

1 [Zoning – Large-scale Retail Use.]

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3 **Ordinance amending the Planning Code to add section 121.6 to impose a conditional**  
4 **use requirement and other specified procedures for certain large-scale retail uses in**  
5 **excess of 90,000 square feet and to prohibit such uses if they are in excess of 120,000**  
6 **square feet.**

7 Note: Additions are *single-underline italics Times New Roman*;  
8 deletions are ~~*strikethrough italics Times New Roman*~~.  
9 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. Findings.

12 (a) The primary purpose of this ordinance is to reduce or prevent the negative  
13 impacts of large-scale retail businesses on traffic circulation, land use patterns, and the  
14 economic and social health of neighborhood commercial districts and other land use districts  
15 throughout the City.

16 (b) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
17 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
18 Planning Commission Motion No. \_\_\_\_\_ recommending approval of this Planning  
19 Code amendment, and incorporates such reasons by reference herein. A copy of said motion  
20 is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

21 (c) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that  
22 this ordinance is consistent with the priority policies of Section 101.1(b) of the Planning Code  
23 and the General Plan hereby adopts as its own the findings of the Planning Commission, as  
24 set forth in Planning Commission Motion No. \_\_\_\_\_, and incorporates said findings  
25 by reference herein as though set forth fully.

1 Section 2. The San Francisco Planning Code is hereby amended by adding Section  
2 121.6, to read as follows:

3 Sec. 121.6. Large-Scale Retail Uses.

4 Notwithstanding any other provision of this Code, if a single retail use in excess of  
5 90,000 square feet is a permitted or conditionally authorized use in any zoning district, the  
6 following requirements shall apply:

7 (a) If the retail use would be 120,000 square feet or less; sell food, beverages, or  
8 groceries; contain more than 20,000 Stockkeeping Units (SKUs); and devote more than five  
9 percent (5%) of its total sales floor area to the sale of non-taxable merchandise, such retail  
10 use shall be subject to conditional use authorization subject to Section 303 of this Code and  
11 the provisions of this Section.

12 (b) If the retail use would exceed 120,000 square feet; sell food, beverages, or  
13 groceries; contain more than 20,000 Stockkeeping Units (SKUs); and devote more than five  
14 percent (5%) of its total sales floor area to the sale of non-taxable merchandise, such retail  
15 use shall be prohibited.

16 (c) Any retail use that obtains conditional use authorization pursuant to this Section  
17 shall file an annual report with the Planning Department specifying the percent of total sales  
18 floor area devoted to the sale of non-taxable merchandise during the during the previous year.  
19 Said report shall be filed no later than March 15 of each year. Failure to submit a report may  
20 be deemed a violation of the conditional use authorization.

21 (d) This Section shall apply to the establishment of a new use, expansion of an  
22 existing use, or change in use from one retail category to another.

23 (e) For purposes of this Section:  
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1           (1)   “sales floor area” includes only interior building space devoted to the sale of  
2 merchandise, and does not include restrooms, office space, storage space, automobile  
3 service areas, or open-air garden sales space.

4           (2)   “non-taxable merchandise” includes products, commodities, or other items not  
5 subject to California State sales tax.

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8 APPROVED AS TO FORM:  
9 DENNIS J. HERRERA, City Attorney

10 By: \_\_\_\_\_  
11       John D. Malamut  
12       Deputy City Attorney

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