

1 [Planning Code - Parcel Delivery Service]

2

3 **Ordinance amending the Planning Code to require Conditional Use authorizations for**
4 **establishing Parcel Delivery Service uses, prohibit Non-Cannabis Parcel Delivery**
5 **Service as an accessory use, and revise zoning control tables to reflect these changes;**
6 **affirming the Planning Department’s determination under the California Environmental**
7 **Quality Act; and making public necessity, convenience, and welfare findings under**
8 **Planning Code, Section 302, and findings of consistency with the General Plan and the**
9 **eight priority policies of Planning Code, Section 101.1.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

14

15 Be it ordained by the People of the City and County of San Francisco:

16

17 Section 1. Findings.

18 (a) The Planning Department has determined that the actions contemplated in this
19 ordinance comply with the California Environmental Quality Act (California Public Resources
20 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
21 Supervisors in File No. 240169 and is incorporated herein by reference. The Board affirms
22 this determination.

23 (b) On February 8, 2024, the Planning Commission, in Resolution No. 21509, adopted
24 findings that the actions contemplated in this ordinance are consistent, on balance, with the
25 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
2 Board of Supervisors in File No. 240169, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
4 amendments will serve the public necessity, convenience, and welfare for the reasons set
5 forth in Planning Commission Resolution No. 21509, and the Board adopts such reasons as
6 its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
7 No. 240169 and is incorporated herein by reference.

8
9 Section 2. The Planning Code is hereby amended by revising Sections 102, 204.3,
10 210.1, 210.2, 210.3, 210.4, 303, 703, 712, 803.2, 830, 831, 832, 833, 836, 838, 839, and 840,
11 to read as follows:

12
13 **SEC. 102. DEFINITIONS.**

14 * * * *

15 **Service, Parcel Delivery.** A Non-Retail Automotive Use limited to facilities for the
16 unloading, sorting, and reloading of local retail merchandise for deliveries, including but not
17 limited to cannabis and cannabis products, where the operation is conducted entirely within a
18 completely enclosed building, including garage facilities for local delivery trucks, but excluding
19 repair shop facilities. Within Where permitted in PDR Districts, this use is not required to be
20 operated within a completely enclosed building. Parcel Delivery Service for merchandise or
21 products other than cannabis and cannabis products use requires a Conditional Use
22 authorization pursuant to Section 303(cc) and is not allowed as an accessory use to any other
23 principal use.

24 * * * *

1 **SEC. 204.3. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN C, RC,**
 2 **M, AND PDR DISTRICTS.**

3 * * * *

4 (e) **Accessory Storage in C Districts.** Accessory storage on the second floor and
 5 above is permitted for stock and trade relating to retail uses with street level storefronts in the
 6 same building. There shall be no limitation on the square footage of accessory storage as
 7 long as the storage supports a ground floor use in the same building.

8 (f) **Prohibition of Non-Cannabis Parcel Delivery Service as Accessory Use.**
 9 Parcel Delivery Service, as defined in Section 102 of the Planning Code, for merchandise or
 10 products other than cannabis and cannabis products is not allowed as an accessory use to
 11 any other principal use.

12
 13 **SEC. 210.1. C-2 DISTRICTS: COMMUNITY BUSINESS.**

14 * * * *

15 **Table 210.1**

16 **ZONING CONTROL TABLE FOR C-2 DISTRICTS**

Zoning Category	§ References	C-2
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Automotive Use Category		
* * * *		
Service, Parcel Delivery	§§ 102, 303(cc)	C
* * * *		

* * * *

SEC. 210.2. C-3 DISTRICTS: DOWNTOWN COMMERCIAL.

* * * *

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

Zoning Category	§ References	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S
* * * *						
NON-RESIDENTIAL STANDARDS AND USES						
* * * *						
Automotive Use Category						
* * * *						
Service, Parcel Delivery	§§ 102, 303(cc)	C	C	C	C	<u>CP</u>

* * * *

SEC. 210.3. PDR DISTRICTS.

* * * *

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
* * * *					
NON-RESIDENTIAL STANDARDS AND USES					

* * * *					
Automotive Use Category					
* * * *					
Service, Motor Vehicle Tow	§ 102	P	P	P	P
<u>Service, Parcel Delivery</u>	<u>§§ 102, 303(cc)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
* * * *					

* * * *

SEC. 210.4. M DISTRICTS: INDUSTRIAL.

* * * *

Table 210.4
ZONING CONTROL TABLE FOR M DISTRICTS

Zoning Category	§ References	M-1	M-2
* * * *			
NON-RESIDENTIAL STANDARDS AND USES			
* * * *			
Automotive Use Category			
* * * *			
Parking Lot, Public	§§ 102, 142, 156	C	C
<u>Service, Parcel Delivery</u>	<u>§§ 102, 303(cc)</u>	<u>C</u>	<u>C</u>
* * * *			

1 * * * *

2 **SEC. 303. CONDITIONAL USES.**

3 * * * *

4 (bb) **Social Service and Philanthropic Facilities in Chinatown Visitor Retail,**
5 **Chinatown Residential Neighborhood Commercial, and Chinatown Community**
6 **Business Districts.** With regard to a Conditional Use application for a Social Service or
7 Philanthropic Facility use pursuant to Section 121.4 of this Code, in addition to consideration
8 of the criteria set forth in subsection (c) above, the Planning Commission shall, in order to
9 grant a Conditional Use Authorization, find that the proposed use will primarily serve the
10 Chinatown neighborhood.

11 (cc) Parcel Delivery Services.

12 (1) Criteria. With respect to a Conditional Use application for Parcel Delivery
13 Service use as defined in Section 102 of the Planning Code that is less than 5,000 square feet
14 in size, the Planning Commission shall consider the criteria in subsections (c) and (d) above.
15 With respect to a Conditional Use application for Parcel Delivery Service use that is 5,000 square
16 feet or larger, as defined in Section 102 of the Planning Code, in addition to the criteria in
17 subsections (c) and (d) above, the Planning Commission shall consider the following:

18 (A) The extent to which the use will adversely impact traffic patterns and
19 queuing times and add total vehicle miles traveled, including by delivery drivers and couriers operating
20 to and from the site;

21 (B) The greenhouse gas emissions resulting from operating of the site, including
22 from indirect sources such as courier and delivery vehicles;

23 (C) The impact that the use will have on public transit, public safety, and
24 emergency response, with particular attention paid to the rate of workplace injury associated with the
25 use and moving violations and traffic accidents requiring public safety or emergency service response;

1 (D) An economic impact study. The Planning Department shall prepare an
2 economic impact study using City staff or shall, consistent with the Charter, select a consultant from a
3 pool of pre-qualified consultants to prepare the economic impact study required by this subsection (cc).
4 The economic impact study shall be considered by the Planning Commission in its review of the
5 application. In the event a consultant is used, the applicant shall bear the cost of paying the consultant
6 for their work preparing the economic impact study, and any necessary documents prepared as part of
7 that study. The study shall evaluate the potential economic impact of the applicant's proposed project,
8 including:

9 (i) **Employment Analysis.** The report shall include the following
10 employment information: a projection of both construction-related and permanent employment
11 generated by the proposed project, and a discussion of whether the employer of the proposed project
12 will pay a living wage, inclusive of non-salary benefits expected to be provided, relative to San
13 Francisco's cost of living. The employment analysis shall also include a discussion of the past
14 employment practices of the proposed operator, if any.

15 (ii) **Fiscal Impact.** The report shall itemize public revenue created by the
16 proposed project and public services needed because of the proposed project, relative to net fiscal
17 impacts to the General Fund. The impacts to the City's public facilities and infrastructure shall be
18 estimated using the City's current assumptions in existing nexus studies (including area plan, transit,
19 open space in-lieu fee and other impact fees), and should account for any contributions the proposed
20 project would make through such impact fee payments.

21 (2) **Required Additional Conditions.** All Parcel Delivery Service facilities shall be
22 subject to at least the following conditions of project approval:

23 (A) **Electrification.** Facilities shall include necessary infrastructure and
24 electrical capacity to accommodate and charge electric vehicles—including electric heavy-duty
25 delivery trucks, employee vehicles, and all other zero-emission vehicles accessing the facility; power

1 refrigeration for refrigerated spaces; and serve any other processes that would otherwise rely upon
2 fossil fuel combustion. Facilities shall install battery storage to address power disruption. Diesel
3 back-up generators shall only be permitted if the facility demonstrates battery storage is infeasible and
4 shall meet CARB's Tier 4 emission standards or meet the most stringent in-use standard, whichever has
5 the least emissions.

6 (B) **Idling of Vehicles.** To reduce idling emissions from transport trucks, the
7 facility shall have signage placed at truck access points, loading docks, and truck parking areas that
8 clearly notes idling for more than three minutes is strictly prohibited on the subject property. The
9 facility shall fund placement of similar signs installed by the City in the adjacent streets used for
10 access. Each sign placed outside the property should note the California Air Resources Board idling
11 prohibitions on the adjacent streets and include telephone numbers of the building facilities manager
12 and the California Air Resources Board to report violations. All signage should be made of weather-
13 proof materials. All site and architectural plans submitted to the City shall note the locations of these
14 signs.

15 **SEC. 703. NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS.**

16 * * * *

17 **(d) Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1
18 (Accessory Uses for Dwellings in All Districts), 204.4 (Dwelling Units Accessory to Other
19 Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, Accessory Uses as
20 defined in Section 102 shall be permitted when located on the same lot. Notwithstanding the
21 foregoing, a Retail Workspace, as defined in Section 102, shall be permitted as an Accessory
22 Use in connection with any Eating and Drinking Use regardless of the floor area occupied by
23 such Accessory Use, so long as (1) the hours of operation for the accessory Retail
24 Workspace use are limited to 9 a.m. to 5 p.m. and (2) such Eating and Drinking Use is also
25 open for business to the general public on each day during which the accessory Retail

1 Workspace use is open. Any Use that does not qualify as an Accessory Use shall be
 2 classified as a Principal or Conditional Use unless it qualifies as a temporary use under
 3 Sections 205 through 205.4 of this Code. Parcel Delivery Service, as defined in Section 102
 4 of the Planning Code, for merchandise or products other than cannabis and cannabis
 5 products is not allowed as an accessory use to any other principal use.

6 * * * *

7
 8 **SEC. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL**
 9 **DISTRICT.**

10 * * * *

11 **Table 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**
 12 **ZONING CONTROL TABLE**

		NC-3		
Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Automotive Use Category				
Automotive Uses*	§§ 102, 187.1, 202.2(b), <u>303(cc)</u>	C	NP	NP
* * * *				

25 * * * *

SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.

* * * *

(d) Accessory Uses. Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in All Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an Accessory Use as defined in Section 102, shall be permitted in Chinatown Mixed Use Districts when located on the same lot. Any Use not qualified as an Accessory Use shall only be allowed as a Principal or Conditional Use, unless it qualifies as a temporary use under Sections 205 through 205.4 of this Code. Parcel Delivery Service, as defined in Section 102 of the Planning Code, for merchandise or products other than cannabis and cannabis products is not allowed as an accessory use to any other principal use.

* * * *

SEC. 830. CMUO—CENTRAL SOMA MIXED USE-OFFICE DISTRICT.

* * * *

Table 830

CMUO—CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE

Central SoMa Mixed Use-Office District Controls		
Zoning Category	§ References	Controls
NON-RESIDENTIAL STANDARDS & USES		
* * * *		
Automotive Use Category		
* * * *		
Service, Motor Vehicle Tow	§ 102	C
<i>Service, Parcel Delivery</i>	<i> §§ 102, 303(cc)</i>	<u>C</u>
* * * *		

* * * *

SEC. 831. MUG – MIXED USE-GENERAL DISTRICT.

* * * *

Table 831

MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Mixed Use-General District Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Automotive Use Category		
* * * *		
Service, Motor Vehicle Tow	§ 102	C(1)
<i>Service, Parcel Delivery</i>	<i> §§ 102, 303(cc)</i>	<u>C</u>
* * * *		

* * * *

SEC. 832. MUO – MIXED USE-OFFICE DISTRICT.

* * * *

Table 832

MUO – MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Mixed Use-Office District Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		

Automotive Use Category		
* * * *		
Public Parking Lot	§ 102	NP
<i>Service, Parcel Delivery</i>	<u>§§ 102, 303(cc)</u>	<u>C</u>
* * * *		

* * * *

SEC. 833. MUR – MIXED USE-RESIDENTIAL DISTRICT.

* * * *

Table 833

MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Mixed Use-Residential District Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Automotive Use Category		
* * * *		
Public Parking Lot	§ 102	NP
<i>Service, Parcel Delivery</i>	<u>§§ 102, 303(cc)</u>	<u>C</u>
* * * *		

* * * *

SEC. 836. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.

* * * *

Table 836

SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Service/Arts/Light Industrial District Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Automotive Use Category		
* * * *		
Public Parking Lot	§ 102	NP
<i>Service, Parcel Delivery</i>	<i> §§ 102, 303(cc)</i>	<u>C</u>
* * * *		

* * * *

SEC. 838. UMU – URBAN MIXED USE DISTRICT.

* * * *

Table 838

UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Urban Mixed Use District Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Automotive Use Category		
* * * *		
Public Parking Lot	§ 102	NP

1	<i>Service, Parcel Delivery</i>	<u>§§ 102, 303(cc)</u>	<u>C</u>
2	* * * *		

3
4 * * * *

5 **SEC. 839. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.**

6 * * * *

7 **Table 839**

8 **WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

9	Zoning Category	§ References	Western SoMa Mixed Use- General District Controls
10			
11	* * * *		
12	NON-RESIDENTIAL STANDARDS AND USES		
13	* * * *		
14	Automotive Use Category		
15	* * * *		
16	Public Parking Lot	§ 102	NP
17	<i>Service, Parcel Delivery</i>	<u>§§ 102, 303(cc)</u>	<u>C</u>
18	* * * *		

19 * * * *

20 **SEC. 840. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.**

21 * * * *

22 **Table 840**

23 **WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE**

24	Zoning Category	§ References	Western SoMa Mixed Use- Office District Controls
25			

* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *		
Automotive Use Category		
* * * *		
Public Parking Lot	§ 102	NP
<i>Service, Parcel Delivery</i>	<i> §§ 102, 303(cc)</i>	<u>C</u>
* * * *		

* * * *

Section 3. Effective Date: Retroactivity.

(a) This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

(b) It is the intent of this Board of Supervisors that the interim controls imposed by the resolution in Board of Supervisors File No. 230817, which will expire on March 8, 2024, and which will be made permanent by this ordinance, continue without interruption. Therefore, upon the effective date of this ordinance, the ordinance shall be retroactive to March 8, 2024.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the “Note” that appears under
2 the official title of the ordinance.

3

4

5 APPROVED AS TO FORM:
6 DAVID CHIU, City Attorney

7 By: /s/ Robb Kapla
8 ROBB KAPLA
Deputy City Attorney

9 n:\legana\as2023\2300343\01739763.docx

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25