

BOARD of SUPERVISORS



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March 23, 2021

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On March 16, 2021, Mayor Breed introduced the following legislation:

File No. 210285

Ordinance amending the Planning, Business and Tax Regulations, and Police Codes to adopt and implement the Small Business Recovery Act by, among other things: 1) expanding streamlined review and inspection procedures to principally permitted storefront uses Citywide; 2) deleting separate definitions of “Cat Boarding,” “Gym,” “Trade Shop,” and “Services, Instructional” from the Planning Code; 3) allowing permitted conditional uses to continue after three years of abandonment; 4) allowing Outdoor Activity Areas on rooftops; 5) allowing accessory catering uses in Restaurants; 6) allowing accessory dwelling units on the ground floor in Neighborhood Commercial, Chinatown Business, and Chinatown Visitor Districts; 7) allowing temporary outdoor entertainment, arts and recreation activities; 8) deleting certain conditional use finding requirements for Nighttime Entertainment use; 9) deleting conditional use findings related to formula retail concentrations in certain districts; 10) requiring expedited permit processing for commercial uses on the ground floor; 11) shortening the time for the Historic Preservation Commission to request review of minor alteration permits and certificates of appropriateness; 12) extending time for limited live performances from 10 p.m. to 11 p.m.; 13) allowing additional One-Time Entertainment Permits and One-Time Outdoor Amplified Sound Permits; 14) exempting single individual performances without amplification from permit requirements; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk

Land Use and Transportation Committee

- c: Rich Hillis, Director
- Scott Sanchez, Zoning Administrator
- Lisa Gibson, Environmental Review Officer
- Devyani Jain, Deputy Environmental Review Officer
- Adam Varat, Acting Director of Citywide Planning
- Aaron Starr, Manager of Legislative Affairs
- Andrea Ruiz-Esquide, Deputy City Attorney
- Joy Navarrete, Major Environmental Analysis

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 **adopt and implement the Small Business Recovery Act by, among other things:**

5 **1) expanding streamlined review and inspection procedures to principally permitted**

6 **storefront uses Citywide; 2) deleting separate definitions of “Cat Boarding,” “Gym,”**

7 **“Trade Shop,” and “Services, Instructional” from the Planning Code; 3) allowing**

8 **permitted conditional uses to continue after three years of abandonment; 4) allowing**

9 **Outdoor Activity Areas on rooftops; 5) allowing accessory catering uses in**

10 **Restaurants; 6) allowing accessory dwelling units on the ground floor in Neighborhood**

11 **Commercial, Chinatown Business, and Chinatown Visitor Districts; 7) allowing**

12 **temporary outdoor entertainment, arts and recreation activities; 8) deleting certain**

13 **conditional use finding requirements for Nighttime Entertainment use; 9) deleting**

14 **conditional use findings related to formula retail concentrations in certain districts;**

15 **10) requiring expedited permit processing for commercial uses on the ground floor;**

16 **11) shortening the time for the Historic Preservation Commission to request review of**

17 **minor alteration permits and certificates of appropriateness; 12) extending time for**

18 **limited live performances from 10 p.m. to 11 p.m.; 13) allowing additional One-Time**

19 **Entertainment Permits and One-Time Outdoor Amplified Sound Permits; 14) exempting**

20 **single individual performances without amplification from permit requirements;**

21 **affirming the Planning Department’s determination under the California Environmental**

22 **Quality Act; and making findings of consistency with the General Plan, and the eight**

23 **priority policies of Planning Code, Section 101.1, and findings of public necessity,**

24 **convenience, and welfare under Planning Code, Section 302.**

25 **NOTE: Unchanged Code text and uncodified text are in plain Arial font.**

1 **Additions to Codes** are in *single-underline italics Times New Roman font*.
2 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
3 **Board amendment additions** are in double-underlined Arial font.
4 **Board amendment deletions** are in ~~strikethrough Arial font~~.
5 **Asterisks (* * * *)** indicate the omission of unchanged Code
6 subsections or parts of tables.

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

8 Section 1. Environmental and Land Use Findings.

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

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

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

24 Section 2. Article 1 of the Business and Tax Regulations Code is hereby amended by
25 revising Section 32, to read as follows:

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

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

17 (b) **Deadline for Implementation of Coordinated and Simplified Review Process.**
18 The City departments subject to this Section 32 include, but are not limited to, the Planning
19 Department, Department of Building Inspection, Fire Department, Department of Public
20 Works, and Health Department. No later than 30 days from the effective date of this Section
21 32, the subject City departments shall implement a coordinated and simplified process for the
22 review of all applications for *principally permitted* storefront commercial uses ~~that are principally~~
23 ~~permitted in the district~~, and shall periodically review and update the process. For permits
24 outside of Neighborhood Commercial District or Neighborhood Commercial Transit Districts, the
25 subject City departments shall apply the coordinated and simplified process for the review of all

1 applications for storefront commercial uses that are principally permitted in the district no later than
2 90 days after the operative date of the ordinance in Board of Supervisors File No. _____, amending
3 this Section 32.

4 * * * *

5
6 Section 3. The Planning Code is hereby amended by revising Sections 102, 145.4,
7 155.2, 155.4, 178, 202.2, 204.3, 207, 209.3, 210.3, 210.3C, 249.1, 249.33, 249.35A, 249.84,
8 249.87, 303, 303.1, 303.2, 309, 311, 703, 703.9, 731, 732, 733, 734, 750, 780.1, 801.2,
9 803.2, 803.3, 803.9, 843, 890.54, and 890.116, and adding Sections 193 and 205.8, to read
10 as follows:

11
12 **SEC. 102. DEFINITIONS.**

13 * * * *

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

15 * * * *

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

- 20 (1) Arts Activities;
- 21 (2) Restaurant, Limited;
- 22 (3) Retail Sales and Services, General;
- 23 (4) Service, Personal; and
- 24 (5) Service, Retail Professional; ~~and~~
- 25 ~~(6) Trade Shop.~~

1 * * * *

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

4 * * * *

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

9 * * * *

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

17 * * * *

18 It shall not include ~~Trade Shop,~~ Agricultural and Beverage Processing 1 or 2, or Heavy
19 Manufacturing 1, 2, or 3. This use is subject to the location and operation controls in Section
20 202.2(d).

21 * * * *

22 **Production, Distribution, and Repair (PDR) Use.** A grouping of uses that includes, but is
23 not limited, to all Industrial and Agricultural Uses, Ambulance Services, Animal Hospital,
24 Automotive Service Station, Automotive Repair, Automotive Wash, Arts Activities, Business
25 Services, ~~Cat Boarding,~~ Catering, Commercial Storage, Kennel, Motor Vehicle Tow Service,

1 Livery Stable, Parcel Delivery Service, Public Utilities Yard, Storage Yard, Trade Office, ~~Trade~~
2 ~~Shop~~, Wholesale Sales, and Wholesale Storage.

3 * * * *

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

8 * * * *

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

11 (j) Toys, gifts, and photographic goods and services;-

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

16 (l) Boarding for domestic cats.

17 * * * *

18 **Sales and Services, Retail.** A Commercial Use category that includes Uses that involve the
19 sale of goods, typically in small quantities, or services directly to the ultimate consumer or end
20 user with some space for retail service on site, excluding Retail Entertainment Arts and
21 Recreation, and Retail Automobile Uses and including, but not limited to: Adult Business,
22 Animal Hospital, Bar, Cannabis Retail, ~~Cat Boarding~~, Chair and Foot Massage, Tourist
23 Oriented Gift Store, General Grocery, Specialty Grocery, ~~Gym~~, Hotel, Jewelry Store, Kennel,
24 Liquor Store, Massage Establishment, Mortuary (Columbarium), Motel, Non-Auto Sales,
25 Pharmacy, Restaurant, Limited Restaurant, General Retail Sales and Service, Financial

1 Service, Fringe Financial Service, Limited Financial Service, Health Service, *Instructional*
2 ~~Service~~, Personal Service, Retail Professional Service, Self-Storage, and Tobacco
3 Paraphernalia Establishment, ~~and Trade Shop~~.

4 * * * *

5 **Service, Business.** A Non-Retail Sales and Service Use that provides the following kinds of
6 services primarily to businesses and/or to the general public and does not fall under the
7 definition of Office: radio and television stations, newspaper bureaus, magazine and trade
8 publication publishing, microfilm recording, slide duplicating, bulk mail services, parcel
9 shipping services, parcel labeling and packaging services, messenger delivery/courier
10 services, sign painting and lettering services, non-vehicular equipment rental, or building
11 maintenance services.

12 * * * *

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

15 * * * *

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

23 * * * *

24 ///

25 ///

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

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

~~(b) Upholstery services;~~

~~(c) Carpentry;~~

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

~~(e) Tailoring; and~~

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

* * * *

SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.

* * * *

Table 145.4

Reference for Commercial, Neighborhood Commercial, and Residential-Commercial Districts	Reference for Mixed Use Districts	Use
* * * *		
<i>102</i>	<i>N/A</i>	<i>Gym</i>
* * * *		
<i>102</i>	<i>N/A</i>	<i>Services, Instructional</i>

* * * *		
102	890.124	Trade Shop
* * * *		

* * * *

SEC. 155.2. BICYCLE PARKING: APPLICABILITY AND REQUIREMENTS FOR SPECIFIC USES.

Bicycle parking spaces are required in at least the minimum quantities specified in Table 155.2. Bicycle parking shall meet the standards in Section 155.1.

* * * *

Table 155.2

BICYCLE PARKING SPACES REQUIRED

Use	Minimum Number of Class 1 Spaces Required	Minimum Number of Class 2 Spaces Required
* * * *		
Sales and Services Use Category		
* * * *		
Trade Shop , Retail Greenhouse or Nursery	One Class 1 space for every 12,000 square feet of Occupied Floor Area, except not less than two Class 1 spaces for any use larger than 5,000 occupied square feet.	Minimum of two spaces. Four Class 2 spaces for any use larger than 50,000 occupied square feet.
* * * *		

* * * *

SEC. 155.4. REQUIREMENTS FOR SHOWER FACILITIES AND LOCKERS.

(a) **Applicability.** Requirements for shower facilities and lockers are applicable under the provisions of Section 155.2(a)(1) through (a)(4) for uses defined under subsection (c) below. Subject uses shall provide shower and clothes locker facilities for short-term use of the tenants or Employees in that building. When shower facilities and lockers are required due to additions to, conversion, or renovation of uses, facilities shall be calculated based on the total square footage of the building or lot after the addition, conversion or renovations.

* * * *

(c) **Requirements.**

Uses	Minimum Shower Facility and Lockers Required
Entertainment, Arts and Recreation Uses; Industrial Uses; Institutional Uses; Non-Retail Sales and Services Uses; Utility and Infrastructure Uses; <i>and</i> Small Enterprise Workspace; <i>and Trade Shop</i>	<ul style="list-style-type: none"> - One shower and six clothes lockers where the Occupied Floor Area exceeds 10,000 square feet but is no greater than 20,000 square feet, - Two showers and 12 clothes lockers where the Occupied Floor Area exceeds 20,000 square feet but is no greater than 50,000 square feet, - Four showers and 24 clothes lockers are required where the Occupied Floor Area exceeds 50,000 square feet.
* * * *	

///

1 **SEC. 178. CONDITIONAL USES.**

2 The following shall apply to conditional uses:

3 * * * *

4 (d) **Abandonment.** *A permitted conditional use that is discontinued for a period of three*
5 *years, or otherwise abandoned, shall not be restored, except upon approval of a new conditional use*
6 *application pursuant to the provisions of Article 3 of this Code. For purposes of this subsection (d), the*
7 *period of nonuse for a permitted conditional use to be deemed discontinued in the Castro Street*
8 *Neighborhood Commercial District and the Jackson Square Special Use District shall be 18 months.*

9 A permitted conditional Formula Retail use which is discontinued for a period of 18
10 months, or otherwise abandoned, shall not be restored, except upon approval of a new
11 conditional use application pursuant to Article 3 of this Code.

12 * * * *

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

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

20
21 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

22 (a) **Retail Sales and Service Uses.** The Retail Sales and Service Uses listed below
23 shall be subject to the corresponding conditions:

24 * * * *

25 ///

1 (7) **Outdoor Activity Area.** An Outdoor Activity Area shall be principally
2 permitted in any Neighborhood Commercial District or Neighborhood Commercial Transit
3 District if it meets all of the following conditions:

4 (A) The Outdoor Activity Area is located on the ground level or on a
5 rooftop within the boundaries of the property;

6 (B) The Outdoor Activity Area is in operation only between 9:00 a.m. and
7 10:00 p.m.;

8 (C) The Outdoor Activity Area is not operated in association with a Bar
9 use;

10 (D) Where associated with a Limited Restaurant or Restaurant Use, the
11 Outdoor Activity Area includes only seated, not standing, areas for patrons; and

12 (E) Alcohol is dispensed to patrons only inside the premises or through
13 wait staff services at the patron’s outdoor seat in the Outdoor Activity Area.

14 Any Outdoor Activity Area seeking to operate beyond these limitations requires
15 a Conditional Use Authorization, unless such Outdoor Activity Area is permitted by Planning
16 Code Section 145.2.

17 * * * *

18
19 **SEC. 204.3. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN C, RC, M,**
20 **AND PDR DISTRICTS.**

21 (a) **Commercial, Residential-Commercial, PDR, and M Districts.** An Accessory
22 Use to a lawful Principal or Conditional Use is subject to the following limitations:

23 * * * *

24 ///

25 ///

1 (4) **Accessory Catering Use to Restaurants and Limited Restaurants.**

2 Catering Uses that satisfy the limitations set forth in Section 703(d)(3)(B) shall be permitted as
3 an Accessory Use to Restaurants and Limited Restaurants.

4 * * * *

5
6 **SEC 205.8. TEMPORARY USES: OUTDOOR ENTERTAINMENT, ARTS AND RECREATION**
7 **ACTIVITIES.**

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

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

15 (c) Hours of Operation. Uses permitted by this Section 205.8 may not exceed the hours of
16 9:00 a.m. to 10:00 p.m.

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

20 (e) No Conversion, Change, Discontinuance, or Abandonment of Use. The approval or
21 commencement of a temporary use as authorized under this Section 205.8 shall not be considered a
22 conversion, discontinuance, abandonment, or change of use for purposes of this Code, notwithstanding
23 Sections 178, 182, and 183 of this Code. Any property for which the temporary use is authorized shall
24 retain its authorized land use(s). Such authorized land uses, including any nonconforming uses, shall

25 ///

1 again become operative upon the expiration, termination, or abandonment of such temporary use
2 authorization.

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

8
9 **SEC. 207. DWELLING UNIT DENSITY LIMITS.**

10 * * * *

11 (c) **Exceptions to Dwelling Unit Density Limits.** An exception to the calculations
12 under this Section 207 shall be made in the following circumstances:

13 * * * *

14 (4) **Local Accessory Dwelling Unit Program: Accessory Dwelling Units in**
15 **Multifamily Buildings; Accessory Dwelling Units in Single-Family Homes That Do Not**
16 **Strictly Meet the Requirements in subsection (c)(6).**

17 * * * *

18 (C) **Controls on Construction.** An Accessory Dwelling Unit regulated by
19 this subsection (c)(4) is permitted to be constructed in an existing or proposed building under
20 the following conditions:

21 * * * *

22 (viii) ~~An Accessory Dwelling Unit shall not be permitted in any building~~
23 ~~in a Neighborhood Commercial District or in the Chinatown Community Business or Visitor Retail~~
24 ~~Districts if it would eliminate or reduce a ground-story retail or commercial space, unless the~~
25 ~~Accessory Dwelling Unit is a Designated Child Care Unit, as defined in Section 102, and meets all~~

~~applicable standards of Planning Code Section 414A.6(e). In Neighborhood Commercial Districts or in the Chinatown Community Business or Visitor Retail Districts, Accessory Dwelling Units may not eliminate or reduce the size of a ground floor commercial space, except under the following circumstances: (1) the Accessory Dwelling Unit may completely eliminate a ground floor commercial space if it is being added as a Designated Child Care Unit, as defined in Section 102; or (2) the addition of the Accessory Dwelling Unit maintains a depth of at least 25 feet of the commercial space that fronts on the public right-of-way.~~

* * * *

SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.

These Districts are intended to recognize, protect, conserve, and enhance areas characterized by structures combining Residential uses with neighborhood-serving Commercial uses. The predominant Residential uses are preserved, while provision is made for supporting Commercial uses, usually in or below the ground story, that meet the frequent needs of nearby residents without generating excessive vehicular traffic. The compact, walkable, transit-oriented and mixed-use nature of these Districts is recognized by no off-street parking requirements. The RC Districts are composed of two separate districts, as follows:

* * * *

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	§ References	RC-3	RC-4
Sales and Service Category			
* * * *			

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>
* * * *					
<i>Gym</i>	§§ 102, 210.3C	<i>NP</i>	<i>NP(20)</i>	<i>NP(20)</i>	<i>NP</i>
* * * *					
<i>Trade Shop</i>	§ 102	<i>P(11)</i>	<i>P</i>	<i>P</i>	<i>P</i>
* * * *					

* * * *

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

* * * *

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

* * * *

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

* * * *

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

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

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

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

8 (A) Office Uses;

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

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

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

14 * * * *

15 **SEC. 249.1. FOLSOM AND MAIN RESIDENTIAL/COMMERCIAL SPECIAL USE**
16 **DISTRICT.**

17 (a) **Purpose.** In order to convert an under-utilized and outmoded industrial area to a
18 unique residential neighborhood close to downtown which will contribute significantly to the
19 City's housing supply, create tapered residential buildings, provide an appropriate mixture of
20 retail sales and personal services to support new residential development, provide a buffer of
21 office and parking use between the bridge and freeway ramps and the housing sites, and
22 allow the existing industrial, service and office uses to remain, there shall be the Folsom and
23 Main Residential/Commercial Special Use District as designated on Sectional Map No. SU01
24 of the Zoning Map of the City and County of San Francisco.

25 * * * *

1 (b) **Controls.** The following zoning controls are applicable in the
2 Residential/Commercial Special Use District.

3 * * * *

4 (2) **Uses.**

5 (A) Permitted uses are those permitted in an RC-4 District, plus the uses
6 listed in ~~§~~subsection (e)(1)(B) below; provided that, for newly constructed buildings or
7 additions of ~~20% percent~~ or more of an existing building's gross floor area, at least six net
8 square feet of residential use is provided for each one net square foot of non-residential use
9 on any lot. Additions of less than ~~20% percent~~ of a building's gross floor area are exempt from
10 the ~~six-to-one~~ residential requirements. Once granted, this exemption from the residential
11 development requirement for building additions may not be repeated for any single property.
12 Any addition of more than ~~20% percent~~ of gross square feet of building area shall be required
13 to provide the housing on a six-to-one basis for all of the additional building area. All areas
14 used for parking for either residential or non-residential uses shall be excluded in the
15 calculation of the residential/non-residential ratio. For the purposes of application of this six-to-
16 one ~~6-to-1~~ ratio, Hotels as defined under Section 102 shall be considered a non-residential
17 rather than a residential use.

18 (B) The use provisions applicable to an RC-4 District shall be applicable
19 to the "Residential/Commercial" Subdistrict with the following modifications or additions:

20 * * * *

21 (vii) ~~Trade Shops and~~ Catering uses shall be permitted as of right
22 above or below the ground floor, and shall require Conditional Use authorization at the ground
23 floor;

24 * * * *

25 ///

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

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

24 (b) **Use Controls.**

25 * * * *

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

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

7 (B) **Controls.**

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

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

17 (iii) **Exemption.** Any projects providing ground floor uses that are
18 larger than 1,000 gross square feet and defined as Arts Activities, Child Care Facility,
19 Community Facility, ~~Instructional Service~~, Public Facility, School or Social Service are exempt
20 from the Micro-Retail requirement.

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

23 * * * *

24 ///

25 ///

1 **SEC. 249.35A. FULTON STREET GROCERY STORE SPECIAL USE DISTRICT.**

2 (a) Purpose. In order to provide for the consideration of a neighborhood-serving
3 grocery store of moderate size in a location accessible to the Hayes Valley and Western
4 Addition neighborhoods, there shall be a Fulton Street Grocery Store Special Use District,
5 consisting of Lots 001 and 058 through 198, inclusive of Assessor's Block 0794, between
6 Laguna and Octavia Streets, as designated on Sectional Map 2SU of the Zoning Map. This
7 Special Use District would enable the consideration of a project containing a grocery store in a
8 district that does not permit such uses. This Special Use District would conditionally permit a
9 grocery store that is a formula retail use, in order to allow consideration of a grocery store that
10 is affordable to the neighborhood. This one-time lift of the ban on formula retail is intended to
11 support an affordable grocery store that is committed to serving and hiring from the
12 neighborhood. According to the U.S. Census Bureau's 2017 American Community Survey,
13 the median household income in the surrounding neighborhood is \$24,041, and over one-third
14 of residents in the neighborhood live below the poverty line.

15 * * * *

16 (d) **Controls.** The following controls apply to projects meeting the criteria of subsection
17 (c) and to any subsequent alterations or changes of use in a building approved under this
18 Section 249.35A.

19 * * * *

20 (4) All subsequent changes of use shall require Conditional Use authorization
21 from the Planning Commission. The only Non-Residential Uses that may be permitted in the
22 space initially approved for a Grocery Store shall include ~~Trade Shop and~~ Institutional Uses,
23 excluding Medical Cannabis Dispensaries, and Hospitals, except that General Retail Sales
24 and Services, Pharmacy, or General or Specialty Grocery uses may be permitted.

25 * * * *

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

2 * * * *

3 (g) **Uses.**

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

7 * * * *

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

9 * * * *

10 **Notes:**

11 * * * *

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

15 * * * *

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

18 * * * *

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

22 * * * *

23 “Production, Distribution, and Repair (PDR) Use” has the meaning as set forth in Planning
24 Code Section 102 as amended from time to time, except that it also includes trade shops that provide
25 custom-crafted goods and/or services for sale directly to the consumer, reserving some storefront space

1 for display and retail service; this may include but is not limited to repair of personal apparel,
2 accessories, household goods, appliances, furniture, and similar items, upholstery services, and other
3 artisan craft uses.

4 * * * *

5 (g) **Uses.**

6 * * * *

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

10 * * * *

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

12 * * * *

13 Notes:

14 * * * *

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

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

22 * * * *

23 (7) P at the basement level, ground floor, mezzanine, and 2nd floor only; on Blocks 2,
24 3, 11, 12, and 15, and Block 9 if Block 9 is majority non-residential, Bar, Tourist Oriented Gift
25 Store, Specialty Grocery, ~~Gym~~, Liquor Store, Limited Restaurant, ~~General~~ Restaurant,

1 ~~Instructional Service~~, and ~~Retail~~ Personal Service Uses are P on rooftops; other Retail Uses are
2 NP on rooftops.

3 * * * *

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

9 * * * *

10
11 **SEC. 303. CONDITIONAL USES.**

12 * * * *

13 (o) ~~Eating and Drinking Uses. With regard to a Conditional Use authorization application for~~
14 ~~a Restaurant, Limited Restaurant and Bar uses the Planning Commission shall consider, in addition to~~
15 ~~the criteria set forth in subsection (c) above, the existing concentration of eating and drinking uses in~~
16 ~~the area. Such concentration should not exceed 25% of the total commercial frontage as measured in~~
17 ~~linear feet within the immediate area of the subject site except as otherwise provided in this subsection~~
18 ~~(o). The concentration of eating and drinking uses in the Polk Street Neighborhood Commercial~~
19 ~~District shall not exceed 35% of the total commercial frontage as measured in linear feet within the~~
20 ~~immediate area of the subject site. For the purposes of this Section 303 of the Code, the immediate area~~
21 ~~shall be defined as all properties located within 300' of the subject property and also located within the~~
22 ~~same zoning district. [Subsection deleted.]~~

23 (p) **Adult Business, ~~Nighttime Entertainment, General Entertainment, and Other~~**
24 **~~Entertainment Uses.~~**

25 ///

1 (1) With respect to Conditional Use authorization applications for Adult
2 Business, ~~Nighttime Entertainment, General Entertainment and Other Entertainment~~ uses, such use
3 or feature shall:

4 (A) ~~If the use is an Adult Business, it shall not~~ Not be located within 1,000
5 feet of another such use; and/or

6 (B) Not be open between two a.m. and six a.m.; and

7 (C) Not use electronic amplification between midnight and six a.m.; and

8 (D) Be adequately soundproofed or insulated for noise and operated so
9 that incidental noise shall not be audible beyond the premises or in other sections of the
10 building and fixed-source equipment noise shall not exceed the decibel levels specified in the
11 San Francisco Noise Control Ordinance.

12 * * * *

13 **SEC. 303.1. FORMULA RETAIL USES.**

14 * * * *

15 (c) "**Retail Sales or Service Activity or Retail Sales or Service Establishment.**" For
16 the purposes of this Section 303.1, a retail sales or service activity or retail sales or service
17 establishment shall include the following uses whether functioning as a Principal or Accessory
18 Use, as defined in Articles 1, 2, 7, and 8 of this Code:

19 * * * *

20 - Massage Establishment §§ 102, 890.60;

21 - Service, Personal §§ 102, 890.116;

22 ~~Service, Instructional § 102;~~

23 ~~Gym; § 102~~

24 * * * *

25 ///

1 (d) **Conditional Use Criteria.** With regard to a Conditional Use authorization
2 application for a Formula Retail use, the Planning Commission shall consider, in addition to
3 the criteria set forth in Section 303, the criteria below and the Performance-Based Design
4 Guidelines adopted by the Planning Commission to implement the criteria below.

5 ~~(1) The existing concentrations of Formula Retail uses within the district and within the~~
6 ~~vicinity of the proposed project. To determine the existing concentration, the Planning Commission~~
7 ~~shall consider the percentage of the total linear street frontage within a 300-foot radius or a quarter of~~
8 ~~a mile radius, at the Planning Department's discretion, from the subject property that is occupied by~~
9 ~~Formula Retail and non-Formula Retail businesses. The Department's review shall include all parcels~~
10 ~~that are wholly or partially located within the 300-foot radius or quarter-mile radius. If the subject~~
11 ~~property is a corner parcel, the 300-foot radius or quarter-mile radius shall include all corner parcels~~
12 ~~at the subject intersection. For each property, the Planning Department shall divide the total linear~~
13 ~~frontage of the lot facing a public right of way by the number of storefronts, and then calculate the~~
14 ~~percentage of the total linear frontage for Formula Retail and non-Formula Retail. Half percentage~~
15 ~~points shall be rounded up.~~

16 ~~For the Upper Market Street Neighborhood Commercial District only, if the application~~
17 ~~would bring the formula retail concentration within a 300-foot radius to a concentration of 20% or~~
18 ~~above, Planning Department staff shall recommend disapproval of the application to the Planning~~
19 ~~Commission. If the application would not bring the formula retail concentration within the 300-foot~~
20 ~~radius to a concentration of 20% or above, Planning Department staff shall assess the application~~
21 ~~according to all the other criteria listed in this Subsection 303.1(d), and recommend approval or~~
22 ~~disapproval to the Planning Commission, according to its discretion and professional judgment. In~~
23 ~~either case, the Planning Commission may approve or reject the application, considering all the~~
24 ~~criteria listed in this Subsection 303.1(d).~~

25 ///

1 (2 1) The availability of other similar retail uses within the district and within the
2 vicinity of the proposed project.

3 (3 2) The compatibility of the proposed Formula Retail use with the existing
4 architectural and aesthetic character of the district.

5 (4 3) The existing retail vacancy rates within the district and within the vicinity of
6 the proposed project.

7 (5 4) The existing mix of Citywide-serving retail uses and daily needs-serving
8 retail uses within the district and within the vicinity of the proposed project.

9 (6 5) Additional relevant data and analysis set forth in the Performance-Based
10 Design Guidelines adopted by the Planning Commission.

11 (7 6) For Formula Retail uses of 20,000 gross square feet or more, except for
12 General or Specialty Grocery stores as defined in Articles 2, 7 and 8 of this Code, the
13 contents of an economic impact study prepared pursuant to Section 303(i) of this Code.

14 (8 7) Notwithstanding anything to the contrary contained in Planning Code
15 Article 6 limiting the Planning Department's and Planning Commission's discretion to review
16 signs, the Planning Department and Planning Commission may review and exercise
17 discretion to require changes in the time, place and manner of the proposed signage for the
18 proposed Formula Retail use, applying the Performance-Based Design Guidelines.

19 * * * *

20
21 **SEC. 303.2. ~~PRIORITY~~EXPEDITED PROCESSING FOR CERTAIN USES IN**
22 **COMMERCIAL SPACE: EXPEDITED CONDITIONAL USE REVIEW AND APPROVAL**
23 **PROCESS AND REDUCED APPLICATION FEE.**

24 * * * *

25 ///

1 (b) ***Priority-Expedited* Processing for Certain Uses.** Applications for Conditional Use
2 authorization that comply with the requirements of subsection (c) are eligible for *priority*
3 *expedited* processing and a prorated application fee. Eligibility for *priority-expedited* processing
4 shall not require any application separate from a completed application for Conditional Use
5 authorization. Unless modified by this Section 303.2, the provisions of Section 303 shall apply.

6 (c) **Eligibility for *Priority-Expedited* Processing.** An application for a Conditional Use
7 authorization qualifies for *priority-expedited* processing (“eligible application”) pursuant to this
8 Section 303.2 if it *is seeking to establish, alter, enlarge or intensify a commercial use on the first story*
9 *or below, or on the second story where the commercial use would operate on both the first and second*
10 *stories, in the subject building and* complies with all of the following requirements:

11 (1) It pertains exclusively to Non-Residential Uses;

12 (2) It is limited to changes of use, tenant improvements, or other interior or
13 storefront work;

14 (3) It does not involve the removal of any Dwelling Units;

15 (4) It does not involve a Formula Retail use *with more than 20 locations*;

16 (5) It does not propose or require the consolidation of multiple storefronts;

17 (6) It does not seek to provide off-street parking in a quantity beyond that
18 allowed as of right; *and*

19 ~~(7) It does not seek to establish, expand, or intensify activities during hours of operation~~
20 ~~*beyond those permitted as of right;*~~

21 ~~(8) It does not seek to sell alcoholic beverages for either on-site or off-premises~~
22 ~~*consumption, excepting beer and/or wine sold in conjunction with the operation of a Bona Fide Eating*~~
23 ~~*Place;*~~

24 (9) It does not seek to establish or expand any of the following uses:

25 (A) Adult Entertainment.

- 1 ~~(B) Bar.~~
- 2 ~~(CB) Drive-up Facility.~~
- 3 ~~(DC) Fringe Financial Service.~~
- 4 ~~(E) Medical Cannabis Dispensary.~~
- 5 ~~(F) Nighttime Entertainment.~~
- 6 ~~(G) Non-Retail Sales and Service that is closed to the general public.~~
- 7 ~~(HD) Tobacco Paraphernalia Establishment.~~
- 8 ~~(HE) Wireless Communication Facility; and~~
- 9 ~~(8I0) Is not within the Calle 24 Special Use District, as described and set forth~~
- 10 ~~in Section 249.59 of this Code.~~

11 If the application qualifies for *priority expedited* processing, the Department shall notify
 12 the applicant of the date of acceptance of the complete application and of the applicant's
 13 eligibility for *priority expedited* processing. The application fee shall be prorated pursuant to
 14 subsection (f).

15 (d) **Expedited Commission Hearing.** An eligible application shall be scheduled for a
 16 public hearing on the Planning Commission's consent calendar within 90 days from the date
 17 that the application has been deemed complete, unless the hearing date is extended pursuant
 18 to subsection (e). An application is deemed complete when the application and filing fee have
 19 been accepted by the Department. The Planning Commission shall develop rules and
 20 regulations to ensure that eligible applications are heard and determined within 90 days
 21 without compromising the review times of other applications. *In order to aid the expedited*
 22 *processing of these applications, the Planning Department shall create and use an abbreviated case*
 23 *report for applications that are eligible for this program.*

24 * * * *

25 ///

1 **SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.**

2 * * * *

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

5 * * * *

6 (17) Exceptions to the height and bulk limits for parcels within the Van Ness &
7 Market Residential Special Use District as defined by Section 270(f)(2). In considering such
8 exceptions, the Planning Commission shall consider the extent to which the project achieves
9 the following: (A) sculpts the building massing to achieve an elegant and creative tower form
10 that enhances the skyline; (B) reduces or minimizes potential impacts on winds and shadows;
11 (C) provides ground floor uses that serve a range of income levels and enrich the social
12 landscape of the area such as: Arts Activities, Child Care Facility, Community Facility,
13 ~~Instructional Service~~, Public Facility, School, Social Service, priority health service or
14 neighborhood-serving retail; and (D) maximizes housing density within the allowed envelope.

15 * * * *

16
17 **SEC. 311. PERMIT REVIEW PROCEDURES.**

18 * * * *

19 (b) **Applicability.** Except as indicated herein, all building permit applications in
20 Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for a change of use;
21 establishment of a Micro Wireless Telecommunications Services Facility; establishment of a
22 Formula Retail Use; demolition, new construction, or alteration of buildings; and the removal
23 of an authorized or unauthorized residential unit, shall be subject to the notification and review
24 procedures required by this Section 311. In addition, all building permit applications that would
25 establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district,

1 shall be subject to the review procedures required by this Section 311. Notwithstanding the
2 foregoing or any other requirement of this Section 311, the following shall not be subject to the
3 review requirements of this Section 311: (1) a change of use to a Child Care Facility, as defined in
4 Section 102; ~~shall not be subject to the review requirements of this Section 311. Notwithstanding the~~
5 ~~foregoing or any other requirement of this Section 311;~~ (2) building permit applications to construct
6 an Accessory Dwelling Unit pursuant to Section 207(c)(6); ~~shall not be subject to the notification~~
7 ~~or review requirements of this Section 311. Notwithstanding the foregoing or any other requirement of~~
8 ~~this Section 311;~~ (3) a change of use to a principally permitted use in an NC or NCT District or
9 in a limited commercial use or a limited corner commercial use, as defined in Sections 186
10 and 231, respectively; and (4) a change of use in an Eastern Neighborhood Mixed Use District as
11 defined in Section 311(b)(1)(B); ~~shall not be subject to the review or notice requirements of this Section~~
12 ~~311.~~

13 * * * *

14
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. Any Use that does
21 not qualify as an Accessory Use shall be classified as a Principal or Conditional Use unless it
22 qualifies as a temporary use under Sections 205 through 205.4 of this Code.

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

25 * * * *

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

5 (A) In the North Beach Special Use District where such activities are
6 limited to 15% of the total floor area occupied by the Principal or Conditional Use to which it is
7 accessory unless the Principal or Conditional Use is Specialty Foods Manufacturing as
8 defined in Section 780.3 of this Code; and

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

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

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

17 * * * *

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

22 * * * *

23
24 **SEC. 703.9. PRESERVATION OF HISTORIC BUILDINGS WITHIN THE FOLSOM STREET**
25 **NCT AND RCD DISTRICTS.**

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

3 * * * *

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

17 * * * *

18
19 **SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

20 * * * *

21 **Table 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
22 **ZONING CONTROL TABLE**

23
24
25

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		P	P	NP
* * * *					
<i>Trade Shop</i>	<i>§ 102</i>		<i>P(4)</i>	<i>C(4)</i>	<i>NP</i>
* * * *					

(4) ~~Subject to Formula Retail Controls.~~ [note deleted]

* * * *

SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

Zoning Category	§ References	Controls			
Non-Residential Standards and Uses					
* * * *					
			Controls by Story		
			1st	2nd	3rd+
Sales and Service Use Category					

1	Retail Sales and Service	§ 102, 202.2(a)	P	P	NP
2	Uses*				
3	* * * *				
4	<i>Trade Shop</i>	<i>§ 102</i>	<i>P(4)</i>	<i>C(4)</i>	<i>NP</i>
5	* * * *				
6					

7 * * * *

8 (4) ~~Subject to Formula Retail Controls.~~ [Note deleted.]

9 * * * *

11 **SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

12 * * * *

13 **Table 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 14 **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	§ 102, 202.2(a)	P	P	NP
Uses*				
* * * *				

1	<i>Trade Shop</i>	§ 102	<i>P(4)</i>	<i>C(4)</i>	<i>NP</i>
2	* * * *				

3 * * * *

4 (4) *Subject to Formula Retail Controls. [Note deleted.]*

5 * * * *

6
7 **SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

8 * * * *

9 **Table 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

10 **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)	P	P	NP
* * * *				
<i>Trade Shop</i>	§ 102	<i>P(4)</i>	<i>C(4)</i>	<i>NP</i>
* * * *				

23 * * * *

24
25 (4) *Subject to Formula Retail Controls. [Note deleted.]*

1 * * * *

2
3 **SEC. 750. NCT-1 – NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT.**

4 * * * *

5 **Table 750. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1**

6 **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)	P (4)	NP	NP
* * * *				

16 * * * *

17
18 (4) *P if located more than 1/4 mile from any NC District or Restricted Use Subdistrict with more*
19 *restrictive controls; otherwise, same as more restrictive controls. [Note deleted.]*

20 * * * *

21
22 **SEC. 780.1 LAKESHORE PLAZA SPECIAL USE DISTRICT.**

23 * * * *

Zoning Category No.	Controls
----------------------------	-----------------

24 * * * *

<p>1 .51, .52, .53</p> <p>2</p> <p>3 * * * *</p> <p>4</p>	<p>Medical services, personal <u>Personal</u> services</p> <p>and business or professional services are</p> <p>permitted as principal uses at the third story.</p>
--	---

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

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

9 * * * *

10 224 shall refer to Section 102, Animal Hospital, ~~Cat Boarding~~, and Kennel

11 * * * *

12

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

14 * * * *

15 (d) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1
16 (Accessory Uses for Dwelling Units in All Districts), 204.4 (Dwelling Units Accessory to Other
17 Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an Accessory Use
18 as defined in Section 102, shall be permitted in Chinatown Mixed Use Districts when located
19 on the same lot. Any Use not qualified as an Accessory Use shall only be allowed as a
20 Principal or Conditional Use, unless it qualifies as a temporary use under Sections 205
21 through 205.4 of this Code.

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

24 * * * *

25 ///

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

4 * * * *

5
6 **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE**
7 **DISTRICTS.**

8 * * * *

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

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

14 * * * *

15 (C) **Accessory Uses.** Subject to the limitations set forth below and in
16 Sections 204.1 (Accessory Uses for Dwelling Units in All Districts), 204.4 (Dwelling Units
17 Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code,
18 an Accessory Use is a related minor use which is either necessary to the operation or
19 enjoyment of a lawful Principal Use or Conditional Use, or is appropriate, incidental, and
20 subordinate to any such use, and shall be permitted as an Accessory Use in an Eastern
21 Neighborhoods Mixed Use District. In order to accommodate a Principal Use which is carried
22 out by one business in multiple locations within the same general area, such Accessory Use
23 need not be located in the same structure or lot as its Principal Use provided that (1) the
24 Accessory Use is located within 1,000 feet of the Principal Use; and (2) the multiple locations
25 existed on April 6, 1990. Accessory Uses to non-office uses (as defined in Section 890.70)

1 may occupy space which is noncontiguous or on a different Story as the Principal Use so long
2 as the Accessory Use is located in the same building as the Principal Use and complies with
3 all other restrictions applicable to such Accessory Uses. Any use which does not qualify as an
4 Accessory Use shall be classified as a Principal Use.

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

7 * * * *

8 (v) Any Nighttime Entertainment use, as defined in Section 102;
9 provided, however, that a Limited Live Performance Permit as set forth in Police Code Section
10 1060 et seq., and entertainment that does not require a Limited Live Performance permit as set forth
11 in Police Code Section 1060.1(e), is allowed in any District except for an RED, RED-MX, MUR,
12 or MUG District.

13 * * * *

14
15 **SEC. 803.9. USES IN MIXED USE DISTRICTS.**

16 * * * *

17 (g) **Retail Controls in the MUG, MUO, CMUO, and UMU Districts.** In the MUG,
18 MUO, CMUO, and UMU District, up to 25,000 gross square feet of retail use (as defined in
19 Section 890.104 of this Code) is permitted per lot. Above 25,000 gross square feet, three
20 gross square feet of other uses permitted in that District are required for every one gross
21 square foot of retail. ~~In the UMU District, Gyms, as defined in Section 102, are exempt from this~~
22 ~~requirement.~~ In the CMUO District, Tourist Hotels, as defined in Sec. 890.46, are exempt from
23 this requirement.

24 ///

25 ///

1 **SEC. 843. UMU – URBAN MIXED USE DISTRICT.**

2 * * * *

3 **Table 843 UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE**

4

No.	Zoning Category	§ References	Urban Mixed Use District Controls
* * * *			
843.51	<i>Gyms</i>	§§ 218(d), 803.9(g)	<i>P up to 3,999 gross sq.ft. per use; C over 4,000 sq.ft. per use. Not subject to 3:1 ratio, per Sec. 803.9(g)</i>
* * * *			

15

16 **SEC. 890.54. LIGHT MANUFACTURING, WHOLESALE SALES, STORAGE.**

17 A commercial use, including light manufacturing, wholesale sales, and storage, as
 18 defined in Subsections (a), (b), (c), and (d) below.

19 (a) Light Manufacturing. A nonretail use that provides for the fabrication or
 20 production of goods, by hand or machinery, for distribution to retailers or wholesalers for
 21 resale off the premises, primarily involving the assembly, packaging, repairing, or processing
 22 of previously prepared materials, when conducted in an enclosed building having no openings
 23 other than fixed windows or exits required by law located within 50 feet of any R District. Light
 24 manufacturing uses include production and custom activities usually involving individual or
 25 ///

1 special design, or handiwork, such as the following fabrication or production activities as may
2 be defined by the Standard Industrial Classification Code Manual as light manufacturing uses:

3 (1) Food processing, not including mechanized assembly line production
4 of canned or bottled goods;

5 (2) Apparel and other garment products;

6 (3) Furniture and fixtures;

7 (4) Printing and publishing of books or newspaper;

8 (5) Leather products;

9 (6) Pottery;

10 (7) Glass blowing;

11 (8) Measuring, analyzing, and controlling instruments; photographic,
12 medical and optical goods; watches and clocks; and

13 (9) Manufacture of cannabis products or cannabis extracts that are
14 derived without the use of volatile organic compounds (License Type 6—Manufacturer 1, as
15 defined in California Business and Professions Code, Division 10).

16 It shall not include the chemical processing of materials or the use of any machine that
17 has more than five horsepower capacity, nor shall the mechanical equipment required for the
18 use, together with related floor space used primarily by the operators of such equipment, in
19 aggregate occupy more than ¼ of the total gross floor area of the use.

20 It shall ~~be~~ not include ~~a trade shop, as defined in Section 890.124 of this Code, or~~ a heavy
21 industrial use subject to Section 226(e) through (w) of this Code. It shall not include general or
22 heavy manufacturing uses, not described in this ~~S~~ subsection (a).

23 * * * *

24 ///

25 ///

1 **SEC. 890.116. SERVICE, PERSONAL.**

2 A retail use which provides grooming services to the individual, including salons,
 3 cosmetic services, tattoo parlors, and health spas; ~~and, excluding~~ instructional services not
 4 certified by the State Educational Agency, such as art, dance, exercise, martial arts, and
 5 music classes.

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

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

19
 20 **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)	*	*	*
* * * *				
<i>Cat Boarding</i>	§ 102	*	*	*
<i>Gym</i>	§ 102	*	*	*
<i>Services, Instructional</i>	§ 102	*	*	*
<i>Trade Shop</i>	§ 102	*	*	*

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

- 710 – Gym; Services, Instructional; Trade Shop
- 711 – Trade Shop
- 712 – Trade Shop
- 713 – Services, Instructional
- 714 – Trade Shop
- 715 – Gym; Services, Instructional; Trade Shop
- 718 - Trade Shop
- 719 – Trade Shop
- 721 – Trade Shop
- 722 – Trade Shop
- 723 – Trade Shop
- 724 – Gym; Services, Instructional
- 725 – Gym; Services, Instructional

- 1 726 – Trade Shop
- 2 727 – Gym; Services, Instructional; Trade Shop
- 3 729 – Trade Shop
- 4 730 – Trade Shop
- 5 735 – Trade Shop
- 6 736 – Trade Shop
- 7 737 – Trade Shop
- 8 738 – Trade Shop
- 9 739 – Trade Shop
- 10 740 – Trade Shop
- 11 741 – Trade Shop
- 12 742 – Gym; Services, Instructional; Trade Shop
- 13 743 – Trade Shop
- 14 744 – Trade Shop
- 15 745 – Trade Shop
- 16 751 – Trade Shop
- 17 752 – Trade Shop
- 18 753 – Trade Shop
- 19 754 – Trade Shop
- 20 755 – Trade Shop
- 21 756 – Trade Shop
- 22 757 – Cat Boarding; Gym; Services, Instructional; Trade Shop
- 23 758 – Cat Boarding; Services, Instructional; Trade Shop
- 24 759 – Trade Shop
- 25 760 – Gym; Services, Instructional; Trade Shop

- 1 761 – Gym; Services, Instructional; Trade Shop
- 2 762 – Gym; Services, Instructional
- 3 763 – Gym; Services, Instructional
- 4 764 – Gym; Services, Instructional; Trade Shop
- 5 810 – Trade Shop
- 6 811 – Gym; Services, Instructional
- 7 812 – Trade Shop
- 8 813 – Trade Shop
- 9 814 – Trade Shop
- 10 840 – Trade Shop
- 11 841 – Trade Shop
- 12 842 – Trade Shop
- 13 843 – Trade Shop
- 14 844 – Trade Shop
- 15 845 – Trade Shop
- 16 846 – Trade Shop
- 17 847 – Trade Shop
- 18 848 – Trade Shop

19

20 Section 5. The Planning Code is hereby amended by revising Sections 1006.2
21 and 1111.1, to read as follows:

22

23 **SEC. 1006.2. REVIEW BY PLANNING DEPARTMENT.**

24 ///

25 ///

1 The Department shall review an application for a Certificate of Appropriateness and
2 determine within 30 days of submittal whether the application is complete or whether
3 additional information is required.

4 (a) Minor Alterations. The HPC may define certain categories of work as Minor
5 Alterations and delegate review of an Administrative Certificate of Appropriateness for such
6 Minor Alterations to Department staff. If the HPC delegates such review to Department staff,
7 Minor Alterations shall include the following categories of work:

8 (1) Work the sole purpose and effect of which is to comply with the
9 Unreinforced Masonry Building (UMB) Seismic Retrofit Ordinance and where the proposed
10 work complies with the UMB Retrofit Architectural Design Guidelines adopted by the HPC; or

11 (2) Any other work so delegated to the Department by the HPC.

12 (b) Administrative Certificates of Appropriateness. Upon receipt of a building permit
13 application, the Department will review and render a decision on an Administrative Certificate
14 of Appropriateness without a hearing before the HPC. The Department shall mail the
15 Department's written decision on an Administrative Certificate of Appropriateness to the
16 applicant and to any individuals or organizations who so request. Any Departmental decision
17 on an Administrative Certificate of Appropriateness may be appealed to the HPC within 15
18 days of the date of the written decision. The HPC may also request review of any
19 Departmental decision on an Administrative Certificate of Appropriateness by its own motion
20 within 20 10 days of the written decision.

21 * * * *

22 **SEC. 1111.1. DETERMINATION OF MINOR AND MAJOR ALTERATIONS.**

23 (a) The HPC shall determine if a proposed alteration is a Major Alteration or a Minor
24 Alteration and may delegate review of proposed Minor Alterations to Department staff, whose
25 decisions may be appealed to the HPC pursuant to subsection 1111.1(b). All work not

1 determined to be a Minor Alteration shall be a Major Alteration and subject to HPC approval. If
2 so delegated to Department staff, the categories of Minor Alteration shall include but are not
3 limited to the following:

4 (1) Alterations whose sole purpose and effect is to comply with the UMB
5 Seismic Retrofit Ordinances and that comply with the UMB Retrofit Architectural Design
6 Guidelines, which guidelines shall be adopted by the HPC; and

7 (2) Any other work so delegated to the Department by the HPC.

8 (b) Upon receipt of a building permit application and delegation of its review to
9 Department staff, the Department will review and render a decision on a Permit for Minor
10 Alterations without a hearing before the HPC. The Department shall mail its written decision
11 approving a Permit for Minor Alteration to the applicant and any individuals or organizations
12 who have so requested in writing to the Department. The Department's decision may be
13 appealed to the HPC within 15 days of the date of the written decision. The HPC may also
14 review the decisions of the Department by its own motion if such motion is made within 20
15 days of the date of the written decision.

16 * * * *

17
18 Section 6. The Police Code is hereby amended by revising Sections 1060, 1060.1,
19 1060.24, 1060.29, and 1060.29.2; adding Sections 1060.2.3 and 1060.24.3; and deleting
20 Section 1060.38.1, to read as follows:

21
22 **SEC. 1060. DEFINITIONS.**

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

25 * * * *

1 “Limited Live Performance Locale.” A locale with all the following features:

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

4 (b) The locale is indoors, or consists of an outdoor plaza, courtyard, or similar
5 space, enclosed by surrounding buildings, with or without open means of public ingress and
6 egress, with an area in which Live Performances are presented that is no greater than 200
7 square feet. For purposes of this provision, “outdoor plaza, courtyard, or similar space” also
8 shall include, regardless of the square footage of the Live Performance area, (1) any Plaza as
9 identified in Administrative Code Chapter 94 or (2) any People Place as identified in
10 Administrative Code Chapter 94A.

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

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

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

22 * * * *

23 “One Time Event Permit.” A permit, as further described in Section 1060.29, allowing a
24 Person to conduct a One Time Event on the premises specified in the permit for no longer
25 ///

1 than one 24-hour period, ~~and that may be issued for the same premises for no more than a total of 12~~
2 ~~days, whether consecutive or non-consecutive, in a 12-month period.~~

3 * * * *

4 "One Time Outdoor Amplified Sound Permit." A permit allowing One Time Outdoor
5 Amplified Sound on the premises specified in the permit, ~~and that may be issued for the same~~
6 ~~premises for no more than a total of 12 days, whether consecutive or non-consecutive, in a 12-month~~
7 ~~period.~~

8 * * * *

9
10 **SEC. 1060.1. PERMIT REQUIRED.**

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

19 * * * *

20 (e) No permit shall be required for any Person to own, conduct, operate, or maintain, or to
21 cause or permit to be conducted, operated, or maintained a Limited Live Performance Locale, where
22 any Entertainment ends by 10 p.m. and the Entertainment consists only of a single individual
23 performing without amplification. Any place or premises where this Entertainment occurs must 1)
24 conform to all health, safety, zoning, fire, and other ordinances of the City and County of San
25 Francisco; and 2) have a valid permit to operate (formerly referenced in this Article 15.1 as a public

1 eating place permit) from the Department of Public Health under Health Code Section 452, if
2 applicable. This subsection (e) shall not apply to any premises that does not hold a currently valid
3 permit that is required under this Article 16.

4
5 **SEC. 1060.2.3. DETERMINATION OF CONTINUING ENTERTAINMENT OPERATIONS**
6 **ESTABLISHMENT.**

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

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

20
21 **SEC. 1060.24. PERMITS NOT TRANSFERABLE; PERMIT MUST BE SURRENDERED**
22 **UPON SALE OF BUSINESS; PERMIT AMENDMENT REQUIRED TO CHANGE**
23 **PARTNERS OR OTHER OWNERS.**

24 * * * *

25 ///

1 ~~(h) **Temporary Permits.** Once the Entertainment Commission receives a surrendered Place of~~
2 ~~Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound~~
3 ~~Permit under Section 1060.24(b), the new owner of the business may apply to the Director for a~~
4 ~~temporary Place of Entertainment Permit, Limited Live Performance Permit, or Fixed Place Amplified~~
5 ~~Sound Permit, subject to any required Planning Department approvals, for a period not to exceed 90~~
6 ~~days from the date of surrender (a “Temporary Permit”). The Director may grant a Temporary Permit~~
7 ~~provided that (1) the new owner has submitted a completed application for a Place of Entertainment~~
8 ~~Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit, (2) the new~~
9 ~~owner’s Entertainment, Live Performance, or Amplified Sound events and activities are consistent with~~
10 ~~those allowed under the prior Permit, (3) the premises at issue complies with all existing health, safety,~~
11 ~~and fire ordinances, and (4) a Temporary Permit is necessary to ensure uninterrupted operations of a~~
12 ~~business at the premises. This Temporary Permit may not be renewed as a Temporary Permit. The~~
13 ~~Entertainment Commission may establish additional procedures and Temporary Permit criteria to help~~
14 ~~carry out the goals of this Section 1060.24(h).~~

15
16 **SEC. 1060.24.3. TEMPORARY PERMITS.**

17 (a) Once the Entertainment Commission receives a surrendered Place of Entertainment Permit,
18 Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound Permit under Section
19 1060.24(b), the new owner of the business may apply to the Director for a temporary Place of
20 Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound
21 Permit, respectively, subject to any required Planning Department approvals, for a period not to
22 exceed 90 days from the date of surrender (a “Temporary Permit”). The Director shall grant a
23 Temporary Permit provided that 1) the new owner has submitted a completed application for a Place of
24 Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound
25 Permit, as applicable; 2) the new owner’s Entertainment, Limited Live Performance, or Fixed Place

1 Outdoor Amplified Sound events and activities, as applicable, are consistent with those allowed under
2 the prior Permit; 3) the premises at issue complies with all existing health, safety, and fire ordinances;
3 and 4) a Temporary Permit is necessary to ensure uninterrupted operations of a business at the
4 premises. A Temporary Permit may not be renewed as a Temporary Permit.

5 (b) Where a Person has received a Pop-Up Retail Temporary Use Authorization as defined in
6 Section 205.1(d) of the Planning Code, for a premises, the Person may apply to the Director for a
7 temporary Limited Live Performance Permit for that premises for a period not to exceed 60 days (a
8 “Pop-Up Permit”). The Director may grant a Pop-Up Permit provided that the permit application
9 satisfies all of the findings required in subsections (f)(1)-(3) and subsection (g) of Police Code Section
10 1060.5.1. The Director may impose any conditions on the Pop-Up Permit the Director determines to be
11 necessary to address health and safety concerns, and may impose reasonable time, place, and manner
12 conditions. A Pop-Up Permit may be renewed for an additional 60 days, subject to any required
13 Planning Department approvals.

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

17 **SEC. 1060.29. ONE TIME EVENT PERMIT.**

18 (a) This Section 1060.29 provides a procedure for permitting a Person to conduct,
19 maintain, promote, or sponsor Entertainment on the premises specified in the One Time Event
20 Permit ~~for a limited number of one-day occurrences in a 12-month period~~, including operation
21 between 2:00 a.m. and 6:00 a.m. No Person shall conduct, maintain, promote or sponsor
22 Entertainment between 2:00 a.m. and 6:00 a.m. without a One Time Event Permit or an
23 Extended-Hours Premises Permit. One Time Event Permits may be issued for a premises for
24 which a Place of Entertainment Permit has been issued, but for which no Extended-Hours
25 Premises Permit has been issued, when the applicant proposes operating between 2:00 a.m.

1 and 6:00 a.m. Nevertheless, the One Time Event Permit is not intended to function as a
2 routine substitute for a Person's securing either the Place of Entertainment Permit or the
3 Extended-Hours Permit when the Person's course of conduct indicates that either or both of
4 those permits would be more appropriate to seek. For purposes of One Time Event Permits,
5 the word "premises" means the area or structure where the event for which a permit is sought
6 occurs, and includes outdoor areas.

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

10 (c) A Person may obtain a single One Time Event Permit authorizing events on
11 consecutive or non-consecutive days for the same premises, ~~provided that such events may not~~
12 ~~occur for more than a total of 12 days at the same premises within any 12-month period.~~ One Time
13 Event Permits may not authorize events on the same premises for consecutive 24-hour
14 periods without a six-hour break between the end time for the first day and the start time for
15 the next day. If a One Time Event Permit includes permission to operate between 2:00 and
16 6:00 a.m., the Permit may not authorize commencement of operations before noon for the
17 same premises later that calendar day.

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

23 (2) At any premises where events have occurred for a total of 12 or more days within the
24 previous 12-month period, upon receipt of a permit application for a One Time Event Permit, the
25 Entertainment Commission, or its Director as delegated by the Entertainment Commission, shall

1 determine whether to hold a hearing on the permit application to ensure that the legal standards for
2 granting the permit(s) are met, to determine what conditions, if any, may be appropriate to place on the
3 permit(s), and to ensure that the One Time Event Permit is not being used by the applicant to function
4 as a routine substitute for the applicant's securing either the Place of Entertainment Permit or the
5 Extended-Hours Permit when the applicant's course of conduct indicates that either or both of those
6 permits would be more appropriate to seek. The Entertainment Commission, or its Director as
7 delegated by the Entertainment Commission, may, in its discretion, determine that a hearing is not
8 required, if the available evidence indicates that the application is likely to satisfy all of the
9 requirements of this subsection (d).

10 * * * *

11
12 **SEC. 1060.29.2. ONE TIME OUTDOOR AMPLIFIED SOUND PERMIT.**

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

24 * * * *

25 (d) Duration and Number of Permits.

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

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

23 * * * *

24 ~~**SEC. 1060.38.1. EXTENSION OF EVENING HOURS LIMIT FOR LIMITED LIVE**~~
25 ~~**PERFORMANCE PERMITS.**~~

1 ~~(a) Notwithstanding Section 1060(r)(3), and except as provided in Subsection (b), below, at any~~
2 ~~time after a year has elapsed since the granting of a Limited Live Performance Permit, the Director~~
3 ~~may, upon application of the Permittee, extend the hours during which Live Performances may be~~
4 ~~presented at the Limited Live Performance Locale to any time between 10:00 p.m., and 11:00 p.m.,~~
5 ~~inclusive, on the basis that there have been no significant public safety or public nuisance concerns at~~
6 ~~or near the establishment attributed to the operation of the Limited Live Performance Permit. If the~~
7 ~~Director denies the application for an extension of hours, the Permittee may appeal the Director's~~
8 ~~decision to the Entertainment Commission, and the process for notifying the Permittee of the Director's~~
9 ~~decision and providing an appeal right to the Entertainment Commission shall parallel to the extent~~
10 ~~applicable the notice and appeal process prescribed in Section 1060.20.2(b).~~

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

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

21 ~~(d) If, following the Director's granting, pursuant to Subsection (a), an extension of hours~~
22 ~~during which Live Performances may be presented at a Limited Live Performance Locale, there are~~
23 ~~significant public safety or public nuisance concerns at or near the establishment attributed to the~~
24 ~~operation of the Limited Live Performance Permit, the Director may reduce the hours during which~~
25 ~~Live Performances may be presented at the establishment to an earlier time, but no earlier than 10:00~~

1 ~~p.m. The process for notifying the Permittee of the Director's order and providing an appeal right to~~
2 ~~the Entertainment Commission shall parallel to the extent applicable the notice and appeal process~~
3 ~~prescribed in Section 1060.20.2(b).~~

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

6
7 Section 7. Effective Date. This ordinance shall become effective 30 days after
8 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
9 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
10 of Supervisors overrides the Mayor's veto of the ordinance.

11
12 Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the "Note" that appears under
17 the official title of the ordinance.

18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By: /s/
22 AUDREY PEARSON
23 Deputy City Attorney

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LEGISLATIVE DIGEST

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

Ordinance amending the Planning, Business and Tax Regulations, and Police Codes to adopt and implement the Small Business Recovery Act by, among other things, 1) expanding streamlined review and inspection procedures to principally permitted storefront uses citywide; 2) deleting separate definitions of “Cat Boarding,” “Gym,” “Trade Shop,” and “Services, Instructional” from the Planning Code; 3) allowing permitted conditional uses to continue after three years of abandonment; 4) allowing Outdoor Activity Areas on rooftops; 5) allowing accessory catering uses in Restaurants; 6) allowing accessory dwelling units on the ground floor in Neighborhood Commercial, Chinatown Business, and Chinatown Visitor Districts; 7) allowing temporary outdoor entertainment, arts and recreation activities, 8) deleting certain conditional use finding requirements for Nighttime Entertainment use; 9) deleting conditional use findings related to formula retail concentrations in certain districts; 10) requiring expedited permit processing for commercial uses on the ground floor; 11) shortening the time for the Historic Preservation Commission to request review of minor alteration permits and certificates of appropriateness; 12) extending time for limited live performances from 10 p.m. to 11 p.m.; 13) allowing additional One-Time Entertainment Permits and One-Time Outdoor Amplified Sound Permits; 14) exempting single individual performances without amplification from permit requirements; and affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

Existing Law

Currently, section 32 of the Business and Tax Regulations Code requires streamlined review of principally permitted storefront uses in Neighborhood Commercial and Neighborhood Commercial Transit Districts.

Currently, the Planning Code:

- includes specific definitions for “Cat Boarding,” “Gym,” “Trade Shop,” and “Services, Instructional” (Planning Code § 102)
- provides that conditional uses that are discontinued or abandoned for three years can only be restored with a new conditional use authorization (§ 178)
- allows outdoor activity areas at the ground level (§ 202.2)
- allows Limited Restaurants to include accessory catering uses (§ 204.3)
- prohibits accessory dwelling units on the ground floor in Neighborhood Commercial, Chinatown Business, and Chinatown Visitor Districts (§ 207)

- requires specific conditional use findings for Eating and Drinking Uses, for Nighttime Entertainment, General Entertainment and other Entertainment uses, and for Formula Retail uses (related to concentrations of Formula Retail uses in certain districts) (§§ 303, and 303.1)
- allows expedited permit processing for conditional use authorization applications that comply with specific requirements (§ 303.2)
- requires neighborhood notice for certain building permit applications in residential, Neighborhood Commercial, Neighborhood Commercial Transit and in Eastern Neighborhoods Mixed Use Districts (§ 311)
- requires the Historic Preservation Commission to request review of minor alteration permits and certificates of appropriateness within 20 days (§§ 1006.2 and 1111.1)

Currently, under Article 15 of the Police Code, Limited Live Performances must conclude by 10 p.m., unless extended. Applicants may obtain no more than 12 One-Time Entertainment Permits and One-Time Outdoor Amplified Sound Permits in a 12-month period; and performances by single individuals with no amplification must obtain a permit.

Amendments to Current Law

This ordinance would amend section 32 of the Business and Tax Regulations Code to require streamlined review of principally permitted storefront uses citywide, not just in Neighborhood Commercial and Neighborhood Commercial Transit Districts.

In addition, the ordinance would amend the Planning Code to:

- delete the specific definitions and use categories for “Cat Boarding,” “Gym,” “Trade Shop,” and “Services, Instructional.” Instead, cat boarding and trade shops would be considered a General Retail Sales and Service use, and gyms and instructional services would be considered a Personal Service use. The ordinance would delete references to the definitions throughout the Planning Code, including in zoning district tables. (Planning Code § 102 and throughout)
- delete the requirement that conditional uses are abandoned after three years (§ 178)
- establish that places of entertainment that are deemed to be a Continuing Entertainment Operations Establishment by the Entertainment Commission may continue operation regardless of zoning (new § 193)
- allow outdoor activity areas on rooftops within the boundaries of the property (§ 202.2)
- allow Restaurants to include accessory catering uses (§ 204.3)
- authorize temporary uses in outdoor areas for Entertainment, Arts and Recreation Activities (new § 205.8)
- allow accessory dwelling units on the ground floor in the commercial space in Neighborhood Commercial, Chinatown Business, and Chinatown Visitor Districts as long as the commercial space maintains a depth of at least 25 feet (§ 207)
- allow temporary outdoor entertainment, arts and recreation activities (new § 205.8)

- delete requirements for specific conditional use findings for Eating and Drinking Uses; delete specific conditional use findings required for Nighttime Entertainment, General Entertainment and other entertainment Uses; delete certain findings requirements related to the concentration of formula retail uses (§§ 303, 303.1)
- expand the types of conditional use permits that can be expedited to include commercial uses on the first story, and the first and second story if the commercial use would operate on both stories (§ 303.2)
- remove the neighborhood notification requirement for changes of use in Eastern Neighborhood Mixed Use Districts (§ 311)
- reduce the time the Historic Preservation Commission must request review of minor alteration permits and certificates of appropriateness to 10 days (§§ 1006.2, 1111.1)

Finally, the ordinance amends Article 15 of the Police Code to allow limited live performances until 11 p.m., except in certain districts; to allow issuance of additional One-Time Entertainment Permits and One-Time Outdoor Amplified Sound Permits; to exempt single individual performances with no amplification from permit requirements; and to allow the Entertainment Commission to deem certain entertainment uses as a Continuing Entertainment Operations Establishment which allows continued operation without additional zoning reviews.

Background Information

These amendments implement the Small Business Recovery Act.

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