

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

2

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

25

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

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

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

10 Section 1. Environmental and Land Use Findings.

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

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

21 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
22 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
23 Planning Commission Resolution No. 20895, and incorporates such reasons by this reference
24 thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
25 No. 210285.

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

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

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

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

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

1 32, the subject City departments shall implement a coordinated and simplified process for the
2 review of all applications for principally permitted storefront commercial uses ~~that are principally~~
3 ~~permitted in the district~~, and shall periodically review and update the process. For permits
4 outside of Neighborhood Commercial District or Neighborhood Commercial Transit Districts, the
5 subject City departments shall apply the coordinated and simplified process for the review of all
6 applications for storefront commercial uses that are principally permitted in the district no later than
7 90 days after the operative date of the ordinance in Board of Supervisors File No. 210285, amending
8 this Section 32.

9 * * * *

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

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

18 * * * *

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

20 * * * *

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

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

5 * * * *

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

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

16 * * * *

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

19 * * * *

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

24 * * * *

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

8 * * * *

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

12 * * * *

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

19 * * * *

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

24 * * * *

25

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

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

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

8 (l) Boarding for domestic cats.

9 * * * *

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

21 * * * *

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

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

4 * * * *

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

7 * * * *

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

15 * * * *

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

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

1 *(e) Tailoring; and*

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

4 * * * *

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

6 * * * *

7 **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>
* * * *		
<i>102</i>	<i>890.124</i>	<i>Trade Shop</i>
* * * *		

18 * * * *

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

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

23 * * * *

24 //

25 //

1 **Table 155.2**

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		
* * * *		
<i>Trade Shop</i> , 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.
* * * *		

3 * * * *

4 **SEC. 155.4. REQUIREMENTS FOR SHOWER FACILITIES AND LOCKERS.**

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

11 * * * *

1 (c) **Requirements.**

2 Uses	3 Minimum Shower Facility and Lockers Required
4 Entertainment, Arts and Recreation Uses; 5 Industrial Uses; Institutional Uses; Non- 6 Retail Sales and Services Uses; Utility and 7 Infrastructure Uses; <i>and</i> Small Enterprise 8 Workspace; and Trade Shop	- 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.
15 * * * *	

16
17 **SEC. 178. CONDITIONAL USES.**

18 The following shall apply to conditional uses:

19 * * * *

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

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

4 * * * *

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

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

12
13 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

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

16 * * * *

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

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

22 (B) The Outdoor Activity Area is in operation only between 9:00 a.m. and
23 10:00 p.m.;

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

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

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

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

8 * * * *

9 **SEC. 202.11. TEMPORARY LIMITATION ON CHANGE IN USE OR DEMOLITION OF**
10 **NIGHTTIME ENTERTAINMENT USE.**

11 (a) Notwithstanding any other provision of this Article 2, for the three years following the
12 effective date of the ordinance in Board File No. 210285 adopting this Section 202.11, a change in use
13 or demolition of a Nighttime Entertainment use, as defined in Section 102, shall require Conditional
14 Use authorization pursuant to Section 303. In acting on any application for Conditional Use
15 authorization for changes in use or demolition of a Nighttime Entertainment Use, the Commission shall
16 consider the following criteria in addition to the criteria set forth in Section 303(c) and (d) of this
17 Code:

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

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

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

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

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

9
10 **SEC. 204.3. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN C, RC, M,**
11 **AND PDR DISTRICTS.**

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

14 * * * *

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

18 * * * *

19
20 **SEC 205.8. TEMPORARY USES: OUTDOOR ENTERTAINMENT, ARTS AND RECREATION**
21 **ACTIVITIES.**

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

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

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

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

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

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

21
22 **SEC. 207. DWELLING UNIT DENSITY LIMITS.**

23 * * * *

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

1 * * * *

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

5 * * * *

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

9 * * * *

10 (viii) ~~An Accessory Dwelling Unit shall not be permitted in any building~~
11 ~~in a Neighborhood Commercial District or in the Chinatown Community Business or Visitor Retail~~
12 ~~Districts if it would eliminate or reduce a ground-story retail or commercial space, unless the~~
13 ~~Accessory Dwelling Unit is a Designated Child Care Unit, as defined in Section 102, and meets all~~
14 ~~applicable standards of Planning Code Section 414A.6(e).) In the Chinatown Community Business or~~
15 ~~Visitor Retail Districts, an Accessory Dwelling Unit that eliminates or reduces a ground-story retail or~~
16 ~~commercial space shall only be permitted if the Accessory Dwelling Unit is a Designated Child Care~~
17 ~~Unit, as defined in Section 102, and meets all applicable standards of Planning Code Section~~
18 ~~414A.6(e). In Neighborhood Commercial Districts, Accessory Dwelling Units, as defined in Section~~
19 ~~207(c)(4), may eliminate or reduce the size of a ground floor commercial space if (1) the Accessory~~
20 ~~Dwelling Unit is a Designated Child Care Unit, as defined in Section 102 and meets all applicable~~
21 ~~standards of Planning Code Section 414.6(e), or (2) if the addition of the Accessory Dwelling Unit~~
22 ~~maintains a depth of at least 25 feet of the commercial space that fronts on the public right-of-way.~~

23 * * * *

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

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

9 * * * *

10 **Table 209.3**

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

12

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

19
 20 **SEC. 210.3. PDR DISTRICTS.**

21 These Districts provide space for a wide variety of PDR (production, distribution and
 22 repair) and other non-residential activities in districts where these uses are free from inherent
 23 economic and operational competition and conflicts with housing, large office developments,
 24 and large-scale retail, which are not permitted in these Districts. Other uses that share
 25 operational characteristics with PDR uses are permitted in these Districts, as they require

1 large flexible spaces and prefer separation from intensive housing districts. PDR-zoned land
 2 is also an important reservoir of space in San Francisco for new and evolving industry and
 3 activity types that cannot be foreseen today and cannot practically function or compete for
 4 space in a typical downtown office or neighborhood commercial environment. Business and
 5 activities allowed in PDR Districts generally share a need for flexible operating space that
 6 features large open interior spaces, high ceilings, freight loading docks and elevators, floors
 7 capable of bearing heavy loads, and large (often uncovered exterior) storage areas. These
 8 uses are often not ideally compatible with housing for operational reasons, including the need
 9 for significant trucking and delivery activities, 24-hour operation, and emission of noise, odors
 10 and vibrations. Importantly, PDR uses are limited in the amount of rent they can afford relative
 11 to office, retail, and residential uses, yet are important sectors of the City's economy.

12 * * * *

13 **Table 210.3**
 14 **ZONING CONTROL TABLE FOR PDR DISTRICTS**

15 * * * *

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)(<u>11</u>)	P(10)(<u>11</u>)	P(9)(<u>11</u>)	P(1)(<u>11</u>)
* * * *					
<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>

1	* * * *				
2	<i>Trade Shop</i>	§ 102	P(11)	P	P
3	* * * *				

4 * * * *

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

8 * * * *

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

10 * * * *

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

13 * * * *

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

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

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

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

- 23 (A) Office Uses;
- 24 (B) Institutional Uses, except for Hospitals; ~~and/or~~

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

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

5 * * * *

6 **SEC. 249.1. FOLSOM AND MAIN RESIDENTIAL/COMMERCIAL SPECIAL USE**
7 **DISTRICT.**

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

16 * * * *

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

19 * * * *

20 (2) **Uses.**

21 (A) Permitted uses are those permitted in an RC-4 District, plus the uses
22 listed in ~~§~~subsection (e)(1)(B) below; provided that, for newly constructed buildings or
23 additions of ~~20% percent~~ or more of an existing building's gross floor area, at least six net
24 square feet of residential use is provided for each one net square foot of non-residential use
25 on any lot. Additions of less than ~~20% percent~~ of a building's gross floor area are exempt from

1 the six-to-one residential requirements. Once granted, this exemption from the residential
2 development requirement for building additions may not be repeated for any single property.
3 Any addition of more than 20%~~percent~~ of gross square feet of building area shall be required
4 to provide the housing on a six-to-one basis for all of the additional building area. All areas
5 used for parking for either residential or non-residential uses shall be excluded in the
6 calculation of the residential/non-residential ratio. For the purposes of application of this six-to-
7 one ~~6-to-1~~ ratio, Hotels as defined under Section 102 shall be considered a non-residential
8 rather than a residential use.

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

11 * * * *

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

15 * * * *

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

17 (a) Purpose. There shall be a Van Ness & Market Residential Special Use District,
18 which is comprised of the parcels zoned C-3-G in the Market Octavia Better Neighborhoods
19 Plan area, and whose boundaries are designated on Sectional Map Nos. SU02 and SU07 of
20 the Zoning Map of the City and County of San Francisco. This District is generally comprised
21 of parcels focused at the intersections of Van Ness Avenue at Market Street and South Van
22 Ness Avenue at Mission Street, along with parcels on both sides of Market and Mission
23 Streets between 9th and Division Streets. This District is intended to be a transit-oriented,
24 high-density neighborhood with a significant residential presence and a mix of neighborhood-
25 serving uses. New development and major expansions must be predominantly residential.

1 Other non-residential uses that are allowed and encouraged, include arts, institutional, and
2 retail uses. Retail controls allow for smaller retail use sizes in order to emphasize
3 neighborhood-serving character. These uses compliment the transit rich infrastructure in the
4 area, which includes the Van Ness MUNI Metro Station and the intersection of several major
5 transit corridors including Van Ness, Market Street, Mission Street and other major bus lines.
6 This area is encouraged to transition from largely a back-office and warehouse support
7 function to downtown into a more mixed-use residential district, and serves as a transition
8 zone to the lower scale residential and neighborhood commercial areas to the west of the C-3.
9 A notable amount of large citywide commercial and office activity will remain in the area,
10 including government offices supporting the Civic Center and City Hall. This area was initially
11 identified in the Downtown Plan of the General Plan as an area to encourage housing
12 adjacent to the downtown. As part of the city's Better Neighborhoods Program, this concept
13 was fully articulated in the Market and Octavia Area Plan, and is described therein.

14 (b) **Use Controls.**

15 * * * *

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

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

22 (B) **Controls.**

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

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

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

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

13 * * * *

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

15 (a) Purpose. In order to provide for the consideration of a neighborhood-serving
16 grocery store of moderate size in a location accessible to the Hayes Valley and Western
17 Addition neighborhoods, there shall be a Fulton Street Grocery Store Special Use District,
18 consisting of Lots 001 and 058 through 198, inclusive of Assessor's Block 0794, between
19 Laguna and Octavia Streets, as designated on Sectional Map 2SU of the Zoning Map. This
20 Special Use District would enable the consideration of a project containing a grocery store in a
21 district that does not permit such uses. This Special Use District would conditionally permit a
22 grocery store that is a formula retail use, in order to allow consideration of a grocery store that
23 is affordable to the neighborhood. This one-time lift of the ban on formula retail is intended to
24 support an affordable grocery store that is committed to serving and hiring from the
25 neighborhood. According to the U.S. Census Bureau's 2017 American Community Survey,

1 the median household income in the surrounding neighborhood is \$24,041, and over one-third
2 of residents in the neighborhood live below the poverty line.

3 * * * *

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

7 * * * *

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

13 * * * *

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

15 * * * *

16 (g) **Uses.**

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

20 * * * *

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

22 * * * *

23 Notes:

24 * * * *

1 7. Use not permitted with the exception of ~~Cat Boarding~~, Kennel, Light Manufacturing, Metal
2 Working, Parcel Delivery Service, Trade Office, ~~Trade Shop~~, Animal Processing~~+~~, and Food
3 Fiber and Beverage Processing.

4 * * * *

5
6 **SEC. 249.87. POTRERO POWER STATION SPECIAL USE DISTRICT.**

7 * * * *

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

11 * * * *

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

18 * * * *

19 (g) **Uses.**

20 * * * *

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

24 * * * *

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

1 * * * *

2 Notes:

3 * * * *

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

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

11 * * * *

12 (7) P at the basement level, ground floor, mezzanine, and 2nd floor only; on Blocks 2,
13 3, 11, 12, and 15, and Block 9 if Block 9 is majority non-residential, Bar, Tourist Oriented Gift
14 Store, Specialty Grocery, ~~Gym~~, Liquor Store, Limited Restaurant, ~~General~~ Restaurant,
15 ~~Instructional Service~~, and ~~Retail~~ Personal Service Uses are P on rooftops; other Retail Uses are
16 NP on rooftops.

17 * * * *

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

23 * * * *

24

25 **SEC. 303. CONDITIONAL USES.**

1 * * * *

2 (o) Eating and Drinking Uses. With regard to a Conditional Use authorization
3 application in the Mission Neighborhood Commercial Transit District, Planning Code Section 754, for
4 ~~a~~ Restaurant, Limited-Restaurant, and Bar uses, the Planning Commission shall consider, in
5 addition to the criteria set forth in subsection (c) above, the existing concentration of eating
6 and drinking uses in the area. Such concentration should not exceed 25% of the total
7 commercial frontage as measured in linear feet within the immediate area of the subject site
8 except as otherwise provided in this subsection (o). ~~The concentration of eating and drinking uses~~
9 ~~in the Polk Street Neighborhood Commercial District shall not exceed 35% of the total commercial~~
10 ~~frontage as measured in linear feet within the immediate area of the subject site.~~ For the purposes of
11 this Section 303(o) of the Code, the immediate area shall be defined as all properties located
12 within 300' of the subject property and also located within the same zoning district.

13 (p) **Adult Business, ~~Nighttime Entertainment, General Entertainment, and Other~~**
14 **~~Entertainment Uses.~~**

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

- 18 (A) ~~If the use is an Adult Business, it shall not~~ Not be located within 1,000
19 feet of another such use; and/or
- 20 (B) Not be open between two a.m. and six a.m.; and
- 21 (C) Not use electronic amplification between midnight and six a.m.; and
- 22 (D) Be adequately soundproofed or insulated for noise and operated so
23 that incidental noise shall not be audible beyond the premises or in other sections of the
24 building and fixed-source equipment noise shall not exceed the decibel levels specified in the
25 San Francisco Noise Control Ordinance.

1 * * * *

2 **SEC. 303.1. FORMULA RETAIL USES.**

3 * * * *

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

8 * * * *

9 - Massage Establishment §§ 102, 890.60;

10 - Service, Personal §§ 102, 890.116;

11 ~~—Service, Instructional § 102;~~

12 ~~—Gym; § 102~~

13 * * * *

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

18 ~~(1) The existing concentrations of Formula Retail uses within the district and within the~~
19 ~~vicinity of the proposed project. To determine the existing concentration, the Planning Commission~~
20 ~~shall consider the percentage of the total linear street frontage within a 300-foot radius or a quarter of~~
21 ~~a mile radius, at the Planning Department's discretion, from the subject property that is occupied by~~
22 ~~Formula Retail and non-Formula Retail businesses. The Department's review shall include all parcels~~
23 ~~that are wholly or partially located within the 300-foot radius or quarter-mile radius. If the subject~~
24 ~~property is a corner parcel, the 300-foot radius or quarter-mile radius shall include all corner parcels~~
25 ~~at the subject intersection. For each property, the Planning Department shall divide the total linear~~

1 *frontage of the lot facing a public right of way by the number of storefronts, and then calculate the*
2 *percentage of the total linear frontage for Formula Retail and non-Formula Retail. Half percentage*
3 *points shall be rounded up.*

4 *For the Upper Market Street Neighborhood Commercial District only, if the application*
5 *would bring the formula retail concentration within a 300-foot radius to a concentration of 20% or*
6 *above, Planning Department staff shall recommend disapproval of the application to the Planning*
7 *Commission. If the application would not bring the formula retail concentration within the 300-foot*
8 *radius to a concentration of 20% or above, Planning Department staff shall assess the application*
9 *according to all the other criteria listed in this Subsection 303.1(d), and recommend approval or*
10 *disapproval to the Planning Commission, according to its discretion and professional judgment. In*
11 *either case, the Planning Commission may approve or reject the application, considering all the*
12 *criteria listed in this Subsection 303.1(d).*

13 (2 1) The availability of other similar retail uses within the district and within the
14 vicinity of the proposed project.

15 (3 2) The compatibility of the proposed Formula Retail use with the existing
16 architectural and aesthetic character of the district.

17 (4 3) The existing retail vacancy rates within the district and within the vicinity of
18 the proposed project.

19 (5 4) The existing mix of Citywide-serving retail uses and daily needs-serving
20 retail uses within the district and within the vicinity of the proposed project.

21 (6 5) Additional relevant data and analysis set forth in the Performance-Based
22 Design Guidelines adopted by the Planning Commission.

23 (7 6) For Formula Retail uses of 20,000 gross square feet or more, except for
24 General or Specialty Grocery stores as defined in Articles 2, 7 and 8 of this Code, the
25 contents of an economic impact study prepared pursuant to Section 303(i) of this Code.

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

6 (8) For the Upper Market Street Neighborhood Commercial District only, if the
7 application would bring the formula retail concentration within a 300-foot radius to a concentration of
8 20% or above, Planning Department staff shall recommend disapproval of the application to the
9 Planning Commission. If the application would not bring the formula retail concentration within the
10 300-foot radius to a concentration of 20% or above, Planning Department staff shall assess the
11 application according to all the other criteria listed in this Subsection 303.1(d), and recommend
12 approval or disapproval to the Planning Commission, according to its discretion and professional
13 judgment. In either case, the Planning Commission may approve or reject the application, considering
14 all the criteria listed in this Subsection 303.1(d).

15 * * * *

16
17 **SEC. 303.2. ~~PRIORITY-EXPEDITED~~ PROCESSING FOR CERTAIN USES IN**
18 **COMMERCIAL SPACE: EXPEDITED CONDITIONAL USE REVIEW AND APPROVAL**
19 **PROCESS AND REDUCED APPLICATION FEE.**

20 * * * *

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

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

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

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

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

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

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

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

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

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

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

20 (A) Adult Entertainment.

21 ~~(B) Bar.~~

22 ~~(C) Drive-up Facility.~~

23 ~~(D) Fringe Financial Service.~~

24 ~~(E) Medical Cannabis Dispensary.~~

25 ~~(F) Nighttime Entertainment.~~

1 (~~G~~) *Non-Retail Sales and Service that is closed to the general public.*

2 (~~HD~~) Tobacco Paraphernalia Establishment.

3 (~~IE~~) Wireless Communication Facility; and

4 (~~810~~) Is not within the Calle 24 Special Use District, as described and set forth
5 in Section 249.59 of this Code.

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

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

19 * * * *

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

21 * * * *

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

24 * * * *

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

10 * * * *

11
12 **SEC. 311. PERMIT REVIEW PROCEDURES.**

13 * * * *

14 (b) **Applicability.** Except as indicated herein, all building permit applications in
15 Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for a change of use;
16 establishment of a Micro Wireless Telecommunications Services Facility; establishment of a
17 Formula Retail Use; demolition, new construction, or alteration of buildings; and the removal
18 of an authorized or unauthorized residential unit, shall be subject to the notification and review
19 procedures required by this Section 311. In addition, all building permit applications that would
20 establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district,
21 shall be subject to the review procedures required by this Section 311. Notwithstanding the
22 foregoing or any other requirement of this Section 311, the following shall not be subject to the
23 review requirements of this Section 311: (1) a change of use to a Child Care Facility, as defined in
24 Section 102; ~~shall not be subject to the review requirements of this Section 311. Notwithstanding the~~
25 ~~foregoing or any other requirement of this Section 311;~~ (2) building permit applications to construct

1 an Accessory Dwelling Unit pursuant to Section 207(c)(6); ~~shall not be subject to the notification~~
2 ~~or review requirements of this Section 311. Notwithstanding the foregoing or any other requirement of~~
3 ~~this Section 311, (3) a change of use to a principally permitted use in an NC or NCT District or~~
4 in a limited commercial use or a limited corner commercial use, as defined in Sections 186
5 and 231, respectively; and (4) a change of use in an Eastern Neighborhood Mixed Use District as
6 defined in Section 311(b)(1)(B); shall not be subject to the review or notice requirements of this Section
7 311.

8 * * * *

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

11 * * * *

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

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

20 * * * *

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

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

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

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

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

13 * * * *

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

18 * * * *

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

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

24 * * * *

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

* * * *

SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 731. NORIEGA 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				
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				
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>
* * * *				

* * * *

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

* * * *

SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 733. TARAVAL 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				
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>
* * * *				

1 * * * *
 2 (4) ~~Subject to Formula Retail Controls.~~ [Note deleted.]

3 * * * *
 4

5 **SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

6 * * * *

7 **Table 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 8 **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>	<i>§ 102</i>	<i>P(4)</i>	<i>C(4)</i>	<i>NP</i>
* * * *				

21 * * * *

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

23 * * * *
 24
 25

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

2 * * * *

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

4 **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
* * * *				

14 * * * *

15
 16 (4) *P if located more than 1/4 mile from any NC District or Restricted Use Subdistrict with more*
 17 *restrictive controls; otherwise, same as more restrictive controls. [Note deleted.]*

18 * * * *

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

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

23 * * * *

24 224 shall refer to Section 102, Animal Hospital, *Cat Boarding*, and Kennel
 25

1 * * * *

2
3 **SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.**

4 * * * *

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

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

14 * * * *

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

18 * * * *

19
20 **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE**
21 **DISTRICTS.**

22 * * * *

23 (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts are either
24 Principally Permitted, Conditional, Accessory, temporary, or are not permitted.
25

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

4 * * * *

5 (C) **Accessory Uses.** Subject to the limitations set forth below and in
6 Sections 204.1 (Accessory Uses for Dwelling Units in All Districts), 204.4 (Dwelling Units
7 Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code,
8 an Accessory Use is a related minor use which is either necessary to the operation or
9 enjoyment of a lawful Principal Use or Conditional Use, or is appropriate, incidental, and
10 subordinate to any such use, and shall be permitted as an Accessory Use in an Eastern
11 Neighborhoods Mixed Use District. In order to accommodate a Principal Use which is carried
12 out by one business in multiple locations within the same general area, such Accessory Use
13 need not be located in the same structure or lot as its Principal Use provided that (1) the
14 Accessory Use is located within 1,000 feet of the Principal Use; and (2) the multiple locations
15 existed on April 6, 1990. Accessory Uses to non-office uses (as defined in Section 890.70)
16 may occupy space which is noncontiguous or on a different Story as the Principal Use so long
17 as the Accessory Use is located in the same building as the Principal Use and complies with
18 all other restrictions applicable to such Accessory Uses. Any use which does not qualify as an
19 Accessory Use shall be classified as a Principal Use.

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

22 * * * *

23 (v) Any Nighttime Entertainment use, as defined in Section 102;
24 provided, however, that a Limited Live Performance Permit as set forth in Police Code Section
25 1060 et seq., and entertainment that does not require a Limited Live Performance permit as set forth

1 in Police Code Section 1060.1(e), is allowed in any District except for an RED, RED-MX, MUR,
 2 or MUG District.

3 * * * *

4
 5 **SEC. 803.9. USES IN MIXED USE DISTRICTS.**

6 * * * *

7 (g) **Retail Controls in the MUG, MUO, CMUO, and UMU Districts.** In the MUG,
 8 MUO, CMUO, and UMU District, up to 25,000 gross square feet of retail use (as defined in
 9 Section 890.104 of this Code) is permitted per lot. Above 25,000 gross square feet, three
 10 gross square feet of other uses permitted in that District are required for every one gross
 11 square foot of retail. *In the UMU District, Gyms, as defined in Section 102, are exempt from this*
 12 *requirement.* In the CMUO District, Tourist Hotels, as defined in Sec. 890.46, are exempt from
 13 this requirement.

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

15 * * * *

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

17
 18

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

19
 20
 21
 22
 23
 24
 25

			<i>ration, per Sec.</i> <i>803.9(g)</i>
* * * *			

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

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

(a) Light Manufacturing. A nonretail use that provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials, when conducted in an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R District. Light manufacturing uses include production and custom activities usually involving individual or special design, or handiwork, such as the following fabrication or production activities as may be defined by the Standard Industrial Classification Code Manual as light manufacturing uses:

- (1) Food processing, not including mechanized assembly line production of canned or bottled goods;
- (2) Apparel and other garment products;
- (3) Furniture and fixtures;
- (4) Printing and publishing of books or newspaper;
- (5) Leather products;
- (6) Pottery;
- (7) Glass blowing;
- (8) Measuring, analyzing, and controlling instruments; photographic, medical and optical goods; watches and clocks; and

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

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

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

11 * * * *

12 **SEC. 890.116. SERVICE, PERSONAL.**

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

17
18 Section 5. PLANNING CODE AMENDMENTS TO ZONING TABLES FOR
19 NEIGHBORHOOD COMMERCIAL DISTRICTS, NEIGHBORHOOD COMMERCIAL TRANSIT
20 DISTRICTS, AND MIXED USE DISTRICTS.

21 Consistent with Section 3 of this ordinance, which deletes from Section 102 of the
22 Planning Code the definitions for “Cat Boarding,” “Gym,” “Services, Instructional,” and “Trade
23 Shop,” the Neighborhood Commercial, Neighborhood Commercial Transit, and Mixed Use
24 District Zoning tables in the Planning Code are revised to delete “Cat Boarding,” “Gym,”
25 “Services, Instructional,” and “Trade Shop,” where those terms appear in the tables, and also

1 to delete from the tables the related references to Section 102 and to zoning controls by story,
 2 so that the entire row for the deleted term is deleted. These deletions are illustrated in the
 3 following hypothetical zoning control table where an asterisk represents the control by story to
 4 be deleted, either P, NP, or C:

5
 6 **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	*	*	*

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

- 24 710 – Gym; Services, Instructional; Trade Shop
- 25 711 – Trade Shop

- 1 712 – Trade Shop
- 2 713 – Services, Instructional
- 3 714 – Trade Shop
- 4 715 – Gym; Services, Instructional; Trade Shop
- 5 718 - Trade Shop
- 6 719 – Trade Shop
- 7 721 – Trade Shop
- 8 722 – Trade Shop
- 9 723 – Trade Shop
- 10 724 – Gym; Services, Instructional
- 11 725 – Gym; Services, Instructional
- 12 726 – Trade Shop
- 13 727 – Gym; Services, Instructional; Trade Shop
- 14 729 – Trade Shop
- 15 730 – Trade Shop
- 16 735 – Trade Shop
- 17 736 – Trade Shop
- 18 737 – Trade Shop
- 19 738 – Trade Shop
- 20 739 – Trade Shop
- 21 740 – Trade Shop
- 22 741 – Trade Shop
- 23 742 – Gym; Services, Instructional; Trade Shop
- 24 743 – Trade Shop
- 25 744 – Trade Shop

- 1 745 – Trade Shop
- 2 751 – Trade Shop
- 3 752 – Trade Shop
- 4 753 – Trade Shop
- 5 754 – Trade Shop
- 6 755 – Trade Shop
- 7 756 – Trade Shop
- 8 757 – Cat Boarding; Gym; Services, Instructional; Trade Shop
- 9 758 – Cat Boarding; Services, Instructional; Trade Shop
- 10 759 – Trade Shop
- 11 760 – Gym; Services, Instructional; Trade Shop
- 12 761 – Gym; Services, Instructional; Trade Shop
- 13 762 – Gym; Services, Instructional
- 14 763 – Gym; Services, Instructional
- 15 764 – Gym; Services, Instructional; Trade Shop
- 16 810 – Trade Shop
- 17 811 – Gym; Services, Instructional
- 18 812 – Trade Shop
- 19 813 – Trade Shop
- 20 814 – Trade Shop
- 21 840 – Trade Shop
- 22 841 – Trade Shop
- 23 842 – Trade Shop
- 24 843 – Trade Shop
- 25 844 – Trade Shop

- 1 845 – Trade Shop
- 2 846 – Trade Shop
- 3 847 – Trade Shop
- 4 848 – Trade Shop

5

6 Section 6. The Planning Code is hereby amended by revising Sections 1006.2 and
7 1111.1, to read as follows:

8

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

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

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

- 17 (1) Work the sole purpose and effect of which is to comply with the
18 Unreinforced Masonry Building (UMB) Seismic Retrofit Ordinance and where the proposed
19 work complies with the UMB Retrofit Architectural Design Guidelines adopted by the HPC; or
- 20 (2) Any other work so delegated to the Department by the HPC.

21 (b) Administrative Certificates of Appropriateness. Upon receipt of a building permit
22 application, the Department will review and render a decision on an Administrative Certificate
23 of Appropriateness without a hearing before the HPC. ~~The Department shall mail the~~
24 ~~Department's written decision on an Administrative Certificate of Appropriateness to the applicant and~~
25 ~~to any individuals or organizations who so request. Any Departmental decision on an Administrative~~

1 ~~Certificate of Appropriateness may be appealed to the HPC within 15 days of the date of the written~~
2 ~~decision. The HPC may also request review of any Departmental decision on an Administrative~~
3 ~~Certificate of Appropriateness by its own motion within 20 days of the written decision.~~

4 * * * *

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

6 (a) The HPC shall determine if a proposed alteration is a Major Alteration or a Minor
7 Alteration and may delegate review of proposed Minor Alterations to Department staff, whose
8 decisions may be appealed to the HPC pursuant to subsection 1111.1(b). All work not
9 determined to be a Minor Alteration shall be a Major Alteration and subject to HPC approval. If
10 so delegated to Department staff, the categories of Minor Alteration shall include but are not
11 limited to the following:

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

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

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

23 * * * *

1 Section 7. The Police Code is hereby amended by revising Sections 2.9, 2.26, 1060,
 2 1060.1, 1060.24, 1060.29, and 1060.29.2; adding Sections 1060.2.3 and 1060.24.3; and
 3 deleting Section 1060.38.1, to read as follows:

4
 5 **SEC. 2.9. PERMITS ISSUED BY THE POLICE DEPARTMENT OR ENTERTAINMENT**
 6 **COMMISSION.**

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

- 10 Change in Color Scheme.
- 11 Closing-Out Sale.
- 12 Commercial Parking Permit.
- 13 Dance Hall Keeper, ~~One Night Dance~~.

14
 15 **SEC. 2.26. SCHEDULE OF PERMITS AND SERVICES; FILING AND SERVICE FEES.**

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

19 TYPE OF PERMIT	FILING FEE
20 * * * *	
21 Dance Hall Keeper	1,401
22 Amendment to Permit	660
23 One Night Dance	40
24 * * * *	

1 **SEC. 1060. DEFINITIONS.**

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

4 * * * *

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

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

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

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

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

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

1 * * * *

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

6 * * * *

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

11 * * * *

12
13 **SEC. 1060.1. PERMIT REQUIRED.**

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

22 * * * *

23 (e) No permit shall be required for any Person to own, conduct, operate, or maintain, or to
24 cause or permit to be conducted, operated, or maintained a Limited Live Performance Locale, where
25 any Entertainment ends by 10 p.m., and the Entertainment consists only of a single individual

1 performing without amplification. Any place or premises where this Entertainment occurs must 1)
2 conform to all health, safety, zoning, fire, and other ordinances of the City and County of San
3 Francisco; and 2) have a valid permit to operate (formerly referenced in this Article 15.1 as a public
4 eating place permit) from the Department of Public Health under Health Code Section 452, if
5 applicable. This subsection (e) shall not apply to any premises that does not hold a currently valid
6 permit that is required under this Article 16.

7
8 **SEC. 1060.2.3. DETERMINATION OF CONTINUING ENTERTAINMENT OPERATIONS**
9 **ESTABLISHMENT.**

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

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

1 **SEC. 1060.24. PERMITS NOT TRANSFERABLE; PERMIT MUST BE SURRENDERED**
2 **UPON SALE OF BUSINESS; PERMIT AMENDMENT REQUIRED TO CHANGE**
3 **PARTNERS OR OTHER OWNERS.**

4 * * * *

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

19
20 **SEC. 1060.24.3. TEMPORARY PERMITS.**

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

1 exceed 90 days from the date of surrender (a “Temporary Permit”). The Director shall grant a
2 Temporary Permit provided that 1) the new owner has submitted a completed application for a Place of
3 Entertainment Permit, Limited Live Performance Permit, or Fixed Place Outdoor Amplified Sound
4 Permit, as applicable; 2) the new owner’s Entertainment, Limited Live Performance, or Fixed Place
5 Outdoor Amplified Sound events and activities, as applicable, are consistent with those allowed under
6 the prior Permit; 3) the premises at issue complies with all existing health, safety, and fire ordinances;
7 and 4) a Temporary Permit is necessary to ensure uninterrupted operations of a business at the
8 premises. A Temporary Permit may not be renewed as a Temporary Permit.

9 (b) Where a Person has received a Pop-Up Retail Temporary Use Authorization as defined in
10 Section 205.1(d) of the Planning Code, for a premises, the Person may apply to the Director for a
11 temporary Limited Live Performance Permit for that premises for a period not to exceed 60 days (a
12 “Pop-Up Permit”). The Director may grant a Pop-Up Permit provided that the permit application
13 satisfies all of the findings required in subsections (f)(1)-(3) and subsection (g) of Police Code Section
14 1060.5.1. The Director may impose any conditions on the Pop-Up Permit the Director determines to be
15 necessary to address health and safety concerns, and may impose reasonable time, place, and manner
16 conditions. A Pop-Up Permit may be renewed for an additional 60 days, subject to any required
17 Planning Department approvals.

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

20
21 **SEC. 1060.29. ONE TIME EVENT PERMIT.**

22 (a) This Section 1060.29 provides a procedure for permitting a Person to conduct,
23 maintain, promote, or sponsor Entertainment on the premises specified in the One Time Event
24 Permit ~~for a limited number of one-day occurrences in a 12-month period~~, including operation
25 between 2:00 a.m. and 6:00 a.m. No Person shall conduct, maintain, promote or sponsor

1 Entertainment between 2:00 a.m. and 6:00 a.m. without a One Time Event Permit or an
2 Extended-Hours Premises Permit. One Time Event Permits may be issued for a premises for
3 which a Place of Entertainment Permit has been issued, but for which no Extended-Hours
4 Premises Permit has been issued, when the applicant proposes operating between 2:00 a.m.
5 and 6:00 a.m. Nevertheless, the One Time Event Permit is not intended to function as a
6 routine substitute for a Person's securing either the Place of Entertainment Permit or the
7 Extended-Hours Permit when the Person's course of conduct indicates that either or both of
8 those permits would be more appropriate to seek. For purposes of One Time Event Permits,
9 the word "premises" means the area or structure where the event for which a permit is sought
10 occurs, and includes outdoor areas.

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

14 (c) A Person may obtain a single One Time Event Permit authorizing events on
15 consecutive or non-consecutive days for the same premises, ~~provided that such events may not~~
16 ~~occur for more than a total of 12 days at the same premises within any 12-month period.~~ One Time
17 Event Permits may not authorize events on the same premises for consecutive 24-hour
18 periods without a six-hour break between the end time for the first day and the start time for
19 the next day. If a One Time Event Permit includes permission to operate between 2:00 and
20 6:00 a.m., the Permit may not authorize commencement of operations before noon for the
21 same premises later that calendar day.

22 (d) (1) There shall be no limit on the number of One Time Event Permits a Person may
23 obtain, ~~provided that no more than one permit per month is issued for the same premises.~~
24 ~~Notwithstanding this restriction,~~ One Time Event Permits may be issued for events that will
25

1 occur on consecutive or non-consecutive days on the same premises, ~~provided that such events~~
2 ~~may not occur for more than a total of 12 days on the same premises within any 12-month period.~~

3 (2) At any premises where events have occurred for a total of 12 or more days within the
4 previous 12-month period, upon receipt of a permit application for a One Time Event Permit, the
5 Entertainment Commission, or its Director as delegated by the Entertainment Commission, shall
6 determine whether to hold a hearing on the permit application to ensure that the legal standards for
7 granting the permit(s) are met, to determine what conditions, if any, may be appropriate to place on the
8 permit(s), and to ensure that the One Time Event Permit is not being used by the applicant to function
9 as a routine substitute for the applicant's securing either the Place of Entertainment Permit or the
10 Extended-Hours Permit when the applicant's course of conduct indicates that either or both of those
11 permits would be more appropriate to seek. The Entertainment Commission, or its Director as
12 delegated by the Entertainment Commission, may, in its discretion, determine that a hearing is not
13 required, if the available evidence indicates that the application is likely to satisfy all of the
14 requirements of this subsection (d).

15 * * * *

16
17 **SEC. 1060.29.2. ONE TIME OUTDOOR AMPLIFIED SOUND PERMIT.**

18 (a) General. This Section 1060.29.2 provides a procedure for permitting a Person to
19 conduct One Time Outdoor Amplified Sound on the premises specified in the One Time
20 Outdoor Amplified Sound Permit ~~for up to a total of 12 days in a 12-month period at the same~~
21 ~~premises. Any Person seeking to use outdoor amplified sound equipment on a more frequent basis at~~
22 ~~the same premises must either (1) apply for a Fixed Place Outdoor Amplified Sound Permit if~~
23 ~~Entertainment or Live Performance is not furnished or does not occur, or (2) if the Business has a~~
24 ~~Place of Entertainment Permit or Limited Live Performance Permit, apply to the Entertainment~~
25 ~~Commission for an amendment to its existing permit.~~ The One Time Outdoor Amplified Sound

1 Permit is not intended to function as a routine substitute for securing a Fixed Place Outdoor
2 Amplified Sound Permit when the Person or Business's course of conduct indicates that that
3 permit would be more appropriate to seek.

4 * * * *

5 (d) Duration and Number of Permits.

6 (1) 24-Hour Duration. Each One Time Outdoor Amplified Sound Permit shall
7 issue for no longer than one 24-hour period. One Time Outdoor Amplified Sound Permits may
8 not be issued for the same premises for consecutive 24-hour periods without a six-hour break
9 between the end time for the first permit and the start time for the second permit.

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

1 determine that a hearing is not required, if the available evidence indicates that the application is likely
2 to satisfy all of the requirements of this subsection (d)(2).

3 * * * *

4 ~~**SEC. 1060.38.1. EXTENSION OF EVENING HOURS LIMIT FOR LIMITED LIVE**~~
5 ~~**PERFORMANCE PERMITS.**~~

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

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

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

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

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

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

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

7

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

10 By: /s/
11 AUDREY PEARSON
12 Deputy City Attorney

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