

1 [Planning, Business and Tax Regulations, Police Codes - Small Business Recovery Act]

2
3 **Ordinance amending the Planning, Business and Tax Regulations, and Police Codes to**
4 **simplify procedures and allow flexibility for neighborhood, cultural, and entertainment**
5 **establishments by 1) expanding streamlined review and inspection procedures to**
6 **principally permitted storefront uses citywide; 2) deleting separate definitions of “Cat**
7 **Boarding,” “Gym,” “Trade Shop,” and “Services, Instructional” from the Planning**
8 **Code; 3) ~~allowing permitted conditional uses to continue after three years of~~**
9 **~~abandonment; 4) allowing the continuation of longstanding places of entertainment;~~**
10 **~~5) allowing Outdoor Activity Areas on rooftops; 6) 4) temporarily requiring a conditional~~**
11 **use authorization for uses replacing Nighttime Entertainment uses; 7) allowing**
12 **~~accessory catering uses in Restaurants; 8) allowing accessory dwelling units on the~~**
13 **~~ground floor in Neighborhood Commercial Districts; 9) 5) allowing temporary outdoor~~**
14 **entertainment, arts, and recreation activities; 10) ~~deleting certain conditional use~~**
15 **~~finding requirements for Nighttime Entertainment use; 11) deleting conditional use~~**
16 **~~findings related to formula retail concentrations in certain districts; 12) requiring~~**
17 **~~expedited permit processing for commercial uses on the ground floor; 13) eliminating~~**
18 **~~Historic Preservation Commission review of minor alteration permits and certificates of~~**
19 **~~appropriateness; 14) 6) eliminating the one night dance permit; 15) 7) extending time~~**
20 **for limited live performances from 10 p.m. to 11 p.m.; 16) 8) allowing additional One-**
21 **Time Entertainment Permits and One-Time Outdoor Amplified Sound Permits; 17)**
22 **9) exempting single individual performances without amplification from permit**
23 **requirements; affirming the Planning Department’s determination under the California**
24 **Environmental Quality Act; and making findings of consistency with the General Plan**
25

1 and the eight priority policies of Planning Code, Section 101.1, and findings of public
2 necessity, convenience, and welfare under Planning Code, Section 302.

3 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
4 **Additions to Codes** are in *single-underline italics Times New Roman font*.
5 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
6 **Board amendment additions** are in double-underlined Arial font.
7 **Board amendment deletions** are in ~~strikethrough Arial font~~.
8 **Asterisks (* * * *)** indicate the omission of unchanged Code
9 subsections or parts of tables.

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

10 Section 1. Environmental and Land Use Findings.

11 (a) The Planning Department has determined that the actions contemplated in this
12 ordinance comply with the California Environmental Quality Act (California Public Resources
13 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
14 Supervisors in File No. 210285 and is incorporated herein by reference. The Board affirms
15 this determination.

16 (b) On April 22, 2021, the Planning Commission, in Resolution No. 20895, adopted
17 findings that the actions contemplated in this ordinance are consistent, on balance, with the
18 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board
19 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
20 Board of Supervisors in File No. 210285, and is incorporated herein by reference.

21 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
22 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
23 Planning Commission Resolution No. 208595, and incorporates such reasons by this
24 reference thereto. A copy of said resolution is on file with the Clerk of the Board of
25 Supervisors in File No. 210285.

1
2 Section 2. This ordinance shall be known as the Small Business Recovery Act.

3
4 Section 3. Article 1 of the Business and Tax Regulations Code is hereby amended by
5 revising Section 32, to read as follows:

6 **SEC. 32. COORDINATED AND STREAMLINED CITY REVIEW OF THE**
7 **ESTABLISHMENT, MODIFICATION, AND/OR OPERATION OF A PRINCIPALLY**
8 **PERMITTED COMMERCIAL USE ~~THAT IS PRINCIPALLY PERMITTED IN A~~**
9 **~~NEIGHBORHOOD COMMERCIAL OR NEIGHBORHOOD COMMERCIAL TRANSIT~~**
10 **~~DISTRICT~~; EXPEDITED PROCESS AND WAIVER OF ADDITIONAL FEES WHERE**
11 **DEPARTMENT ERROR REQUIRES ADDITIONAL PROCESSING.**

12 (a) **General Requirement.** City departments that are responsible for reviewing permit
13 applications for the establishment, modification, and/or operation of a *principally permitted*
14 storefront commercial use *that is principally permitted in a Neighborhood Commercial District or*
15 *Neighborhood Commercial Transit District* shall develop a process for the coordinated and
16 streamlined review of those permit applications, with timely responses from applicants, and
17 any inspections required in connection with the applications, in order to (1) ensure that San
18 Francisco's commercial corridors remain thriving, (2) support existing businesses in adapting
19 their business models in a changing economic environment, (3) improve access for business
20 owners from all backgrounds to successfully open their business in San Francisco, and (4)
21 protect the City's tax base.

22 (b) **Deadline for Implementation of Coordinated and Simplified Review Process.**
23 The City departments subject to this Section 32 include, but are not limited to, the Planning
24 Department, Department of Building Inspection, Fire Department, Department of Public
25 Works, and Health Department. No later than 30 days from the effective date of this Section

1 32, the subject City departments shall implement a coordinated and simplified process for the
2 review of all applications for principally permitted storefront commercial uses ~~that are principally~~
3 ~~permitted in the district~~, and shall periodically review and update the process. ~~For permits~~
4 ~~outside of Neighborhood Commercial District or Neighborhood Commercial Transit Districts,~~
5 ~~the subject City departments shall apply the coordinated and simplified process for the review~~
6 ~~of all applications for storefront commercial uses that are principally permitted in the district no~~
7 ~~later than 90 days after the operative date of the ordinance in Board of Supervisors File No.~~
8 ~~_____~~, amending this Section 32.

9 * * * *

10
11 Section 4. The Planning Code is hereby amended by revising Sections 102, 145.4,
12 ~~155.2, 155.4, 178, 202.2, 204.3, 207, 209.3, 210.3, 210.3C, 249.1, 249.33, 249.35A, 249.84,~~
13 ~~249.87, 303, 303.1, 303.2, 309, 311, 703, 703.9, 731, 732, 733, 734, 750,~~ 801.2, 803.2,
14 803.3, 803.9, ~~843, 890.54,~~ and 890.116, and adding Sections 193, 202.11, and 205.8, to read
15 as follows:

16
17 **SEC. 102. DEFINITIONS.**

18 * * * *

19 ~~**Cat Boarding.** A Retail Sales and Service Use that provides boarding only for cats.~~

20 * * * *

21 **Entertainment, Nighttime.** A Retail Entertainment, Arts and Recreation Use that includes
22 dance halls, discotheques, nightclubs, private clubs, and other similar evening-oriented
23 entertainment activities which require dance hall keeper police permits or Place of
24 Entertainment police permits, as defined in Section 1060 of the Police Code, which are not
25 limited to non-amplified live entertainment, including Restaurants and Bars which present

1 such activities, but shall not include any Arts Activity, any theater performance space which
2 does not serve alcoholic beverages during performances, or any temporary uses permitted
3 pursuant to Sections 205 through 205.4 of this Code. This use is also subject to the controls in
4 Section 202.11.

5 * * * *

6 **Flexible Retail.** A Retail Sales and Service Use in Neighborhood Commercial Districts,
7 subject to the requirements of Sections 179.2 and 202.9, that combines a minimum of two of
8 the following distinct Uses within a space that may be operated by one or more business
9 operators:

- 10 (1) Arts Activities;
- 11 (2) Restaurant, Limited;
- 12 (3) Retail Sales and Services, General;
- 13 (4) Service, Personal; and
- 14 (5) Service, Retail Professional; ~~and;~~ and
- 15 ~~(6) Trade Shop.~~ (6) Trade Shop.

16 * * * *

17 ~~**Gym.** A Retail Sales and Service Use including a health club, fitness, gymnasium, or exercise facility~~
18 ~~when including equipment and space for weight-lifting and cardiovascular activities.~~ **Gym.** A Retail
19 Sales and Service Use including a health club, fitness, gymnasium, or exercise facility when
20 including equipment and space for weight-lifting and cardiovascular activities.

21 * * * *

22 **kennel.** A Retail Sales and Services Use where dogs, or dogs and cats, are boarded for
23 compensation, or are cared for or trained for hire, or are kept for sale or bred for sale, where
24 the care, breeding, or sale of the dogs, or dogs and cats, is the principal means of livelihood of
25 the occupants of the premises.

1 * * * *

2 **Manufacturing, Light.** An Industrial Use that provides for the fabrication or production of
3 goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the
4 premises, primarily involving the assembly, packaging, repairing, or processing of previously
5 prepared materials. Light manufacturing uses include production and custom activities usually
6 involving individual or special design, or handiwork, such as the following fabrication or
7 production activities, as may be defined by the Standard Industrial Classification Code Manual
8 as light manufacturing uses:

9 * * * *

10 It shall not include ~~Trade Shop~~, Trade Shop, Agricultural and Beverage Processing 1 or
11 2, or Heavy Manufacturing 1, 2, or 3. This use is subject to the location and operation controls
12 in Section 202.2(d).

13 * * * *

14 **Production, Distribution, and Repair (PDR) Use.** A grouping of uses that includes, but is
15 not limited, to all Industrial and Agricultural Uses, Ambulance Services, Animal Hospital,
16 Automotive Service Station, Automotive Repair, Automotive Wash, Arts Activities, Business
17 Services, ~~Cat Boarding~~, Catering, Commercial Storage, Kennel, Motor Vehicle Tow Service,
18 Livery Stable, Parcel Delivery Service, Public Utilities Yard, Storage Yard, Trade Office, ~~Trade~~
19 ~~Shop~~, Trade Shop, Wholesale Sales, and Wholesale Storage.

20 * * * *

21 **Retail Sales and Service, General.** A Retail Sales and Service Use that provides goods
22 and/or services to the general public and that is not listed as a separate Retail Sales and
23 Service Use in this Section 102. This use includes, but is not limited to the sale or provision of
24 the following goods and services:

25 * * * *

1 (i) Books, stationery, greeting cards, office supplies, copying service, music, and
2 sporting goods; ~~and~~ and

3 (j) Toys, gifts, and photographic goods and services; ~~and~~.

4 ~~(k) Trade shops that provide custom-crafted goods and/or services for sale directly to~~
5 ~~the consumer, reserving some storefront space for display and retail service; this may include~~
6 ~~but is not limited to repair of personal apparel, accessories, household goods, appliances,~~
7 ~~furniture, and similar items, upholstery services, and other artisan craft uses; and~~

8 ~~(l) Boarding for domestic cats.~~

9 * * * *

10 **Sales and Services, Retail.** A Commercial Use category that includes Uses that involve the
11 sale of goods, typically in small quantities, or services directly to the ultimate consumer or end
12 user with some space for retail service on site, excluding Retail Entertainment Arts and
13 Recreation, and Retail Automobile Uses and including, but not limited to: Adult Business,
14 Animal Hospital, Bar, Cannabis Retail, ~~Cat Boarding~~, Chair and Foot Massage, Tourist
15 Oriented Gift Store, General Grocery, Specialty Grocery, ~~Gym~~, Gym Hotel, Jewelry Store,
16 Kennel, Liquor Store, Massage Establishment, Mortuary (Columbarium), Motel, Non-Auto
17 Sales, Pharmacy, Restaurant, Limited Restaurant, General Retail Sales and Service,
18 Financial Service, Fringe Financial Service, Limited Financial Service, Health Service,
19 ~~Instructional Service~~, Personal Service, Retail Professional Service, Self-Storage, ~~and Tobacco~~
20 Paraphernalia Establishment, ~~and Trade Shop~~, and Trade Shop.

21 * * * *

22 **Service, Business.** A Non-Retail Sales and Service Use that provides the following kinds of
23 services primarily to businesses and/or to the general public and does not fall under the
24 definition of Office: radio and television stations, newspaper bureaus, magazine and trade
25 publication publishing, microfilm recording, slide duplicating, bulk mail services, parcel

1 shipping services, parcel labeling and packaging services, messenger delivery/courier
2 services, sign painting and lettering services, non-vehicular equipment rental, or building
3 maintenance services.

4 * * * *

5 ~~**Service, Instructional.** A Retail Sales and Service Use that includes instructional services not certified
6 by the State Educational Agency, such as art, dance, exercise, martial arts, and music classes.~~

7 * * * *

8 **Service, Personal.** A Retail Sales and Services Use that provides grooming services to the
9 individual, including salons, cosmetic services, tattoo parlors, and health spas, bathhouses,
10 and steam rooms; ~~health clubs, fitness, gymnasium or exercise facilities when including~~
11 ~~equipment and space for weight lifting and cardiovascular activities; or instructional services~~
12 ~~not certified by the State Educational Agency, such as art, dance, exercise, martial arts, and~~
13 ~~music classes.~~ Personal Service does not include Massage Establishments ~~or Gym~~ or Gym,
14 which ~~is~~ are are defined separately in this Section 102.

15 * * * *

16 ~~**Trade Shop.** A Retail Sales and Service Use that provides custom-crafted goods and/or services for
17 sale directly to the consumer, reserving some storefront space for display and retail service, subject to
18 the conditions in Section 202.2. A trade shop includes, but is not limited to:~~

- 19 ~~(a) Repair of personal apparel, accessories, household goods, appliances, furniture, and~~
20 ~~similar items, but excluding repair of motor vehicles and structures;~~
- 21 ~~(b) Upholstery services;~~
- 22 ~~(c) Carpentry;~~
- 23 ~~(d) Printing of a minor processing nature, including multi-copy and blueprinting services and~~
24 ~~printing of pamphlets, brochures, resumes, and small reports, but excluding printing of books,~~
25 ~~magazines, or newspapers;~~

1 ~~(e) Tailoring; and~~

2 ~~(f) Other artisan craft uses, including fine arts uses. Arts Activities and Light Manufacturing~~
3 ~~shall be considered distinct from Trade Shops.~~

4 **Trade Shop.** A Retail Sales and Service Use that provides custom-crafted goods and/or
5 services for sale directly to the consumer, reserving some storefront space for display and
6 retail service, subject to the conditions in Section 202.2. A trade shop includes, but is not
7 limited to:

8 (a) Repair of personal apparel, accessories, household goods, appliances, furniture,
9 and similar items, but excluding repair of motor vehicles and structures;

10 (b) Upholstery services;

11 (c) Carpentry;

12 (d) Printing of a minor processing nature, including multi-copy and blueprinting
13 services and printing of pamphlets, brochures, resumes, and small reports, but excluding
14 printing of books, magazines, or newspapers;

15 (e) Tailoring; and

16 (f) Other artisan craft uses, including fine arts uses. Arts Activities and Light
17 Manufacturing shall be considered distinct from Trade Shops.

18
19 * * * *

20 **SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.**

21 * * * *

22 **Table 145.4**

Reference for Commercial, Neighborhood Commercial, and Residential-Commercial Districts	Reference for Mixed Use Districts	Use
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1	* * * *		
2	102 <u>102</u>	N/A <u>N/A</u>	Gym <u>Gym</u>
3	* * * *		
4	102	N/A	Services, Instructional
5	* * * *		
6	102 <u>102</u>	890.124 <u>890.124</u>	Trade Shop <u>Trade</u>
7			<u>Shop</u>
8	* * * *		

9 * * * *

10 **SEC. 193. CONTINUATION OF LONGSTANDING PLACES OF ENTERTAINMENT.**

11 Notwithstanding any other provision of the Code, pursuant to Police Code Section 1060.2.3,
 12 any premises for which a Place of Entertainment Permit is required and which has been deemed to be a
 13 Continuing Entertainment Operations Establishment by the Entertainment Commission, or its Director
 14 as appropriate, may establish a Nighttime Entertainment use, regardless of the zoning permissibility of
 15 such uses within the district, by obtaining a building permit and without obtaining a Conditional Use
 16 Authorization or being subject to any neighborhood notification requirements.

17
 18 **SEC. 202.11. TEMPORARY LIMITATION ON CHANGE IN USE OR DEMOLITION OF**
 19 **NIGHTTIME ENTERTAINMENT USE.**

20 (a) Notwithstanding any other provision of this Article 2, for the three years following the
 21 effective date of the ordinance in Board File No. 210285 adopting this Section 202.11, a change in use
 22 or demolition of a Nighttime Entertainment use, as defined in Section 102, shall require Conditional
 23 Use authorization pursuant to Section 303. In acting on any application for Conditional Use
 24 authorization for changes in use or demolition of a Nighttime Entertainment Use, the Commission shall

1 consider the following criteria in addition to the criteria set forth in Section 303(c) and (d) of this

2 Code:

3 (1) Preservation of a Nighttime Entertainment use is no longer economically viable and
4 cannot effect a reasonable economic return to the property owner. For purposes of defining
5 “reasonable economic return,” the Planning Commission shall be guided by the criteria for Fair
6 Return on Investment set forth in Section 102;

7 (2) The change in use or demolition of the Nighttime Entertainment use will not
8 undermine the economic diversity and vitality of the surrounding District;

9 (3) The change in use or demolition of the Nighttime Entertainment use will not
10 undermine the availability of live entertainment venues for residents to experience live performances or
11 find employment as live performers; and

12 (4) The resulting project will preserve the architectural integrity of important historic
13 features of the Nighttime Entertainment use affected.

14 (b) At the conclusion of the three-year period referenced in subsection (a), this Section 202.10
15 shall expire by operation of law, after which time the City Attorney shall cause this Section to be
16 removed from the Planning Code.

17
18 **SEC 205.8. TEMPORARY USES: OUTDOOR ENTERTAINMENT, ARTS AND RECREATION**
19 **ACTIVITIES.**

20 (a) Entertainment, Arts and Recreation Activities: Entertainment, Arts and Recreation Uses,
21 as defined in Section 102, may be authorized as a temporary use in outdoor areas, including temporary
22 structures, and any ancillary uses of indoor areas, for a maximum of two years. Such uses may also
23 include the administrative activities of such use.

1 **(b) Duration.** *The initial authorization (“Initial Period”) shall not exceed one year and may*
2 *be extended for an additional year by the Director, for a maximum authorized period of up to two*
3 *years, pursuant to this Section 205.8.*

4 **(c) Hours of Operation.** *Uses permitted by this Section 205.8 may not exceed the hours of*
5 *9:00 a.m. to 10:00 p.m.*

6 **(d) New, Additional, or Modified Temporary Uses.** *New, additional, or modified temporary*
7 *uses that were not previously approved by the Planning Director shall be reviewed through the filing of*
8 *a new application and submittal of a new application fee.*

9 **(e) No Conversion, Change, Discontinuance, or Abandonment of Use.** *The approval or*
10 *commencement of a temporary use as authorized under this Section 205.8 shall not be considered a*
11 *conversion, discontinuance, abandonment, or change of use for purposes of this Code, notwithstanding*
12 *Sections 178, 182, and 183 of this Code. Any property for which the temporary use is authorized shall*
13 *retain its authorized land use(s). Such authorized land uses, including any nonconforming uses, shall*
14 *again become operative upon the expiration, termination, or abandonment of such temporary use*
15 *authorization.*

16 **(f) Information To Be Available To Public.** *The Department shall make available to the*
17 *public in the Planning Department’s main office and on its website a list of all applications approved*
18 *under this Section 205.8 along with applicable time frames and any additional information the*
19 *Planning Department deems useful for or relevant to the continued and successful activation of the*
20 *subject sites in the surrounding neighborhood.*

21
22 **SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.**

23 These Districts are intended to recognize, protect, conserve, and enhance areas
24 characterized by structures combining Residential uses with neighborhood-serving
25 Commercial uses. The predominant Residential uses are preserved, while provision is made

1 for supporting Commercial uses, usually in or below the ground story, that meet the frequent
 2 needs of nearby residents without generating excessive vehicular traffic. The compact,
 3 walkable, transit-oriented and mixed-use nature of these Districts is recognized by no off-
 4 street parking requirements. The RC Districts are composed of two separate districts, as
 5 follows:

6 * * * *

7 **Table 209.3**

8 **ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS**

9

Zoning Category	§ References	RC-3	RC-4
Sales and Service Category			
* * * *			
<i>Cat Boarding</i>	§ 102	NP	NP
* * * *			

16

17 **SEC. 210.3. PDR DISTRICTS.**

18 These Districts provide space for a wide variety of PDR (production, distribution and
 19 repair) and other non-residential activities in districts where these uses are free from inherent
 20 economic and operational competition and conflicts with housing, large office developments,
 21 and large-scale retail, which are not permitted in these Districts. Other uses that share
 22 operational characteristics with PDR uses are permitted in these Districts, as they require
 23 large flexible spaces and prefer separation from intensive housing districts. PDR-zoned land
 24 is also an important reservoir of space in San Francisco for new and evolving industry and
 25 activity types that cannot be foreseen today and cannot practically function or compete for

space in a typical downtown office or neighborhood commercial environment. Business and activities allowed in PDR Districts generally share a need for flexible operating space that features large open interior spaces, high ceilings, freight loading docks and elevators, floors capable of bearing heavy loads, and large (often uncovered exterior) storage areas. These uses are often not ideally compatible with housing for operational reasons, including the need for significant trucking and delivery activities, 24-hour operation, and emission of noise, odors and vibrations. Importantly, PDR uses are limited in the amount of rent they can afford relative to office, retail, and residential uses, yet are important sectors of the City's economy.

* * * *

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

* * * *

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
* * * *					
Sales and Service Category					
Retail Sales and Service Uses*	§§ 102, 202(a)	P(1)(11)	P(10)(11)	P(9)(11)	P(1)(11)
* * * *					
<i>Cat Boarding</i>	§ 102	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
* * * *					
Gym <u>Gym</u>	§§ 102, 210.3C <u>§§ 102, 210.3C</u>	NP <u>NP</u>	NP(20) <u>NP(20)</u>	NP(20) <u>NP(20)</u>	NP <u>NP</u>
* * * *					

1	Trade Shop <u>Trade</u>	§ 102 <u>§ 102</u>	P(H) <u>P(11)</u>	<u>PP</u>	<u>PP</u>	<u>PP</u>
2	<u>Shop</u>					

3 * * * *

4 (11) ~~Printing shop and newspaper publication limited to 5,000 Gross Square Feet.~~ Printing shop and
5 newspaper publication limited to 5,000 Gross Square Feet. Personal Services that are a
6 health club, fitness, gymnasium, or exercise facility that include equipment and space for
7 weight lifting and cardiovascular activities are NP except as provided in Section 210.3C.

8 * * * *

9 ~~(20) NP except as provided in Section 210.3C.~~ (20) NP except as provided in Section 210.3C.

10 * * * *

11 **SEC. 210.3C. ALLOWANCE FOR USES TO SUPPORT THE DEVELOPMENT OF NEW**
12 **PDR SPACE IN THE PDR-1-D AND PDR-1-G DISTRICTS.**

13 * * * *

14 (c) **Controls.** The Planning Commission may permit, per the procedures described
15 below in subsection (d), non-PDR uses on the subject lot pursuant to the following provisions:

16 (1) At least one-third of the total Gross Floor Area developed on the parcel shall
17 contain PDR Uses.

18 (2) For purposes of this subsection (c), every square foot of Small Enterprise
19 Workspace shall count as 0.5 square feet of PDR space and 0.5 square feet of non-PDR
20 space as specified in subsection (c)(3) below.

21 (3) The non-PDR space may contain one or a combination of the following
22 uses:

23 (A) Office Uses;

24 (B) Institutional Uses, except for Hospitals; ~~and/or~~ and/or

1 (C) ~~Gym use,~~ Gym use, as defined in Section 102 Personal Services that
2 ~~are a health club, fitness, gymnasium, or exercise facility that include equipment and space~~
3 ~~for weight lifting and cardiovascular activities, as defined in Section 102, in PDR-1-D and~~
4 ~~PDR-1-G; and/or-~~

5 (D) Any use otherwise Principally Permitted in the underlying PDR district.

6 * * * *

7 **SEC. 249.33. VAN NESS & MARKET RESIDENTIAL SPECIAL USE DISTRICT.**

8 (a) Purpose. There shall be a Van Ness & Market Residential Special Use District,
9 which is comprised of the parcels zoned C-3-G in the Market Octavia Better Neighborhoods
10 Plan area, and whose boundaries are designated on Sectional Map Nos. SU02 and SU07 of
11 the Zoning Map of the City and County of San Francisco. This District is generally comprised
12 of parcels focused at the intersections of Van Ness Avenue at Market Street and South Van
13 Ness Avenue at Mission Street, along with parcels on both sides of Market and Mission
14 Streets between 9th and Division Streets. This District is intended to be a transit-oriented,
15 high-density neighborhood with a significant residential presence and a mix of neighborhood-
16 serving uses. New development and major expansions must be predominantly residential.
17 Other non-residential uses that are allowed and encouraged, include arts, institutional, and
18 retail uses. Retail controls allow for smaller retail use sizes in order to emphasize
19 neighborhood-serving character. These uses compliment the transit rich infrastructure in the
20 area, which includes the Van Ness MUNI Metro Station and the intersection of several major
21 transit corridors including Van Ness, Market Street, Mission Street and other major bus lines.
22 This area is encouraged to transition from largely a back-office and warehouse support
23 function to downtown into a more mixed-use residential district, and serves as a transition
24 zone to the lower scale residential and neighborhood commercial areas to the west of the C-3.
25 A notable amount of large citywide commercial and office activity will remain in the area,

1 including government offices supporting the Civic Center and City Hall. This area was initially
2 identified in the Downtown Plan of the General Plan as an area to encourage housing
3 adjacent to the downtown. As part of the city’s Better Neighborhoods Program, this concept
4 was fully articulated in the Market and Octavia Area Plan, and is described therein.

5 (b) **Use Controls.**

6 * * * *

7 (9) **Micro-Retail.** “Micro-Retail” shall mean a Retail Use, other than a Formula
8 Retail Use, measuring no less than 100 gross square feet, no greater than 1,000 gross square
9 feet and a 10 foot minimum depth from the front façade.

10 (A) **Applicability.** Micro-Retail controls shall apply to projects with new
11 construction or alterations to greater than 50% of an existing building if located on a lot of at
12 least 20,000 square feet.

13 (B) **Controls.**

14 (i) **Amount.** Applicable development projects shall have at least
15 one Micro-Retail unit for every 20,000 gross square feet of lot area, rounded to the nearest
16 unit.

17 (ii) **Location and Design.** All Micro-Retail units shall be on the
18 ground floor, independently and directly accessed from a public right-of-way or a publicly-
19 accessible open space, and designed to be accessed and operated independently from other
20 spaces or uses on the subject property. For projects adjacent to Privately Owned Publicly
21 Accessible Open Spaces, free standing kiosks are allowed to meet this requirement through
22 Planning Commission approval through a 309 exception.

23 (iii) **Exemption.** Any projects providing ground floor uses that are
24 larger than 1,000 gross square feet and defined as Arts Activities, Child Care Facility,
25

1 Community Facility, ~~Instructional Service~~, Public Facility, School or Social Service are exempt
2 from the Micro-Retail requirement.

3 (iv) **Exceptions.** Exceptions to the micro-retail requirement may
4 be granted pursuant to the procedures of Section 309.

5 * * * *

6

7 **SEC. 249.84. INDIA BASIN SPECIAL USE DISTRICT.**

8 * * * *

9 (g) **Uses.**

10 (1) **Permitted Uses.** The following uses set forth in Table 249.84-1: India Basin
11 Uses shall be permitted as indicated within the different use districts of the SUD, where P
12 means Permitted Use and NP means Non-permitted Use.

13 * * * *

14 **Table 249.84-1: India Basin Uses**

15 * * * *

16 Notes:

17 * * * *

18 7. Use not permitted with the exception of ~~Cat Boarding~~, Kennel, Light Manufacturing, Metal
19 Working, Parcel Delivery Service, Trade Office, ~~Trade Shop~~, Trade Shop, Animal Processing~~I~~,
20 and Food Fiber and Beverage Processing.

21 * * * *

22

23 **SEC. 249.87. POTRERO POWER STATION SPECIAL USE DISTRICT.**

24 * * * *

25

1 (f) Definitions. For purposes of this Section 249.87, the following definitions shall
2 apply. If not expressly superseded by definitions set forth in this subsection (f), all definitions
3 of the Planning Code shall apply.

4 * * * *

5 “~~Production, Distribution, and Repair (PDR) Use~~” has the meaning as set forth in
6 ~~Planning Code Section 102 as amended from time to time, except that it also includes trade~~
7 ~~shops that provide custom-crafted goods and/or services for sale directly to the consumer,~~
8 ~~reserving some storefront space for display and retail service; this may include but is not~~
9 ~~limited to repair of personal apparel, accessories, household goods, appliances, furniture, and~~
10 ~~similar items, upholstery services, and other artisan craft uses.~~

11 * * * *

12 (g) **Uses.**

13 * * * *

14 (2) **Permitted Uses.** The following Uses set forth in Table 249.87-1: Potrero
15 Power Station Land Uses shall be permitted within the different Blocks of the SUD shown in
16 Figure 249.87-1, where P means Permitted Use and NP means Non-permitted Use.

17 * * * *

18 **Table 249.87-1: Potrero Power Station Land Uses***

19 * * * *

20 Notes:

21 * * * *

22 (4) Automobile Assembly, Agricultural and Beverage Processing ~~+~~, Arts Activities,
23 Business Services, Catering, Light Manufacturing, Metal Working, ~~Trade Shop~~, Trade Shop,
24 Wholesale Sales are P at the basement level, ground floor, 2nd floor, and mezzanine only.
25 Other PDR Uses are NP.

1 (5) Agricultural and Beverage Processing ~~+~~, Light Manufacturing, Arts Activities,
2 Business Services, Catering, ~~Trade Shop~~Trade Shop and Wholesale Sales are P at the
3 basement level, ground floor, 2nd floor, and mezzanine only.

4 * * * *

5 (7) P at the basement level, ground floor, mezzanine, and 2nd floor only; on Blocks 2,
6 3, 11, 12, and 15, and Block 9 if Block 9 is majority non-residential, Bar, Tourist Oriented Gift
7 Store, Specialty Grocery, ~~Gym~~, Gym, Liquor Store, Limited Restaurant, ~~General~~ Restaurant,
8 ~~Instructional Service~~, and ~~Retail~~Retail Personal Service Uses are P on rooftops; other Retail
9 Uses are NP on rooftops.

10 * * * *

11 (10) Hotel is P. Bar, Tourist Oriented Gift Store, Specialty Grocery, ~~Gym~~, Gym, Liquor
12 Store, Limited Restaurant, ~~General~~ Restaurant, ~~Instructional Service~~, and ~~Retail~~Retail Personal
13 Service Uses are P on rooftops; other Retail Uses are NP on rooftops. Only one rooftop bar
14 shall be permitted on Block 9. If building is majority Residential, P at the basement level,
15 ground floor, mezzanine, 2nd floor and 3rd floor only.

16 * * * *

17
18 **SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.**

19 * * * *

20 (a) **Exceptions.** Exceptions to the following provisions of this Code may be granted as
21 provided in the code sections referred to below:

22 * * * *

23 (17) Exceptions to the height and bulk limits for parcels within the Van Ness &
24 Market Residential Special Use District as defined by Section 270(f)(2). In considering such
25 exceptions, the Planning Commission shall consider the extent to which the project achieves

1 the following: (A) sculpts the building massing to achieve an elegant and creative tower form
2 that enhances the skyline; (B) reduces or minimizes potential impacts on winds and shadows;
3 (C) provides ground floor uses that serve a range of income levels and enrich the social
4 landscape of the area such as: Arts Activities, Child Care Facility, Community Facility,
5 ~~Instructional Service~~, Public Facility, School, Social Service, priority health service or
6 neighborhood-serving retail; and (D) maximizes housing density within the allowed envelope.

7 * * * *

8
9 **SEC. 703. NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS.**

10 * * * *

11 (d) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1
12 (Accessory Uses for Dwellings in All Districts), 204.4 (Dwelling Units Accessory to Other
13 Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, Accessory Uses as
14 defined in Section 102 shall be permitted when located on the same lot. Any Use that does
15 not qualify as an Accessory Use shall be classified as a Principal or Conditional Use unless it
16 qualifies as a temporary use under Sections 205 through 205.4 of this Code.

17 No Use will be considered accessory to a permitted Principal or Conditional Use that
18 involves or requires any of the following:

19 * * * *

20 (3) The wholesaling, manufacturing, or processing of foods, goods, or
21 commodities on the premises of an establishment that does not also use or provide for retail
22 sale of such foods, goods, or commodities at the same location where such wholesaling,
23 manufacturing, or processing takes place, with the following exceptions:

24 (A) In the North Beach Special Use District where such activities are
25 limited to 15% of the total floor area occupied by the Principal or Conditional Use to which it is

1 accessory unless the Principal or Conditional Use is Specialty Foods Manufacturing as
2 defined in Section 780.3 of this Code; and

3 (B) Notwithstanding the floor area limitation in subsection (d)(1), a
4 Catering Use limited to food and beverage Catering shall be permitted as an Accessory Use
5 to Restaurants and Limited Restaurants if the following requirements are met:

6 (i) The Catering Use does not operate more than 75% of the total
7 time within the Restaurant's or Limited Restaurant's Hours of Operation on any given day; and

8 (ii) The Catering Use does not distribute or deliver individual
9 meals to customers directly from the subject lot, either by its own means, or through a third-
10 party delivery service.

11 * * * *

12 (6) Any General Entertainment or Nighttime Entertainment use, except for one
13 that involves a Limited Live Performance Permit as set forth in Police Code Section 1060 et
14 seq., or one that does not require a Limited Live Performance Permit as set forth in Police Code
15 Section 1060.1(e).

16 * * * *

17

18 **SEC. 703.9. PRESERVATION OF HISTORIC BUILDINGS WITHIN THE FOLSOM STREET**
19 **NCT AND RCD DISTRICTS.**

20 The following controls are intended to support the economic viability of buildings of
21 historic importance within the Folsom NCT and RCD Districts.

22 * * * *

23 (b) Non-Retail Professional Services, Retail Professional Services, Financial Services,
24 Fringe Financial Services, ~~Gyms,~~ Gyms, Limited Financial Services, Health Services, and
25 Personal Services ~~and Instructional Services,~~ as defined in Section 102, are Principally

1 Permitted. In the RCD District only, in addition to the above uses, Arts Activities as defined in
2 Section 102 are Principally Permitted and Nighttime Entertainment uses as defined in Section
3 102 require Conditional Use authorization, except that Nighttime Entertainment uses are
4 Principally Permitted in Article 10 Landmark Building No. 120 (St. Joseph’s Church at 1401
5 Howard Street). For all uses listed above, prior to the issuance of any necessary permits, the
6 Zoning Administrator, with the advice of the Historic Preservation Commission, shall
7 determine that allowing the use will enhance the feasibility of preserving the building. The
8 project sponsor must also submit a Preservation, Rehabilitation, and Maintenance Plan that
9 describes any proposed preservation and rehabilitation work and that guarantees the
10 maintenance and upkeep of the historic resource for approval by the Department. This Plan
11 shall include:

12 * * * *

13 **SEC. 801.2. REFERENCES TO ARTICLES 1, 2, AND 7 (TEMPORARY).**

14 Articles 1, 2 and 7 of this Code are in the process of a significant reorganization. As a
15 result, some references to Articles 1, 2, and 7 have not yet been modified. The following
16 references in this Section of the Code are amended as follows:

17 * * * *

18 224 shall refer to Section 102, Animal Hospital, ~~Cat Boarding~~, and Kennel

19 * * * *

20
21 **SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.**

22 * * * *

23 (d) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1
24 (Accessory Uses for Dwelling Units in All Districts), 204.4 (Dwelling Units Accessory to Other
25

1 Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an Accessory Use
2 as defined in Section 102, shall be permitted in Chinatown Mixed Use Districts when located
3 on the same lot. Any Use not qualified as an Accessory Use shall only be allowed as a
4 Principal or Conditional Use, unless it qualifies as a temporary use under Sections 205
5 through 205.4 of this Code.

6 No use in a Chinatown Mixed Use District will be considered accessory to a
7 Principal Use which involves or requires any of the following:

8 * * * *

9 (6) Any General Entertainment use, except for one that involves a Limited Live
10 Performance Permit as set forth in Police Code Section 1060 et seq., or one that does not
11 require a Limited Live Performance Permit as set forth in Police Code Section 1060.1(e).

12 * * * *

13
14 **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE**
15 **DISTRICTS.**

16 * * * *

17 (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts are either
18 Principally Permitted, Conditional, Accessory, temporary, or are not permitted.

19 (1) **Permitted Uses.** If there are two or more uses in a structure, any use not
20 classified below under Section 803.3(b)(1)(C) of this Code as Accessory will be considered
21 separately as an independent permitted, Conditional, temporary or not permitted use.

22 * * * *

23 (C) **Accessory Uses.** Subject to the limitations set forth below and in
24 Sections 204.1 (Accessory Uses for Dwelling Units in All Districts), 204.4 (Dwelling Units
25 Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code,

1 an Accessory Use is a related minor use which is either necessary to the operation or
2 enjoyment of a lawful Principal Use or Conditional Use, or is appropriate, incidental, and
3 subordinate to any such use, and shall be permitted as an Accessory Use in an Eastern
4 Neighborhoods Mixed Use District. In order to accommodate a Principal Use which is carried
5 out by one business in multiple locations within the same general area, such Accessory Use
6 need not be located in the same structure or lot as its Principal Use provided that (1) the
7 Accessory Use is located within 1,000 feet of the Principal Use; and (2) the multiple locations
8 existed on April 6, 1990. Accessory Uses to non-office uses (as defined in Section 890.70)
9 may occupy space which is noncontiguous or on a different Story as the Principal Use so long
10 as the Accessory Use is located in the same building as the Principal Use and complies with
11 all other restrictions applicable to such Accessory Uses. Any use which does not qualify as an
12 Accessory Use shall be classified as a Principal Use.

13 No use will be considered accessory to a Principal Use which involves or
14 requires any of the following:

15 * * * *

16 (v) Any Nighttime Entertainment use, as defined in Section 102;
17 provided, however, that a Limited Live Performance Permit as set forth in Police Code Section
18 1060 et seq., and entertainment that does not require a Limited Live Performance permit as set forth
19 in Police Code Section 1060.1(e), is allowed in any District except for an RED, RED-MX, MUR,
20 or MUG District.

21 * * * *

22 **SEC. 890.116. SERVICE, PERSONAL.**

23 A retail use which provides grooming services to the individual, including salons,
24 cosmetic services, tattoo parlors, and health spas; ~~and-excluding~~ instructional services not
25

1 certified by the State Educational Agency, such as art, dance, exercise, martial arts, and
 2 music classes.

3

4 Section 5. PLANNING CODE AMENDMENTS TO ZONING TABLES FOR
 5 NEIGHBORHOOD COMMERCIAL DISTRICTS, NEIGHBORHOOD COMMERCIAL TRANSIT
 6 DISTRICTS, AND MIXED USE DISTRICTS.

7 Consistent with Section 3 of this ordinance, which deletes from Section 102 of the
 8 Planning Code the definitions for “Cat Boarding,” ~~“Gym,”~~ and “Services, Instructional,” ~~and~~
 9 ~~“Trade Shop,”~~ the Neighborhood Commercial, Neighborhood Commercial Transit, and Mixed
 10 Use District Zoning tables in the Planning Code are revised to delete “Cat Boarding,” ~~“Gym,”~~
 11 and “Services, Instructional,” ~~and~~ ~~“Trade Shop,”~~ where those terms appear in the tables, and
 12 also to delete from the tables the related references to Section 102 and to zoning controls by
 13 story, so that the entire row for the deleted term is deleted. These deletions are illustrated in
 14 the following hypothetical zoning control table where an asterisk represents the control by
 15 story to be deleted, either P, NP, or C:

16

17 **HYPOTHETICAL ZONING CONTROL TABLE**

Zoning Category	References	Controls		
Non-Residential Standards and Uses				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*	§ 102, 202.2(a)	*	*	*

25

1	* * * *			
2	Cat Boarding	§ 102	*	*
3	Gym <u>Gym</u>	§ 102 <u>§ 102</u>	*	*
4	Services, Instructional	§ 102	*	*
5	Trade Shop <u>Trade Shop</u>	§ 102 <u>§ 102</u>	*	*

6 The zoning control tables to be amended pursuant to this Section 4 of this ordinance,
7 with the term or terms to be deleted for each Planning Code section as noted below, are the
8 following:

- 9 710 – ~~Gym; Services, Instructional; Trade Shop~~
- 10 711 – ~~Trade Shop~~
- 11 712 – ~~Trade Shop~~
- 12 713 – ~~Services, Instructional~~
- 13 714 – ~~Trade Shop~~
- 14 715 – ~~Gym; Services, Instructional; Trade Shop~~
- 15 718 – ~~Trade Shop~~
- 16 719 – ~~Trade Shop~~
- 17 721 – ~~Trade Shop~~
- 18 722 – ~~Trade Shop~~
- 19 723 – ~~Trade Shop~~
- 20 724 – ~~Gym; Services, Instructional~~
- 21 725 – ~~Gym; Services, Instructional~~
- 22 726 – ~~Trade Shop~~
- 23 727 – ~~Gym; Services, Instructional; Trade Shop~~
- 24 729 – ~~Trade Shop~~

- 1 730—Trade Shop
- 2 735—Trade Shop
- 3 736—Trade Shop
- 4 737—Trade Shop
- 5 738—Trade Shop
- 6 739—Trade Shop
- 7 740—Trade Shop
- 8 741—Trade Shop
- 9 742 – Gym; Services, Instructional; ~~Trade Shop~~
- 10 743—Trade Shop
- 11 744—Trade Shop
- 12 745—Trade Shop
- 13 751—Trade Shop
- 14 752—Trade Shop
- 15 753—Trade Shop
- 16 754—Trade Shop
- 17 755—Trade Shop
- 18 756—Trade Shop
- 19 757 – Cat Boarding; ~~Gym; Services, Instructional; Trade Shop~~
- 20 758 – Cat Boarding; Services, Instructional; ~~Trade Shop~~
- 21 759—Trade Shop
- 22 760 – Gym; Services, Instructional; ~~Trade Shop~~
- 23 761 – Gym; Services, Instructional; ~~Trade Shop~~
- 24 762 – Gym; Services, Instructional
- 25 763 – Gym; Services, Instructional

- 1 764 – ~~Gym; Services, Instructional; Trade Shop~~
- 2 810 – ~~Trade Shop~~
- 3 811 – ~~Gym; Services, Instructional~~
- 4 812 – ~~Trade Shop~~
- 5 813 – ~~Trade Shop~~
- 6 814 – ~~Trade Shop~~
- 7 840 – ~~Trade Shop~~
- 8 841 – ~~Trade Shop~~
- 9 842 – ~~Trade Shop~~
- 10 843 – ~~Trade Shop~~
- 11 844 – ~~Trade Shop~~
- 12 845 – ~~Trade Shop~~
- 13 846 – ~~Trade Shop~~
- 14 847 – ~~Trade Shop~~
- 15 848 – ~~Trade Shop~~

16

17 Section 76. The Police Code is hereby amended by revising Sections 2.9, 2.26, 1060,
18 1060.1, 1060.24, 1060.29, and 1060.29.2; adding Sections 1060.2.3 and 1060.24.3; and
19 deleting Section 1060.38.1, to read as follows:

20

21 **SEC. 2.9. PERMITS ISSUED BY THE POLICE DEPARTMENT OR ENTERTAINMENT**
22 **COMMISSION.**

23 Since the following permits have no license in connection therewith, they will not be
24 delivered to the Tax Collector, but will be issued directly from the office of the Police
25 Department or Entertainment Commission, as the case may be.

- 1 Change in Color Scheme.
- 2 Closing-Out Sale.
- 3 Commercial Parking Permit.
- 4 Dance Hall Keeper, ~~One Night Dance~~.

5

6 **SEC. 2.26. SCHEDULE OF PERMITS AND SERVICES; FILING AND SERVICE FEES.**

7 The following filing and service fees, payable in advance to the City and County of San
 8 Francisco, are required when submitting applications for the specified permits to the Police
 9 Department or Entertainment Commission or when paying for the specified services:

10 TYPE OF PERMIT	FILING FEE
11 * * * *	
12 Dance Hall Keeper	1,401
13 Amendment to Permit	660
14 One Night Dance	40
15 * * * *	

16

17 **SEC. 1060. DEFINITIONS.**

18 For the purposes of this Article 15.1, unless otherwise provided in this Article, the
 19 following words and phrases shall mean:

20 * * * *

21 "Limited Live Performance Locale." A locale with all the following features:

22 (a) The presentation of Live Performances is a secondary purpose of the locale
 23 rather than its primary purpose.

24 (b) The locale is indoors, or consists of an outdoor plaza, courtyard, or similar
 25 space, enclosed by surrounding buildings, with or without open means of public ingress and

1 egress, with an area in which Live Performances are presented that is no greater than 200
2 square feet. For purposes of this provision, “outdoor plaza, courtyard, or similar space” also
3 shall include, regardless of the square footage of the Live Performance area, (1) any Plaza as
4 identified in Administrative Code Chapter 94 or (2) any People Place as identified in
5 Administrative Code Chapter 94A.

6 (c) Live Performances presented at the locale conclude by 11 10 p.m., except as
7 otherwise provided in Section 1060.38.1. Notwithstanding the previous sentence, Live Performances
8 must conclude by 10 p.m. at any locale in any of the following areas: (1) the North Beach
9 Neighborhood Commercial District as defined in Planning Code Section 722; (2) the Polk Street
10 Neighborhood Commercial District as defined in Planning Code Section 723; (3) the north and south
11 sides of Chestnut Street between the east side of Fillmore Street and the west side of Divisadero Street;
12 and (4) the north side of Lombard Street, between Fillmore Street and Divisadero Street.

13 (d) The locale is not a Private Residence.

14 (e) Patrons or members are admitted to the locale, except this requirement shall
15 not apply to a Plaza as identified in Administrative Code Chapter 94 or a People Place as
16 identified in Administrative Code Chapter 94A.

17 * * * *

18 “One Time Event Permit.” A permit, as further described in Section 1060.29, allowing a
19 Person to conduct a One Time Event on the premises specified in the permit for no longer
20 than one 24-hour period, ~~and that may be issued for the same premises for no more than a total of 12~~
21 ~~days, whether consecutive or non-consecutive, in a 12-month period.~~

22 * * * *

23 “One Time Outdoor Amplified Sound Permit.” A permit allowing One Time Outdoor
24 Amplified Sound on the premises specified in the permit, ~~and that may be issued for the same~~

1 ~~premises for no more than a total of 12 days, whether consecutive or non-consecutive, in a 12-month~~
2 ~~period.~~

3 * * * *

4
5 **SEC. 1060.1. PERMIT REQUIRED.**

6 (a) Except as provided in subsection (e), it # shall be unlawful for any Person to own,
7 conduct, operate, or maintain, or to cause or permit to be conducted, operated, or maintained,
8 any Place of Entertainment, Limited Live Performance Locale, One-Time Event, Fixed Place
9 Outdoor Amplified Sound Locale, One Time Outdoor Amplified Sound, or Sound Truck in the
10 City and County of San Francisco without first having obtained the required permit from the
11 Director or Entertainment Commission. No Person shall operate a Place of Entertainment
12 between 2:00 a.m. and 6:00 a.m. without having both a Place of Entertainment Permit and an
13 Extended-Hours Premises Permit.

14 * * * *

15 (e) No permit shall be required for any Person to own, conduct, operate, or maintain, or to
16 cause or permit to be conducted, operated, or maintained a Limited Live Performance Locale, where
17 any Entertainment ends by 10 p.m., and the Entertainment consists only of a single individual
18 performing without amplification. Any place or premises where this Entertainment occurs must 1)
19 conform to all health, safety, zoning, fire, and other ordinances of the City and County of San
20 Francisco; and 2) have a valid permit to operate (formerly referenced in this Article 15.1 as a public
21 eating place permit) from the Department of Public Health under Health Code Section 452, if
22 applicable. This subsection (e) shall not apply to any premises that does not hold a currently valid
23 permit that is required under this Article 16.

1 **SEC. 1060.2.3. DETERMINATION OF CONTINUING ENTERTAINMENT OPERATIONS**

2 **ESTABLISHMENT.**

3 (a) Where an applicant for a Place of Entertainment Permit provides sufficient evidence to the
4 satisfaction of the Entertainment Commission, or its Director if so designated by the Commission, that
5 the premises has been in regular operation with a valid Place of Entertainment Permit, or a series of
6 consecutive valid Place of Entertainment Permits, without a substantial gap in operation, for at least
7 ten years prior to the effective date of the ordinance in Board of Supervisors File No. 210285, enacting
8 this Section 1060.2.3, the Commission or Director, as applicable, may designate the premises as a
9 Continuing Entertainment Operations Establishment for purposes of Section 193 of the Planning Code.

10 (b) A “substantial gap in operation” shall not be interpreted to include any of the following:
11 (1) a change in ownership of a premises; (2) the temporary closure of a premises for repair,
12 renovation, restoration, or remodeling, including, but not limited to, restoration or repair of a premises
13 after total or partial destruction or damage due to fire, riot, insurrection, toxic accident, or act of God;
14 or (3) the temporary closure of a premises to comply with restrictions connected to the COVID-19
15 pandemic.

16
17 **SEC. 1060.24. PERMITS NOT TRANSFERABLE; PERMIT MUST BE SURRENDERED**
18 **UPON SALE OF BUSINESS; PERMIT AMENDMENT REQUIRED TO CHANGE**
19 **PARTNERS OR OTHER OWNERS.**

20 * * * *

21 ~~(h) **Temporary Permits.** Once the Entertainment Commission receives a surrendered Place of~~
22 ~~Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound~~
23 ~~Permit under Section 1060.24(b), the new owner of the business may apply to the Director for a~~
24 ~~temporary Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Amplified~~
25 ~~Sound Permit, subject to any required Planning Department approvals, for a period not to exceed 90~~

1 ~~days from the date of surrender (a “Temporary Permit”). The Director may grant a Temporary Permit~~
2 ~~provided that (1) the new owner has submitted a completed application for a Place of Entertainment~~
3 ~~Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit, (2) the new~~
4 ~~owner’s Entertainment, Live Performance, or Amplified Sound events and activities are consistent with~~
5 ~~those allowed under the prior Permit, (3) the premises at issue complies with all existing health, safety,~~
6 ~~and fire ordinances, and (4) a Temporary Permit is necessary to ensure uninterrupted operations of a~~
7 ~~business at the premises. This Temporary Permit may not be renewed as a Temporary Permit. The~~
8 ~~Entertainment Commission may establish additional procedures and Temporary Permit criteria to help~~
9 ~~carry out the goals of this Section 1060.24(h).~~

10
11 **SEC. 1060.24.3. TEMPORARY PERMITS.**

12 (a) Once the Entertainment Commission receives a surrendered Place of Entertainment Permit,
13 Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit under Section
14 1060.24(b), the new owner of the business may apply to the Director for a temporary Place of
15 Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound
16 Permit, respectively, subject to any required Planning Department approvals, for a period not to
17 exceed 90 days from the date of surrender (a “Temporary Permit”). The Director shall grant a
18 Temporary Permit provided that 1) the new owner has submitted a completed application for a Place of
19 Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound
20 Permit, as applicable; 2) the new owner’s Entertainment, Limited Live Performance, or Fixed Place
21 Outdoor Amplified Sound events and activities, as applicable, are consistent with those allowed under
22 the prior Permit; 3) the premises at issue complies with all existing health, safety, and fire ordinances;
23 and 4) a Temporary Permit is necessary to ensure uninterrupted operations of a business at the
24 premises. A Temporary Permit may not be renewed as a Temporary Permit.

1 (b) Where a Person has received a Pop-Up Retail Temporary Use Authorization as defined in
2 Section 205.1(d) of the Planning Code, for a premises, the Person may apply to the Director for a
3 temporary Limited Live Performance Permit for that premises for a period not to exceed 60 days (a
4 “Pop-Up Permit”). The Director may grant a Pop-Up Permit provided that the permit application
5 satisfies all of the findings required in subsections (f)(1)-(3) and subsection (g) of Police Code Section
6 1060.5.1. The Director may impose any conditions on the Pop-Up Permit the Director determines to be
7 necessary to address health and safety concerns, and may impose reasonable time, place, and manner
8 conditions. A Pop-Up Permit may be renewed for an additional 60 days, subject to any required
9 Planning Department approvals.

10 (c) The Entertainment Commission may establish additional procedures, Temporary Permit
11 criteria, and Pop-Up Permit criteria to help carry out the goals of this Section 1060.24.3.

12
13 **SEC. 1060.29. ONE TIME EVENT PERMIT.**

14 (a) This Section 1060.29 provides a procedure for permitting a Person to conduct,
15 maintain, promote, or sponsor Entertainment on the premises specified in the One Time Event
16 Permit ~~for a limited number of one-day occurrences in a 12-month period~~, including operation
17 between 2:00 a.m. and 6:00 a.m. No Person shall conduct, maintain, promote or sponsor
18 Entertainment between 2:00 a.m. and 6:00 a.m. without a One Time Event Permit or an
19 Extended-Hours Premises Permit. One Time Event Permits may be issued for a premises for
20 which a Place of Entertainment Permit has been issued, but for which no Extended-Hours
21 Premises Permit has been issued, when the applicant proposes operating between 2:00 a.m.
22 and 6:00 a.m. Nevertheless, the One Time Event Permit is not intended to function as a
23 routine substitute for a Person’s securing either the Place of Entertainment Permit or the
24 Extended-Hours Permit when the Person’s course of conduct indicates that either or both of
25 those permits would be more appropriate to seek. For purposes of One Time Event Permits,

1 the word “premises” means the area or structure where the event for which a permit is sought
2 occurs, and includes outdoor areas.

3 (b) Except as otherwise provided in this Section 1060.29, the Director may issue One
4 Time Event Permits and applicants may appeal the Director’s denial of an application to the
5 Entertainment Commission.

6 (c) A Person may obtain a single One Time Event Permit authorizing events on
7 consecutive or non-consecutive days for the same premises, ~~provided that such events may not~~
8 ~~occur for more than a total of 12 days at the same premises within any 12-month period.~~ One Time
9 Event Permits may not authorize events on the same premises for consecutive 24-hour
10 periods without a six-hour break between the end time for the first day and the start time for
11 the next day. If a One Time Event Permit includes permission to operate between 2:00 and
12 6:00 a.m., the Permit may not authorize commencement of operations before noon for the
13 same premises later that calendar day.

14 (d) (1) There shall be no limit on the number of One Time Event Permits a Person may
15 obtain, ~~provided that no more than one permit per month is issued for the same premises.~~
16 ~~Notwithstanding this restriction,~~ One Time Event Permits may be issued for events that will
17 occur on consecutive or non-consecutive days on the same premises, ~~provided that such events~~
18 ~~may not occur for more than a total of 12 days on the same premises within any 12-month period.~~

19 (2) At any premises where events have occurred for a total of 12 or more days within the
20 previous 12-month period, upon receipt of a permit application for a One Time Event Permit, the
21 Entertainment Commission, or its Director as delegated by the Entertainment Commission, shall
22 determine whether to hold a hearing on the permit application to ensure that the legal standards for
23 granting the permit(s) are met, to determine what conditions, if any, may be appropriate to place on the
24 permit(s), and to ensure that the One Time Event Permit is not being used by the applicant to function
25 as a routine substitute for the applicant’s securing either the Place of Entertainment Permit or the

1 Extended-Hours Permit when the applicant’s course of conduct indicates that either or both of those
2 permits would be more appropriate to seek. The Entertainment Commission, or its Director as
3 delegated by the Entertainment Commission, may, in its discretion, determine that a hearing is not
4 required, if the available evidence indicates that the application is likely to satisfy all of the
5 requirements of this subsection (d).

6 * * * *

7
8 **SEC. 1060.29.2. ONE TIME OUTDOOR AMPLIFIED SOUND PERMIT.**

9 (a) General. This Section 1060.29.2 provides a procedure for permitting a Person to
10 conduct One Time Outdoor Amplified Sound on the premises specified in the One Time
11 Outdoor Amplified Sound Permit ~~for up to a total of 12 days in a 12-month period at the same~~
12 ~~premises. Any Person seeking to use outdoor amplified sound equipment on a more frequent basis at~~
13 ~~the same premises must either (1) apply for a Fixed Place Outdoor Amplified Sound Permit if~~
14 ~~Entertainment or Live Performance is not furnished or does not occur, or (2) if the Business has a~~
15 ~~Place of Entertainment Permit or Limited Live Performance Permit, apply to the Entertainment~~
16 ~~Commission for an amendment to its existing permit.~~ The One Time Outdoor Amplified Sound
17 Permit is not intended to function as a routine substitute for securing a Fixed Place Outdoor
18 Amplified Sound Permit when the Person or Business’s course of conduct indicates that that
19 permit would be more appropriate to seek.

20 * * * *

21 (d) Duration and Number of Permits.

22 (1) 24-Hour Duration. Each One Time Outdoor Amplified Sound Permit shall
23 issue for no longer than one 24-hour period. One Time Outdoor Amplified Sound Permits may
24 not be issued for the same premises for consecutive 24-hour periods without a six-hour break
25 between the end time for the first permit and the start time for the second permit.

1 (2) No More Than 12 Days Per Year For The Same Premises Without Additional
2 Review. There shall be no limit on the number of One Time Outdoor Amplified Sound Permits
3 a Person may obtain, ~~provided that no more than one permit per month may be issued for the same~~
4 ~~premises. Notwithstanding this restriction,~~ One Time Outdoor Amplified Sound Permits may be
5 issued for events that will occur on consecutive days on the same premises or on non-
6 consecutive days within a 10-day period on the same premises, ~~but events may not occur for~~
7 ~~more than a total of 12 days on the same premises within any 12-month period. At any premises where~~
8 One Time Outdoor Amplified Sound Permits have been issued at least 12 times within the previous 12-
9 month period, upon receipt of a permit application for a One Time Outdoor Amplified Sound Permit,
10 the Entertainment Commission, or its Director as delegated by the Entertainment Commission, shall
11 ~~determine whether to~~ hold a hearing on the permit application to ensure that the legal standards for
12 granting the permit(s) are met, to determine what conditions, if any, may be appropriate to place on the
13 permit(s), and to ensure that the One Time Outdoor Amplified Sound Permit is not intended to function
14 as a routine substitute for a Person's securing a Fixed Place Outdoor Amplified Sound Permit, Place of
15 Entertainment Permit, or Limited Live Performance Permit as applicable. The Entertainment
16 Commission, or its Director as delegated by the Entertainment Commission, may, in its discretion,
17 determine that a hearing is not required, if the available evidence indicates that the application is likely
18 to satisfy all of the requirements of this subsection (d)(2).

19 * * * *

20 ~~**SEC. 1060.38.1. EXTENSION OF EVENING HOURS LIMIT FOR LIMITED LIVE**~~
21 ~~**PERFORMANCE PERMITS.**~~

22 ~~(a) Notwithstanding Section 1060(r)(3), and except as provided in Subsection (b), below, at any~~
23 ~~time after a year has elapsed since the granting of a Limited Live Performance Permit, the Director~~
24 ~~may, upon application of the Permittee, extend the hours during which Live Performances may be~~
25 ~~presented at the Limited Live Performance Locale to any time between 10:00 p.m., and 11:00 p.m.,~~

1 ~~inclusive, on the basis that there have been no significant public safety or public nuisance concerns at~~
2 ~~or near the establishment attributed to the operation of the Limited Live Performance Permit. If the~~
3 ~~Director denies the application for an extension of hours, the Permittee may appeal the Director's~~
4 ~~decision to the Entertainment Commission, and the process for notifying the Permittee of the Director's~~
5 ~~decision and providing an appeal right to the Entertainment Commission shall parallel to the extent~~
6 ~~applicable the notice and appeal process prescribed in Section 1060.20.2(b).~~

7 ~~(b) No extension may be granted as provided in Subsection (a), above, for Limited Live~~
8 ~~Performance Permits granted in the following areas: (1) the North Beach Neighborhood Commercial~~
9 ~~District as defined in Planning Code Section 722; (2) the Polk Street Neighborhood Commercial~~
10 ~~District as defined in Planning Code Section 723; (3) the north and south sides of Chestnut Street~~
11 ~~between the east side of Fillmore Street and the west side of Divisadero Street; and (4) the north side of~~
12 ~~Lombard Street, between Fillmore Street and Divisadero Street.~~

13 ~~(c) Notwithstanding Subsection (a), above, a Live Performance involving recorded music~~
14 ~~presented by a live disc jockey on the premises may not occur under a Limited Live Performance~~
15 ~~Permit after 10:00 p.m. Nothing in this Subsection (c) shall interfere with Place of Entertainment~~
16 ~~Permits or Extended Hours Permits granted for Entertainment involving a live disc jockey.~~

17 ~~(d) If, following the Director's granting, pursuant to Subsection (a), an extension of hours~~
18 ~~during which Live Performances may be presented at a Limited Live Performance Locale, there are~~
19 ~~significant public safety or public nuisance concerns at or near the establishment attributed to the~~
20 ~~operation of the Limited Live Performance Permit, the Director may reduce the hours during which~~
21 ~~Live Performances may be presented at the establishment to an earlier time, but no earlier than 10:00~~
22 ~~p.m. The process for notifying the Permittee of the Director's order and providing an appeal right to~~
23 ~~the Entertainment Commission shall parallel to the extent applicable the notice and appeal process~~
24 ~~prescribed in Section 1060.20.2(b).~~

1 ~~(e) This Section shall not limit the permitting, suspension, revocation, or other powers of the~~
2 ~~Director or Entertainment Commission.~~

3
4 Section 7. Upon introduction, this ordinance proposed revising Planning Code Sections
5 155.2, 155.4, 178, 202.2, 204.3, 207, 249.1, 249.35A, 303, 303.1, 303.2, 311, 731, 732, 733,
6 734, 750, 803.9, 843, 890.54, 1006.2, and 1111.1. At the regular meeting of the Land Use
7 and Transportation Committee on May 24, 2021, the Committee amended this ordinance to
8 remove Sections 155.2, 155.4, 178, 202.2, 204.3, 207, 249.1, 249.35A, 303, 303.1, 303.2,
9 311, 731, 732, 733, 734, 750, 803.9, 843, 890.54, 1006.2, and 1111.1, such that this
10 ordinance no longer includes those Sections.

11
12 Section 8. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor’s veto of the ordinance.

16
17 Section 9. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
18 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
19 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
20 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
21 additions, and Board amendment deletions in accordance with the “Note” that appears under
22 the official title of the ordinance.

23
24 APPROVED AS TO FORM:
25 DENNIS J. HERRERA, City Attorney

