

1 [Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses]

2  
3 **Ordinance amending the Planning Code to 1) allow Nighttime Entertainment Uses as**  
4 **principally permitted on the ground floor and conditionally permitted on the second**  
5 **floor in the Polk Street Neighborhood Commercial District (NCD); 2) modify**  
6 **requirements for limited commercial uses within one-quarter mile of the North Beach**  
7 **Special Use District (SUD); 3) conditionally permit Retail Professional Services Uses on**  
8 **the ground floor in the North Beach NCD, subject to existing limitations; 4) allow**  
9 **limited commercial uses (LCUs) in Residential, House (RH) and Residential, Mixed (RM)**  
10 **Districts with specified limitations; 5) require operating hours to end at 10 p.m. for**  
11 **LCUs and limited corner commercial uses (LCCUs) in RH and RM Districts; 6) establish**  
12 **that LCCUs are limited to those uses allowed in the nearest an NCD or SUD within one-**  
13 **quarter mile of the use, or the NC-1 District, as specified; 67) prohibit outdoor activity**  
14 **areas not at the front of the building in RH and RM Districts and limit such outdoor**  
15 **activity areas in other residential districts; 78) establish that LCCUs in Residential**  
16 **Transit Oriented (RTO) Districts must be located on corner lots and specify lot depth**  
17 **requirements; and 89) make minor corrections to code text; and affirming the Planning**  
18 **Department's determination under the California Environmental Quality Act, making**  
19 **findings of consistency with the General Plan, and the eight priority policies of**  
20 **Planning Code, Section 101.1, and making findings of public necessity, convenience,**  
21 **and welfare pursuant to Planning Code, Section 302.**

22 **NOTE: Unchanged Code text and uncodified text are in plain Arial font.**  
23 **Additions to Codes are in *single-underline italics Times New Roman font.***  
24 **Deletions to Codes are in *strikethrough italics Times New Roman font.***  
25 **Board amendment additions are in double-underlined Arial font.**  
**Board amendment deletions are in ~~strikethrough Arial font.~~**

1  
2 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
3 subsections or parts of tables.

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

5  
6 Section 1. Environmental and Land Use Findings.

7 (a) The Planning Department has determined that the actions contemplated in this  
8 ordinance comply with the California Environmental Quality Act (California Public Resources  
9 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
10 Supervisors in File No. 231221 and is incorporated herein by reference. The Board affirms  
11 this determination.

12 (b) On February 22, 2024, the Planning Commission, in Resolution No.  
13 21520, adopted findings that the actions contemplated in this ordinance are consistent,  
14 on balance, with the City's General Plan and eight priority policies of Planning Code Section  
15 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with  
16 the Clerk of the Board of Supervisors in File No. 231221, and is incorporated herein by  
17 reference.

18 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
19 amendments will serve the public necessity, convenience, and welfare for the reasons set  
20 forth in Planning Commission Resolution No. 21520, and the Board incorporates  
21 such reasons herein by reference. A copy of said resolution is on file with the Clerk of the  
22 Board of Supervisors in File No. 231221.

1 Section 2. Articles 1.7, 2, 3, 7, and 8 of the Planning Code are hereby amended by  
2 revising Sections 186, 202.2, 209.1, 209.2, 209.4, 231, 303.1, 722, 723, and 781.9, to read as  
3 follows:

4  
5 **SEC. 186. EXEMPTION OF LIMITED COMMERCIAL AND INDUSTRIAL**  
6 **NONCONFORMING USES IN RH, RM, RTO, AND RED DISTRICTS.**

7 \* \* \* \*

8 (a) **Exemption from Termination Provisions.** The following nonconforming uses in  
9 R Districts shall be exempt from the termination provisions of Section 185, provided such  
10 uses comply with all the conditions specified in subsection (b) below:

11 (1) Any nonconforming use at any Story in an RTO, RH, or RM District which is  
12 located more than one-quarter of one mile from any of the Restricted Use Subdistricts  
13 specified in subsection (a)(3) below, and which complies with the use limitations specified for  
14 the First Story and below of an NC-1 District, as set forth in Section 710 of this Code.

15 (2) Any nonconforming use in an RTO, RH, or RM District which is located  
16 within one-quarter of one mile from any of the Restricted Use Subdistricts specified in  
17 subsection (a)(3) below and which complies with the most restrictive use limitations specified  
18 for the First Story and below of:

19 (A) an NC-1 District, as set forth in Section 710 of this Code; or

20 (B) Any of the specified Restricted Use Subdistricts specified in  
21 subsection (a)(3) below.

22 (3) Subsections (a)(1) and (a)(2) above apply to the following Restricted Use  
23 Subdistricts: the Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating  
24 and Drinking Subdistrict set forth in Section 781.4 of this Code; the North Beach Financial  
25 Service, Limited Financial Service, and Business or Professional Service Subdistrict set forth

1 in Section 781.6 of this Code; the North Beach Special Use District set forth in Section 780.3  
2 of this Code; and the Third Street Formula Retail Restricted Use District set forth in Section  
3 786 of this Code.

4 \* \* \* \*

5 (b) **Conditions on Limited Nonconforming Uses.** The limited nonconforming uses  
6 described above shall meet the following conditions:

7 (1) The building shall be maintained in a sound and attractive condition,  
8 consistent with the general appearance of the neighborhood;

9 (2) Any signs on the property shall be made to comply with the requirements of  
10 Section 606(c) of this Code for Limited Commercial uses;

11 (3) The hours during which the use is open to the public shall be limited to the  
12 period between 6:00 a.m. and 10:00 p.m., however, in RED, RTO, and RTO-M Districts only,  
13 the Planning Commission may extend the hours of operation to 12:00 a.m. through  
14 Conditional Use authorization, as outlined in Section 303 of this Code;

15 (4) Public sidewalk space may be occupied in connection with the use provided  
16 that it is occupied only with tables and chairs as permitted by this Municipal Code;

17 (5) Truck loading shall be limited in such a way as to avoid undue interference  
18 with sidewalks, or with crosswalks, bus stops, hydrants, and other public features;

19 (6) Noise, odors, and other nuisance factors shall be adequately controlled;  
20 and

21 (7) An Outdoor Activity Area is principally permitted if it is located at the front of  
22 the building. An Outdoor Activity Area that is not at the front of the building is principally  
23 permitted in RTO and RTO-M Districts only if it complies with the operating restrictions in  
24 Section 202.2(a)(7) and shall not be permitted in RH or RM Districts; and

25 (~~8~~) All other applicable provisions of this Code shall be complied with.

1 (c) **Formula Retail Uses.** All uses meeting the definition of "formula retail" use per  
2 Section 303.1 shall not be permitted except by conditional use authorization under the  
3 procedures of Section 303 of this Code for RED and RTO Districts and shall not be permitted  
4 in RH and RM Districts.

5 \* \* \* \*

6  
7 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

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

10 \* \* \* \*

11 (7) **Outdoor Activity Area.** An Outdoor Activity Area shall be principally permitted  
12 in any Neighborhood Commercial District or Neighborhood Commercial Transit District, and in  
13 the WMUG, WMUO, SALI, and RED-MX Districts, if it meets all of the following conditions:

14 (A) The Outdoor Activity Area is located on the ground level;

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

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

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

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

22 Any Outdoor Activity Area not at the front of a building seeking to operate beyond  
23 these limitations requires a Conditional Use Authorization, unless such Outdoor Activity Area  
24 is permitted by Planning Code Section 145.2.

25 \* \* \* \*

1 **SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.**

2 \* \* \* \*

3 **Table 209.1**  
 4 **ZONING CONTROL TABLE FOR RH DISTRICTS**

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
* * * *						
<b>NON-RESIDENTIAL STANDARDS AND USES</b>						
<b>Development Standards</b>						
* * * *						
Limited Commercial Uses	§§ 186, 186.3	Continuing nonconforming uses are permitted, subject to the requirements of § 186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3.				
Limited Corner Commercial Uses	§ 231	P on a Corner Lot, with no part of the use extending more than 50 feet in depth from said corner; NP if the LCCU would require the Residential Conversion of a Residential Unit or Unauthorized Unit under Planning Code Section 317, unless the space proposed for conversion is occupied by a garage or storage space located in the Basement or First Story.				
<b>Commercial Use Characteristics</b>						
* * * *						
Formula Retail	§§ 102, 303.1	<del>NP for Limited Corner Commercial Uses</del>				
Hours of Operation	§§ 102, 186, 231	For Limited Corner Commercial Uses under § 231 <u>and Limited Commercial Uses under § 186</u> : P 6:00 a.m. to 10:00 p.m.; NP 10:00 p.m. to 6:00 a.m. <del>For limited commercial uses under § 186: P 6:00 a.m. to 10:00 p.m.; NP 10:00 p.m. to 6:00 a.m.</del>				
* * * *						
<u>Outdoor Activity Area</u>	§§ 102, 145.2, 186, 202.2, 231	<u>P if located in front of building; NP if not at front of building elsewhere.</u>				
* * * *						

25 \* \* \* \*

1 **SEC. 209.2. RM (RESIDENTIAL, MIXED) DISTRICTS.**

2 \* \* \* \*

3 **Table 209.2**

4 **ZONING CONTROL TABLE FOR RM DISTRICTS**

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
* * * *					
<b>NON-RESIDENTIAL STANDARDS AND USES</b>					
<b>Development Standards</b>					
* * * *					
Limited Corner Commercial Uses	§ 231	P on a Corner Lot, with no part of the use extending more than 50 feet in depth from said corner; NP if the LCCU would require the Residential Conversion of a Residential Unit or Unauthorized Unit under Planning Code Section 317, unless the space proposed for conversion is occupied by a garage or storage space located in the Basement or First Story.	P on a Corner Lot, with no part of the use extending more than 100 feet in depth from said corner; NP if the LCCU would require the Residential Conversion of a Residential Unit or Unauthorized Unit under Planning Code Section 317, unless the space proposed for conversion is occupied by a garage or storage space located in the Basement or First Story.	Limited Commercial Uses	§§ 186, 186.3 Continuing nonconforming uses are permitted, subject to the requirements of § 186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3.
<b>Commercial Use Characteristics</b>					
* * * *					
Formula Retail	§§ 102, 303.1	<del>NP for Limited Corner Commercial Uses</del>			
Hours of Operation	§§ 102, 186, 231	For Limited Corner Commercial Uses under § 231 and Limited Commercial Uses under § 186: P 6:00 a.m. to 10:00 p.m.; NP 10:00 p.m. to 6:00 a.m.			

		For limited commercial uses under § 186: P 6:00 a.m. to 10:00 p.m.; NP 10:00 p.m. to 6:00 a.m.
* * * *		
<u>Outdoor Activity Area</u>	<u>§§ 102, 145.2, 186, 202.2, 231</u>	<u>P if located in front of building; NP if not at front of building elsewhere.</u>
* * * *		

\* \* \* \*

**SEC. 209.4. RTO (RESIDENTIAL TRANSIT ORIENTED) DISTRICTS.**

\* \* \* \*

**Table 209.4**

**ZONING CONTROL TABLE FOR RTO DISTRICTS**

<b>Zoning Category</b>	<b>§ References</b>	<b>RTO</b>	<b>RTO-M</b>
* * * *			
<b>NON-RESIDENTIAL STANDARDS AND USES</b>			
<b>Development Standards</b>			
* * * *			
Limited Corner Commercial Uses	§ 231	<u>P on a Corner Lot, with no part of the use extending more than 50 feet in depth from said corner</u>	<u>P on a Corner Lot, with no part of the use extending more than 100 feet in depth from said corner</u>
* * * *			
<b><u>Commercial Use Characteristics</u></b>			
<u>Hours of Operation</u>	<u>§§ 102, 186, 231</u>	<u>For Limited Corner Commercial Uses under § 231 and limited commercial uses under § 186: P 6:00 a.m. to 10:00 p.m.; C 10:00 p.m. to 12:00 a.m.; NP 12:00 a.m. to 6:00 a.m.</u>	



Outdoor Activity Area	§§ 102, 145.2, 186, 202.2, 231	P if located in front of building; P if not at the front of building elsewhere and compliant with § 202.2(a)(7); NP otherwise.
* * * *		

\* \* \* \*

**SEC. 231. LIMITED CORNER COMMERCIAL USES IN RH, RTO, AND RM DISTRICTS.**

(a) **Purpose.** Corner stores enhance and support the character and traditional pattern of development in San Francisco. These small neighborhood-oriented establishments provide convenience goods and services on a retail basis to meet the frequent and recurring needs of neighborhood residents within a short walking distance of their homes. These uses tend to be small in scale, to serve primarily walk-in trade, and cause minimum interference with nearby streets and properties. These uses are permitted only on the ground floor of corner buildings, and their intensity and operating hours are limited to ensure compatibility with the predominantly residential character of the district. Accessory off-street parking is prohibited for these uses to maintain the local neighborhood walk-in character of the uses.

(b) **Location.** Uses permitted under this section must be located:

- (1) completely within an RH, RTO, RTO-M, or RM District;
- (2) on or below the ground floor;
- (3) in RH, RM-1, RM-2, and RTO Districts, on a Corner Lot, with no part of the use extending more than 50 feet in depth from said corner, as illustrated in Figure 231; and
- (4) in a space that would not require the Residential Conversion of a Residential Unit or Unauthorized Unit under Planning Code Section 317, unless the space proposed for conversion is occupied by a garage or storage space located in the Basement or First Story.

\* \* \* \*

- (5) in RM-3, RM-4, and RTO-M Districts, on a Corner Lot, with no part of the use extending more than 100 feet in depth from said corner.

1 (c) **Permitted Uses.** Any use is permitted which complies with the use limitations for the  
2 First Story and below of ~~a Neighborhood Commercial District or Special Use District within~~  
3 ~~one half mile of the use, or if the use is more than one half mile from the nearest NCD or~~  
4 ~~SUD, a Neighborhood Commercial District or Special Use District within one half one-quarter~~  
5 ~~mile of the use, or if the use is more than one half one-quarter mile from the nearest NCD or~~  
6 ~~SUD, an NC-1 District, as set forth in Section 710 of this Code.~~

7 (d) **Use Size.** ~~In any RH or RM District, the use size shall comply with the use size~~  
8 ~~limitations of the nearest Neighborhood Commercial District or Special Use District. In any RH~~  
9 ~~or RM, RM-1, or RM-2 District, the use size shall comply with the use size limitations of the~~  
10 ~~nearest a Neighborhood Commercial District or Special Use District located within one-quarter~~  
11 ~~mile of the use, up to a maximum of 1,200 square feet of Occupied Floor Area of commercial~~  
12 ~~area. In any RM-3 or RM-4 District, the use size shall comply with the use size limitations of a~~  
13 ~~Neighborhood Commercial District or Special Use District located within one-quarter mile of~~  
14 ~~the use, up to a maximum of 2,500 square feet of Commercial Use. No more than 1,200~~  
15 ~~square feet of Occupied Floor Area of commercial area in a RTO, RH, RM-1, or RM-2, RH,~~  
16 ~~RM-1, or RM-2 District or in a RH, RM-1, or RM-2 District if the use is more than one-quarter~~  
17 ~~mile from a Neighborhood Commercial District or Special Use District, and no more than~~  
18 ~~2,500 occupied square feet of Commercial Use in a RM-3, RM-4 or RM-3, RM-4 or RTO-M~~  
19 ~~District or in a RM-3 or RM-4 District if the use is more than one-quarter mile from a~~  
20 ~~Neighborhood Commercial District or Special Use District, shall be allowed per Corner Lot,~~  
21 ~~subject to the following exception. except these~~ On lots which occupy more than one corner on  
22 a given block, and which may provide an additional 1,200 square feet of Occupied Floor Area  
23 of Commercial Use shall be allowed per additional corner, so long as the commercial space is  
24 distributed equitably throughout appropriate parts of the parcel or project.  
25

1 (e) **Formula Retail Uses.** All uses meeting the definition of "formula retail" use per Section  
2 303.1 shall not be permitted except by Conditional Use through the procedures of Section 303  
3 for RTO and RTO-M Districts and shall not be permitted in RH, ~~RM-1, RM-2, RM-3, and RM-4~~  
4 and RM Districts.

5 \* \* \* \*

6 (k) **Outdoor Activity Area.** An Outdoor Activity Area is principally permitted if it is located at  
7 the front of the building. An Outdoor Activity Area that is not at the front of the building is  
8 principally permitted in RTO and RTO-M Districts only if it complies with the operating  
9 restrictions in Section 202.2(a)(7) and shall not be permitted in RH or RM Districts.

10  
11 **SEC. 303.1. FORMULA RETAIL USES.**

12 \* \* \* \*

13 (e) **Conditional Use Authorization Required.** A Conditional Use Authorization shall  
14 be required for a Formula Retail use in the following zoning districts unless explicitly  
15 exempted:

16 \* \* \* \*

17 (8) Limited Commercial Uses in ~~RH, RM,~~ RTO, and RED Districts, as permitted  
18 by Sections 186, 186.3, and 231;

19 \* \* \* \*

20 (f) **Formula Retail Uses Not Permitted.** Formula Retail uses are not permitted in the  
21 following zoning districts:

22 \* \* \* \*

23 (10) RH Districts do not permit Formula Retail ~~uses that are also Limited~~  
24 ~~Corner Commercial Uses;~~ and

(11) RM Districts do not permit Formula Retail uses that are also Limited  
 Corner Commercial Uses.

\* \* \* \*

**SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT  
 ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls		
* * * *				
<b>NON-RESIDENTIAL STANDARDS AND USES</b>				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
<b>Sales and Service Use Category</b>				
* * * *				
Services, Financial	§ 102, 781.6	C(7)	NP	NP
* * * *				
Services, Limited Financial	§§ 102, 781.6	C(2)(7)	NP	NP
Services, Retail Professional	§§ 102, 781.6	PC(7)	P	P
* * * *				
Design Professional	§ 102, 781.6	C(7)	P	NP
Service, Non-Retail Professional	§ 102	NP	P	NP
* * * *				

\* \* \* \*

1 (5) NORTH BEACH SPECIAL USE DISTRICT (Section 780.3):

2 \* \* \* \*

3 (6) NORTH BEACH LIQUOR LICENSES FOR RESTAURANTS (Section 780.3): A

4 Restaurant Use may only add ABC license types 02, 23, 41, 47, 49, 59 or 75 as a Conditional  
5 Use on the First Story if, in addition to the criteria set forth in Section 303, the Planning  
6 Commission finds that the Restaurant is operating as a Bona Fide Eating Place as defined in  
7 Section 102. Should a Restaurant fail to operate as a Bona Fide Eating Place for any length  
8 of time, the Conditional Use authorization shall be subject to immediate revocation. To verify  
9 that the Restaurant is continuing to operate as a Bona Fide Eating Place, records of the  
10 Restaurant's gross receipts or gross sales shall be provided to the Department upon request.  
11 All records and information shall be submitted to the Department under penalty of perjury.

12 (7) NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL SERVICE, AND  
13 BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT (Section 781.6)

14 **Boundaries:** Applicable only for portions of the North Beach NCD south of Greenwich  
15 Street as mapped on Sectional Map SU01.

16 **Controls:** Financial Services and Limited Financial Services are NP at all stories;  
17 Retail Professional Services, Design Professional, and Trade Offices are NP at the First story.

18 \* \* \* \*

19  
20 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

21 \* \* \* \*

22 **Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
23 **ZONING CONTROL TABLE**

24 \* \* \* \*

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS AND USES (7)</b>				
* * * *				
		<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
* * * *				
<b>Entertainment, Arts and Recreation Use Category</b>				
* * * *				
Entertainment, Nighttime	§ 102	<u>CP</u>	<u>NPC</u>	NP
* * * *				
<b>Sales and Service Use Category</b>				
* * * *				
Services, Health	§ 102	NP(3)	C	C
* * * *				
Services, Retail Professional	§ 102	NP(3)	P	P
* * * *				
Service, Non-Retail Professional	§ 102	NP(12)	P	NP
* * * *				

\* \* \* \*

(3) Principally permitted on properties that do not have any frontage on Polk Street, or California Street, or Hyde Street.

\* \* \* \*

(12) Conditionally permitted on properties that do not have any frontage on Polk Street, or California Street, or Hyde Street.

1 **SEC. 781.9. HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT.**

2 \* \* \* \*

3 (c) **Controls.**

4 \* \* \* \*

5 (3) **Continuation of existing Unpermitted Liquor Establishments.** In the Haight Street  
6 Alcohol RUSD, any unpermitted liquor establishment may continue in accordance with  
7 Sections 180 through 186.2 of this Code, subject to the following provisions:

8 \* \* \* \*

9 (B) A break in continuous operation shall not be interpreted to include the following,  
10 provided that the location of the establishment does not change, the square footage used for  
11 the sale of alcoholic beverages does not increase, and the type of California Department of  
12 Alcoholic Beverage Control Liquor License (“ABC License”) does not change except as  
13 indicated:

14 (i) A change in ownership of an unpermitted~~prohibited~~ liquor establishment or an  
15 owner-to-owner transfer of an ABC License; or

16 (ii) Re-establishment, restoration, or repair of an existing unpermitted~~prohibited~~ liquor  
17 establishment on the same lot after total or partial destruction or damage due to fire, riot,  
18 insurrection, toxic accident or act of God; or

19 (iii) Temporary closure of an existing unpermitted liquor establishment for not more  
20 than ~~ninety (90)~~ days for repair, renovation, or remodeling;

21 (iv) Relocation of an existing unpermitted liquor establishment in the Haight Street  
22 Alcohol RUSD to another location within the same Haight Street Alcohol RUSD with  
23 Conditional Use authorization from the Planning Commission, provided that the original  
24 premises shall not be occupied by an unpermitted liquor establishment, unless by another  
25

1 unpermitted liquor establishment that is also relocating from within the Haight Street Alcohol  
2 RUSD.

3 (v) A change from a Type 21 (off-sale general) to a Type 20 (off-sale beer and wine)  
4 license.

5 (vi) A change from an existing ABC license to a Type 64 or Type 90 license.

6 \* \* \* \*

7  
8 Section ~~43~~ Article 4 of the Planning Code is hereby amended by revising Section 406,  
9 to read as follows:

10 ~~SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT~~  
11 ~~PROJECT REQUIREMENTS.~~

12 \* \* \* \*

13 ~~(i) **Waiver for Certain Changes in Use.** A development project that meets the~~  
14 ~~eligibility criteria in subsection (i)(1) of this Section 406 shall receive a waiver from any~~  
15 ~~development impact fee or development impact requirement imposed by this Article, with the~~  
16 ~~exception of the requirements of Section 415.~~

17 ~~\_\_\_\_\_ (1) **Eligibility.** To be eligible for the waiver in this subsection (i), the project~~  
18 ~~shall:~~

19 ~~\_\_\_\_\_ (A) propose a change in use within an existing structure, excluding the~~  
20 ~~establishment of any of the following uses: Office Use, Parcel Delivery Service, and Fleet~~  
21 ~~Charging; and~~

22 ~~\_\_\_\_\_ (B) submit a complete Development Application on or before December~~  
23 ~~31, 2028.~~



1           ~~—— (2) **Extent of Waiver.** The waiver in this subsection (i) shall be limited to~~  
2 ~~development impact fees or requirements for eligible changes in use within an existing~~  
3 ~~structure and shall not include any additions to an existing structure or new construction.~~

4           ~~—— (3) **Sunset.** This subsection (i) shall expire by operation of law at the end of the~~  
5 ~~day on December 31, 2028, unless the duration of the subsection has been extended by~~  
6 ~~ordinance effective on or before that date. Four years after the sunset date, the City Attorney~~  
7 ~~is authorized to cause subsection (i) to be removed from the Planning Code. This four-year~~  
8 ~~time frame provides additional notice to project applicants and does not alter the sunset date~~  
9 ~~of this subsection (i).~~

10  
11           Section 4. Formatting of Ordinance; Explanation of Fonts.

12           (a) On November 27, 2023, the Land Use and Transportation Committee of the Board  
13 of Supervisors duplicated Board File No. 230701 to create Board File No. 231221. The  
14 ordinance in File No. 230701 proceeded through the legislative process, was enacted as  
15 Ordinance No. 249-23, and became effective in January 2024. The ordinance in File No.  
16 231221 – this ordinance – remained at the Land Use and Transportation Committee. This is  
17 the thirdfourth version of that ordinance.

18           (b) To clearly understand the proposed amendments to existing law contained in this  
19 third version of this ordinance, the ordinance shows in “existing text” font (plain Arial) the law  
20 currently in effect, as amended by Ordinance No. 249-23 and other ordinances that became  
21 effective since the ordinance in Board File No. 230701 was first introduced. This ordinance  
22 shows in “Board amendment” font (double-underlined Arial for additions, and strikethrough  
23 Arial for deletions) amendments to existing law. This ordinance also shows in “Board  
24 amendment” font all amendments to this ordinance made after the file was duplicated,  
25 including amendments approved to earlier versions of this ordinance (with the exception of

1 Planning Code Section 311, discussed below). This ordinance omits sections of the law  
2 currently in effect that are not being amended by this ordinance and were not proposed for  
3 amendments in earlier versions of this ordinance in the Board File 231221.

4 (c) A separate ordinance in Board File No. 230446 was enacted as Ordinance No.  
5 248-23. Both Ordinance Nos. 248-23 and 249-23 became effective on the same day and both  
6 amended Planning Code Section 311 ("Section 311"). The text of Ordinance No. 248-23 shall  
7 control, as it encompasses the policy change effected by the text of Ordinance No. 249-23.  
8 Although earlier versions of this ordinance in Board File No. 231221 proposed amendments to  
9 the then-existing Section 311, the current version of this ordinance does not propose any  
10 amendments to the text of Section 311 as enacted via Ordinance No. 248-23. Accordingly,  
11 Section 311 is omitted from this ordinance.

12 (d) This ~~third~~ version of the ordinance also includes a new long title that describes the  
13 ordinance, to reflect changes in existing law. It replaces the long title in the previous two  
14 versions of the ordinance, which had included references to the amendments that became  
15 effective with the enactment of Ordinance No. 249-23.

16  
17 Section 45. Effective Date. This ordinance shall become effective 30 days after  
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
20 of Supervisors overrides the Mayor's veto of the ordinance.

21  
22 Section 56. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under  
2 the official title of the ordinance. ~~Existing code text added to this ordinance since its~~  
3 ~~introduction is included herein as Unchanged Code text in accordance with the "Note."~~

4  
5 APPROVED AS TO FORM:  
6 DAVID CHIU, City Attorney

7 By: /s/ HEATHER GOODMAN  
8 HEATHER GOODMAN  
9 Deputy City Attorney

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# City and County of San Francisco

## Tails Ordinance

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

**File Number:** 231221

**Date Passed:** April 16, 2024

Ordinance amending the Planning Code to 1) allow Nighttime Entertainment Uses as principally permitted on the ground floor and conditionally permitted on the second floor in the Polk Street Neighborhood Commercial District (NCD); 2) modify requirements for limited commercial uses within one-quarter mile of the North Beach Special Use District (SUD); 3) conditionally permit Retail Professional Services Uses on the ground floor in the North Beach NCD, subject to existing limitations; 4) allow limited commercial uses (LCUs) in Residential, House (RH) and Residential, Mixed (RM) Districts with specified limitations; 5) require operating hours to end at 10 p.m. for LCUs and limited corner commercial uses (LCCUs) in RH and RM Districts; 6) establish that LCCUs are limited to those uses allowed in an NCD or SUD within one-quarter mile of the use, or the NC-1 District, as specified; 7) prohibit outdoor activity areas not at the front of the building in RH and RM Districts and limit such outdoor activity areas in other residential districts; 8) establish that LCCUs in Residential Transit Oriented (RTO) Districts must be located on corner lots and specify lot depth requirements; and 9) make minor corrections to code text; and affirming the Planning Department's determination under the California Environmental Quality Act, 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.

November 27, 2023 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

November 27, 2023 Land Use and Transportation Committee - CONTINUED AS AMENDED

December 04, 2023 Land Use and Transportation Committee - CONTINUED TO CALL OF THE CHAIR

March 18, 2024 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

March 18, 2024 Land Use and Transportation Committee - CONTINUED AS AMENDED

March 25, 2024 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

March 25, 2024 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

April 02, 2024 Board of Supervisors - PASSED ON FIRST READING


Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

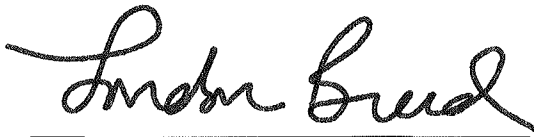
April 16, 2024 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 231221

I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
4/16/2024 by the Board of Supervisors of the  
City and County of San Francisco.

  
\_\_\_\_\_  
Angela Calvillo  
Clerk of the Board

  
\_\_\_\_\_  
London N. Breed  
Mayor

4/26/24  
\_\_\_\_\_  
Date Approved