyon St. to Van Ness	2
Chinatown	Chinatown	Broadway from Powell to Columbus, Grant from Broadway to Bush, all the streets between Stockton and Kearny and between Broadway and Pine (but not east of Columbus)	3
North Beach	North Beach	Columbus St. from Broadway to Greenwich, Grant from Columbus to Greenwich, Greenwich from Grant to Columbus, and the streets in between	3
Polk	Middle Polk	Polk from California to Broadway	3
Sunset	Noriega	Noriega from 19 th Ave. to 33 rd Ave., 45 th to 47 th Ave.	4
Sunset	Outer Irving	Irving from 19 th Ave. to 27 th Ave.	4
Sunset	Parkside Taraval	Taraval from 19 th Ave. to 48 th Ave.	4
Western Addition	Japantown	Post St. from Fillmore to Laguna, Buchanan St. from Post to Sutter (including parcels facing Sutter)	5
Western Addition	Fillmore St. (Lower)	Fillmore St. from Bush to McAllister	5
Central Market	Central Market	Market St. from 5 th St. to Van Ness	6
Tenderloin – Little Saigon	Larkin St.	Larkin St. from McAllister to Geary	6
Polk	Lower Polk	Polk from California to Golden Gate	6
OMI	Ocean Ave.	Ocean Ave. from Phelan to Manor	7
West Portal	West Portal	West Portal from 15 th Ave. to Ulloa/Claremont Streets	7
Noe Valley	24 th St.	24 th St. from Douglass to Dolores, Castro St. from 24 th to 25 th	8
Upper Market/Castro	Upper Market/Castro	CBD Boundaries, including Market St. from Octavia to Castro St., Castro from Market to 19 th St., 18 th St. from Hartford to Diamond	8
Mission	Lower 24 th St.	24 th St. from Mission to Potrero Ave.	9
Portola	San Bruno Ave.	San Bruno Ave. from Silver to Mansell	9
Outer Mission/College Hill	Mission St.	Mission St. from Cesar Chavez to Bosworth	9
Bayview	3 rd St.	3 rd St. from Evans to Williams	10
Visitacion Valley	Leland Ave.	Leland Ave. from Cora to Bayshore, Bayshore from Arleta to Sunnydale	10
Excelsior	Mission St.	Mission St. from Silver to Geneva	11
OMI	Broad St.	19 th Ave. from Chester to Randolph, Randolph from 19 th to Orizaba, Orizaba from Randolph to Broad, and Broad from Orizaba to Plymouth	11