

File 230701

Amendments made in Land Use Committee – October 30, 2023

Polk Street NCD

- Page 54, line 1 (Table 723): Health Services – No longer proposing changes on the ground floor given recent legislation adopted that addresses Health Services in the Polk St NCD (see BOS File 230410)
- Page 54, line 3: Retail Professional Services – Allow as principally permitted only on the ground floor on properties that do not have any frontage on Polk Street or California Street.

Haight Street NCD

Page 48, line 21 (Table 719)

- Health Services: No longer proposing changes on the ground floor – will continue to be Not Permitted

Jackson Square SUD

Page 24, lines 7-12 and 21-25

Page 25, lines 1-2 and 6-7

- No longer proposing changes to this SUD – will revert to current zoning

Mission Street NCT

Page 74, line 3 and 5-6

- The Mission Street cap on restaurants/ limited restaurants/bars is proposed to increase from 167 to 179. Amendment to correct typo – pending legislation states “197” instead of “179”.

Outdoor Activity Areas with Limited Commercial Uses (LCUs) and Limited Corner Commercial Uses (LCCUs)

Page 10, lines 12-13 and 19-24

Page 11, lines 3-25

Page 12, lines 1-2, 18-22

Page 13, lines 8-14

Page 18, line 15 (Table 209.1)

Page 20, lines 2-3 (Table 209.2)

Page 23, lines 19-23

- No longer proposing changes allowing Outdoor Activity Areas without Conditional Use Authorization and to be permitted with LCUs and LCCUs
- Page 9, lines 22-25: Section 186 (a)(3) will be modified to remove the now expired Lower Polk Street Alcohol Restricted Use District, remove the Mission Street Formula

Retail Restaurant Subdistrict (as it will no longer exist), and add North Beach Special Use District under the Exemption from Termination Provisions section.

- Page 11, lines 3-4: Clarifies where Formula retail is prohibited.

Limited Commercial Corner Uses (LCCUs)

Page 18, lines 6-7 and 19 (footnote 1) (Table 209.1)

Page 19, lines 12-14 and 7 (footnote 1) (Table 209.2)

Page 21, lines 16-17

Page 22, lines 8, 20, 22

Page 23, line 4

Page 23, lines 12-13

- Restores original proposal to allow Limited Commercial Corner Uses in residential districts. Preserves controls regarding formula retail.

NC-2 – Table 711

Page 39-40, Table 711

- Under the Arts Activities row, remove footnote 10, which references the current geographic boundaries of where Flexible Retail is permitted.

Chinatown Residential NCD, Chinatown Visitor Retail District, Chinatown Community Business District

Page 91-94, Tables 810, 811, 812

- Non-Retail Professional Services: Will remain not permitted
- Retail Professional Services: Allow as principally permitted on ground floor
- Retail Workspace: Will remain not permitted

Retail Professional Services and Non-Retail Professional Services

Page 7, lines 3-11

Page 8, lines 6-14

+ changes throughout ordinance to reflect accordingly

- Citywide, keep these two as distinct uses per Planning Department and Commission recommendation – will revert to existing code.
- Principally permit Retail Sales and Services on the ground floor
- Allow Non-Retail Professional Services with a Conditional Use Authorization on the ground floor, principally permitted on the second floor, not permitted on the third floor.
 - Broadway St NCD, Chinatown Community Business District, Chinatown Residential NCD, Chinatown Visitor Retail District, Geary Blvd NCD, Excelsior NCD, Mission Bernal NCD, 24th St. Mission NCT, Lower Polk NCD, NC-3, NCT-3, Regional Commercial District, Japantown NCD, North Beach NCD, Pacific Ave NCD – Non-Retail Professional Services controls will revert to existing code.

- Polk St. NCD – Non-Retail Professional Services will be conditionally permitted on properties that do not have any frontage on Polk Street or California Street, otherwise they are not permitted.

New temporary five-year impact fee waiver for Change of Use projects

Page 95, lines 23-24

Page 96, lines 1-18

- Excludes change of use to establish Office Use, Parcel Delivery Service, and Fleet Charging
- Excludes affordable housing-related impact fees
- Excludes additions to an existing structure or new construction

Flexible Retail Use – Abandonment Provision

Page 16, lines 24-25

Page 17, lines 1-6

+ changes to tables throughout ordinance to reflect accordingly

- Restore original abandonment provision – revert to existing code text, move to Sec. 202.9
 - A Flexible Retail Use that operates only one Use for a period of 90 days or more shall be deemed abandoned, and no new Flexible Retail Use shall be restored without the issuance of a new building permit.

Aligning Priority Processing with the Community Benefit Priority Processing Program (CB3P) under Planning Code Section 303.2 (Priority Processing for Certain Uses in Commercial Spaces)

Page 30, lines 1-2

- Consolidation of two permit priority processing programs under per Planning Dept staff and Planning Commission recommendation.
- Page 30, lines 23-25: Excludes North Beach NCD and North Beach SUD business applicants from participation in this priority processing program.

North Beach NCD and North Beach SUD – Accessory Uses

Page 34, lines line 25

Page 35, lines 24-25

- Restore original language in Planning Code that prohibits accessory uses with Limited Restaurants in the North Beach SUD and NCD.

Mission Street Formula Retail Restaurant Subdistrict

Page 41, lines 15-19

Page 66, lines 19-20 (Table 740) and Page 67 lines 2-7

- Eliminated per Planning Dept and Planning Commission recommendation given changes proposed in the ordinance that make this subdistrict obsolete.

North Beach NCD – Flexible Retail Use

Page 51, line 20 (Table 722)

- Revert to existing code to not permit Flexible Retail Use on the ground floor.

North Beach NCD – Limited Restaurant Use

Page 51, line 23 (Table 722)

- Revert to existing code to conditionally permit Limited Restaurant Use on the ground floor.

Pacific Ave NCD – Flexible Retail Use

Page 58, line 8 (Table 726)

- Revert to existing code to not permit Flexible Retail Use on the ground floor.

Design Professional in North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict

Page 87, lines 12, 14-18

- Design Professional remains as not permitted on the first floor – will revert to existing code
- Page 87, line 12: Corrects typo in current code, which references “Retail or Professional Service”, where it should say “Retail Professional Service”.

Design Professional use in NCDs and NCTs citywide

Page 13, lines 20-24

- Revert to existing code to ensure that Design Professional uses on the first floor within any NCD or NCT must serve the general public.

Health Services in Polk St NCD

Page 54, Table 723, line 1 and lines 9-13

- Restored to existing code, but had to make edit to reflect the updated code that principally permits Health services on side streets.

Folsom St. NCT

Page 76 (Table 757), line 9

- Non-Retail Professional Services: Corrects typo for existing control on 3rd floor, which should be NP instead of C.