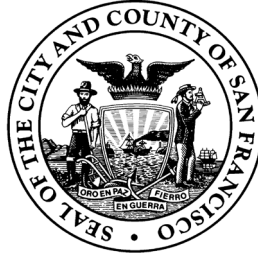


BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Katy Tang, Director
Small Business Commission, City Hall, Room 448

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: February 5, 2025

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 250099

Ordinance amending the Planning Code to eliminate retail use size limits on Health Service Uses in the MUO ("Mixed Use-Office") District; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

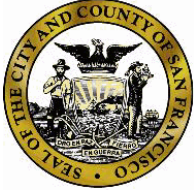
Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:
Office of Chair Melgar and Supervisor Dorsey
Kerry Birnbach, Senior Policy Analyst/Commission Secretary

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ No Comment
_____ Recommendation Attached

Chairperson, Small Business Commission



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 250099	File Type: Ordinance	Status: 30 Day Rule
Enacted:	Effective:	
Version: 1	In Control: Land Use and Transportation Committee	
File Name: Planning Code - Health Service Uses in the Mixed Use-Office District	Date Introduced: 01/28/2025	
Requester:	Cost:	Final Action:
Comment:	Title: Ordinance amending the Planning Code to eliminate retail use size limits on Health Service Uses in the MUO (“Mixed Use-Office”) District; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.	
Sponsor: Dorsey		

History of Legislative File 250099

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	01/28/2025	ASSIGNED UNDER 30 DAY RULE	Land Use and Transportation Committee	02/27/2025	

[Planning Code - Health Service Uses in the Mixed Use-Office District]

Ordinance amending the Planning Code to eliminate retail use size limits on Health Service Uses in the MUO (“Mixed Use-Office”) District; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

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

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

Section 1. Land Use and Environmental Findings.

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

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

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

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

8
9 Section 2. Articles 1.2 and 8 of the Planning Code are hereby amended by revising
10 Sections 121.6 and 832, to read as follows:

11
12 **SEC. 121.6. LARGE-SCALE RETAIL USES.**

13 Notwithstanding any other provision of this Code, establishment of a single retail use in
14 excess of 50,000 gross square feet in any zoning district other than the C-3 Zoning Districts
15 shall require conditional use authorization pursuant to Section 303 unless such use already is
16 prohibited. This Section 121.6 shall apply to the establishment of a new use and the
17 expansion of an existing use. For purposes of this Section, “single retail use” shall include,
18 except for Hotels and Motels, all Retail and Service Uses listed in Section 102 and retail uses
19 identified in Article 8 of this Code. This Section shall not apply to Health Service Uses in the MUO
20 District.

21
22 **SEC. 832. MUO – MIXED USE-OFFICE DISTRICT.**

23 * * * *

Table 832	
MUO – MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE	

Zoning Category	§ References	Mixed Use-Office District Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *		
Use Size Limits	§ 121.6	C required for single retail use over 50,000 gross square feet. Single Retail Uses in excess of 120,000 gross square feet are NP. <u>(6)</u>
* * * *		
Sales and Service Category		
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P(4) <u>(6)</u>
* * * *		

* Not listed below

* * * *

(4) P up to a total of 25,000 Gross Square Feet per lot; above 25,000 gross sq. ft. permitted only if the ratio of other permitted uses to retail is at least 3:1. CU requirements for individual uses still apply.

* * * *

(6) The use size limits in Section 121.6 and the use size and ratio requirements in footnote 4 of this Table 832 shall not apply to Health Service Uses.

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11 APPROVED AS TO FORM:
12 DAVID CHIU, City Attorney

13 By: /s/ Giulia Gualco-Nelson
14 GIULIA GUALCO-NELSON
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Health Service Uses in the Mixed Use-Office District]

Ordinance amending the Planning Code to eliminate retail use size limits on Health Service Uses in the MUO (“Mixed Use-Office”) District; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

The Planning Code imposes limits on the square footage of certain retail uses in various zoning districts. Planning Code Section 121.6 requires a conditional use authorization to establish a single Retail Sales and Service Use in excess of 50,000 gross square feet in any zoning district other than the C-3 (“Downtown Commercial”) Districts.

Additional use size limits apply in the MUO (“Mixed Use-Office”) District. In the MUO District, a conditional use authorization is required for a single Retail Sales and Service Use to exceed 25,000 gross square feet, provided that the ratio of other permitted uses to retail is at least three to one. (Planning Code Section 832.)

A Health Service Use is a Retail Sales and Service Use. (Planning Code Section 102.)

Amendments to Current Law

This ordinance amends Planning Code Section 121.6 to exempt Health Service Uses in the MUO District from the 50,000 gross square foot limit on single retail uses. This ordinance also amends Planning Code Section 832 to exempt Health Service Uses in the MUO District from the 25,000 gross square foot limit (and associated ratio requirements) on single retail uses.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☒ 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- ☐ 2. Request for next printed agenda Without Reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning : "Supervisor inquiries"
- ☐ 5. City Attorney Request.
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget Analyst request (attached written motion).
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Ordinance amending the Planning Code to eliminate retail use size limits on Health Service Uses in the MUO ("Mixed Use-Office") District; 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 making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Signature of Sponsoring Supervisor:

For Clerk's Use Only