

1 [Zoning – North Beach Neighborhood Commercial District.]

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3 **Ordinance amending the Planning Code to amend sections 121.2, 178, 186.1, 722.21,**  
 4 **and 722.46 concerning use size limitation and their relationship to subsequent new**  
 5 **uses in the North Beach Neighborhood Commercial District; to amend sections 186.2,**  
 6 **604, and 722.42 to address antiquated provisions concerning specified signs and uses**  
 7 **in the North Beach Neighborhood Commercial District; to amend 722.10 to delete**  
 8 **provisions superceded by Ordinance No. 20-88; and to make conforming changes to**  
 9 **the chart titled "Specific Provisions for the North Beach Neighborhood Commercial**  
 10 **District" in Section 722; making findings of consistency with the General Plan and**  
 11 **priority policies of the Planning Code Section 101.1; and making environmental**  
 12 **findings.**

13 Note: Additions are *single-underline italics Times New Roman*;  
 14 deletions are *strikethrough italics Times New Roman*.  
 15 Board amendment additions are double underlined.  
 Board amendment deletions are ~~strikethrough normal~~.

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

17 Section 1. General Findings.

18 (a) This legislation would **clarify the currently existing controls** for in the North Beach  
 19 Neighborhood Commercial District (NCD) by imposing the same controls on use size  
 20 limitations and subsequent new uses that have been successful in the Castro Neighborhood  
 21 Commercial District in maintaining neighborhood character and the scale and form of existing  
 22 conforming uses. It also would eliminate antiquated controls for specified signs and uses in  
 23 the North Beach NCD that have never been implemented. To avoid confusion over applicable  
 24 height and bulk controls, the Ordinance also would delete provisions that have been  
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1 superceded by Board of Supervisors Ordinance No. 20-88, a copy of which is in Clerk of the  
2 Board of Supervisors File No. .

3 (b) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this  
4 ordinance will serve the public necessity, convenience and welfare for the reasons specified in  
5 this legislation and in Planning Commission Motion No. , a copy of which is in Clerk of  
6 the Board of Supervisors File No. . Said motion is incorporated herein by reference.

7 (c) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that  
8 this ordinance is consistent with the priority policies of Section 101.1(b) of the Planning Code  
9 and the General Plan for the reasons set forth in said Planning Commission Motion No. .

10 Section 2. Environmental Findings. The Planning Department has determined that the  
11 actions contemplated in this Ordinance are in compliance with the California Environmental  
12 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is  
13 on file with the Clerk of the Board of Supervisors in File No. and is incorporated herein  
14 by reference.

15 Section 3. The San Francisco Planning Code is hereby amended by amending Section  
16 121.2 to read as follows:

17 SEC. 121.2. USE SIZE LIMITS (NON-RESIDENTIAL), NEIGHBORHOOD  
18 COMMERCIAL DISTRICTS.

19 (a) In order to protect and maintain a scale of development appropriate to  
20 each district, nonresidential uses of the same size or larger than the square footage stated in  
21 the table below may be permitted only as conditional uses subject to the provisions set forth in  
22 Sections 316 through 316.8 of this Code. The use area shall be measured as the gross floor  
23 area for each individual nonresidential use.

24 In addition to the criteria of Section 303(c) of this Code, the Commission shall  
25 consider the extent to which the following criteria are met:

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District	Use Size Limits	
North Beach		
Castro Street	2,000 sq. ft.	
Inner Clement Street		
Inner Sunset		
Outer Clement Street		
Upper Fillmore Street		
Haight Street		
North Beach		2,500 sq. ft.
Sacramento Street		
Union Street		
24th Street-Mission		
24th Street-Noe Valley		
West Portal Avenue		
NC-1		
Broadway		
Hayes-Gough		3,000 sq. ft.
Upper Market Street		
Polk Street		

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Valencia Street	
NC-2	4,000 sq. ft.
NC-3	6,000 sq. ft.
NC-S	

(1) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

(2) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

(3) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

(b) In order to protect and maintain a scale of development appropriate to each district, nonresidential uses which exceed the square footage stated in the table below shall not be permitted, except that in the North Beach Neighborhood Commercial District this Subsection 121.2(b) shall not apply to a Movie Theater use as defined in Section 790.64 ~~or Other Entertainment use as defined in Section 790.38~~ in a building existing prior to November 1, 1999, that was originally constructed as a ~~multi-story, single-tenant commercial occupancy~~ theater. The use area shall be measured as the gross floor area for each individual nonresidential use.

District	Use Size Limits
West Portal Avenue	4,000 sq. ft.
North Beach	

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Castro Street	
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2 Section 4. The San Francisco Planning Code is hereby amended by amending Section  
3 178 to read as follows:

4 SEC. 178. CONDITIONAL USES.

5 The following provisions shall apply to conditional uses:

6 (a) Definition. For the purposes of this Section, a permitted conditional use  
7 shall refer to:

8 (1) Any use or feature authorized as a conditional use pursuant to Article 3 of  
9 this Code, provided that such use or feature was established within the time limits specified as  
10 a condition of authorization or, if no time limit was specified, within a reasonable time from the  
11 date of authorization; or

12 (2) Any use or feature which is classified as a conditional use in the district in  
13 which it is located and which lawfully existed either on the effective date of this Code, or on  
14 the effective date of any amendment imposing new conditional use requirements upon such  
15 use or feature; or

16 (3) Any use deemed to be a permitted conditional use pursuant to Section  
17 179 of this Code.

18 (b) Continuation. Except as provided for temporary uses in Section 205 of  
19 this Code, and except where time limits are otherwise specified as a condition of  
20 authorization, any permitted conditional use may continue in the form in which it was  
21 authorized, or in the form in which it lawfully existed either on the effective date of this Code or  
22 the effective date of any amendment imposing new conditional use requirements upon such  
23 use or feature, unless otherwise provided in this Section or in Article 2 of this Code.  
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1 (c) Enlargements or Alteration. A permitted conditional use may not be  
2 significantly altered, enlarged, or intensified, except upon approval of a new conditional use  
3 application pursuant to the provisions of Article 3 of this Code. With regard to an Internet  
4 Services Exchange as defined in Section 209.6(c), any physical alteration which will enlarge  
5 or expand the building for the purpose of intensifying the use shall be deemed to be significant  
6 under this section, and any increase in the size of electrical service to the building which will  
7 require a permit from the Department of Building Inspection shall be deemed to be significant  
8 under this section.

9 (d) Discontinuance or Abandonment. A permitted conditional use which is  
10 discontinued for a period of three years, or otherwise abandoned, shall not be restored,  
11 except upon approval of a new conditional use application pursuant to the provisions of Article  
12 3 of this Code. For purposes of this Subsection, the period of nonuse for a permitted  
13 conditional use to be deemed discontinued in the North Beach, and Castro Street  
14 Neighborhood Commercial Districts, and the Jackson Square Special Use District shall be  
15 eighteen (18) months.

16 (e) Changes in Use. The following provisions shall apply to permitted  
17 conditional uses with respect to changes in use:

18 (1) A permitted conditional use may be changed to another use listed in  
19 Articles 2, 7 or 8 of this Code as a principal use for the district in which it is located and the  
20 new use may thereafter be continued as a permitted principal use.

21 (2) A permitted conditional use may be changed to another use listed in  
22 Articles 2, 7 or 8 of this Code as a conditional use for the district in which the property is  
23 located, subject to the other applicable provisions of this Code, only upon approval of a new  
24 conditional use application, pursuant to the provisions of Article 3 of this Code.  
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1           (3) A permitted conditional use may not be changed to another use not  
2 permitted or prohibited by Articles 2, 7 or 8 of this Code. If a permitted conditional use has  
3 been wrongfully changed to another use in violation of the foregoing provisions and the  
4 violation is not immediately corrected when required by the Zoning Administrator, the wrongful  
5 change shall be deemed to be a discontinuance or abandonment of the permitted conditional  
6 use.

7           (4) Once a permitted conditional use has been changed to a principal use  
8 permitted in the district in which the property is located, or brought closer in any other manner  
9 to conformity with the use limitations of this Code, the use of the property may not thereafter  
10 be returned to its former permitted conditional use status, except upon approval of a new  
11 conditional use application pursuant to the provisions of Article 3 of this Code.

12           (5) ~~In the North Beach Neighborhood Commercial District, any use that exceeds the~~  
13 ~~use size provisions of Section 121.2(a) or 121.2(b) may be changed to a new use only upon approval of~~  
14 ~~a new conditional use application. The Commission's approval of such conditional use application~~  
15 ~~shall explicitly address the use size findings of Section 303(c).~~

16           (6) In the Castro Street and North Beach Neighborhood Commercial Districts,  
17 any use that exceeds the use size provisions of Section 121.2(a), but is smaller than the  
18 maximum use size limit of Section 121.2(b), may be changed to a new use only upon  
19 approval of a new conditional use application. The Commission's approval of such conditional  
20 use application shall explicitly address the use size findings of Section 303(c).

21           (f) Notwithstanding the foregoing provisions of this Section 178, a structure  
22 occupied by a permitted conditional use that is damaged or destroyed by fire, or other  
23 calamity, or by Act of God, or by the public enemy, may be restored to its former condition and  
24 use without the approval of a new conditional use application, provided that such restoration is  
25 permitted by the Building Code, and is started within one year and diligently pursued to

1 completion. Except as provided in Subsection (g) below, no structure occupied by a permitted  
2 conditional use that is voluntarily razed or required by law to be razed by the owner thereof  
3 may thereafter be restored except upon approval of a new conditional use application  
4 pursuant to the provisions of Article 3 of this Code.

5 (g) None of the provisions of this Section 178 shall be construed to prevent  
6 any measures of construction, alteration or demolition necessary to correct the unsafe or  
7 dangerous condition of any structure, other feature, or part thereof, where such condition has  
8 been declared unsafe or dangerous by the Superintendent of the Bureau of Building  
9 Inspection or the Chief of the Bureau of Fire Prevention and Public Safety, and where the  
10 proposed measures have been declared necessary, by such official, to correct the said  
11 condition; provided, however, that only such work as is absolutely necessary to correct the  
12 unsafe or dangerous condition may be performed pursuant to this Section.

13 Section 5. The San Francisco Planning Code is hereby amended by amending Section  
14 186.1 to read as follows:

15 SEC. 186.1. EXEMPTION OF NONCONFORMING USES IN  
16 NEIGHBORHOOD COMMERCIAL DISTRICTS.

17 The purpose of this Section is to provide for the further continuance in NC  
18 Districts of nonconforming uses created by adoption of Ordinance No. 69-87, as herein  
19 described, and subsequent ordinances that change the uses allowed in NC Districts, which  
20 are beneficial to, or can be accommodated within the neighborhood commercial areas in  
21 which they are located.

22 It is hereby found and declared that certain uses which traditionally have been  
23 permitted to locate in neighborhood commercial areas can be beneficial to a neighborhood  
24 commercial area in small or limited numbers, but which if allowed to proliferate, can disrupt  
25 the balanced mix of neighborhood-serving retail stores and services. It is further found and



1 declared that in order to prevent undesirable over concentrations of such uses, the  
2 establishment of additional such uses shall be prohibited pursuant to controls governing uses  
3 in NC Districts. At the same time, however, it is desirable to provide for the further  
4 continuance, expansion, enlargement, alteration, changes, discontinuance, and relocation of  
5 such existing uses, which are nonconforming as a result of zoning controls governing uses in  
6 NC Districts.

7 The following provisions shall govern with respect to nonconforming uses and  
8 features located in Neighborhood Commercial Districts to the extent that there is a conflict  
9 between the provisions of this Section and other Sections contained in this Article 1.7.

10 (a) Expansion. A nonconforming use may expand in floor area as provided in  
11 Subsection (b) below, but may not expand beyond the lot which it occupies, nor may the  
12 boundaries of such lot be expanded for purposes of expanding the use; nor may the use  
13 expand upward above the story or stories which it lawfully occupies, except as provided in  
14 Section 186.2 below.

15 (b) Enlargements or Alteration. A nonconforming use may not be  
16 significantly altered, enlarged or intensified, except upon approval of a conditional use  
17 application pursuant to the provisions of Article 3 of this Code, provided that the use not have  
18 or result in a greater height, bulk or floor area ratio, less required rear yard or open space, or  
19 less required off-street parking space or loading space than permissible under the limitations  
20 set forth in this Code for the district or districts in which such use is located.

21 No existing use or structure which fails to meet the requirements of this Code in  
22 any manner as described above in this Subsection (b) shall be constructed, reconstructed,  
23 enlarged, altered or relocated so as to increase the discrepancy, or to create a new  
24 discrepancy, at any level of the structure, between existing conditions on the lot and the  
25 required standards for new construction set forth in this Code.

1 (c) Changes in Use. A nonconforming use may be changed to another use or  
2 feature as described below.

3 (1) A nonconforming use may be changed to a use listed in Article 7 of this  
4 Code as a principal use for the district in which the property is located, and the new use may  
5 thereafter be continued as a permitted principal use.

6 (2) A nonconforming use may be changed to a use listed in Article 7 of this  
7 Code as a conditional use for the district in which the use is located, subject to the provisions  
8 of Article 3 of this Code, and the new use may thereafter be continued as a permitted  
9 conditional use, subject to the provisions of Section 178 of this Code.

10 (3) A nonconforming use may be changed to a use which is not permitted in  
11 that Neighborhood Commercial District as described below, only upon approval of a  
12 conditional use application, pursuant to the provisions of Article 3 of this Code:

13 (A) Any use described in zoning categories .41, .42, .43 or .44, as defined in  
14 Sections 790.22, 790.92, 790.90 and 790.91, respectively, may change to another use  
15 described in zoning categories .41, .42, or .44, even though such other use is not permitted in  
16 that Neighborhood Commercial District, unless such other use is located in an Alcohol  
17 Restricted Use Subdistrict and is prohibited by the provisions governing that Alcohol  
18 Restricted Use Subdistrict.

19 (B) Any use described in zoning categories .51, .52 or .53, as defined in  
20 Sections 790.114, 790.116 and 790.108 respectively, may change to another use described in  
21 zoning categories .51, .52 or .53, even though such other use is not permitted in that  
22 Neighborhood Commercial District.

23 (C) Any use described in zoning categories .57, .58 or .59, as defined in  
24 Sections 790.14, 790.17 and 790.15 respectively, may be demolished and reconstructed as  
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1 the same use or may change to another use described in zoning categories .57, .58 or .59,  
2 even though such other use is not permitted in that Neighborhood Commercial District.

3 The new use shall still be classified as a nonconforming use.

4 The changes in use described in this Paragraph 3 shall include remodeling  
5 activities involving the demolition and replacement of structures which result in a change of  
6 use.

7 (4) ~~In the North Beach Neighborhood Commercial District, any use that exceeds the~~  
8 ~~use size provisions of Section 121.2(a) or 121.2(b) may be changed to a new use only upon the~~  
9 ~~approval of a new conditional use application. The Commission's approval of such conditional use~~  
10 ~~application shall explicitly address the use size findings of Section 303(c).~~

11 (5) In the Castro Street and North Beach Neighborhood Commercial Districts,  
12 any use in ~~this~~ these districts that exceeds the maximum use size limit of Section 121.2(b), may  
13 ~~be~~ not be changed to a new use. The only method for changing a nonconforming use size  
14 identified in this Subsection is to reduce the nonconforming use:

15 (A) to a conforming use size; or

16 (B) to a size specified in Subsection 121.2(a) pursuant to conditional use  
17 authorization.

18 Notwithstanding the above, any use in ~~this~~ these Districts that exceeds the maximum  
19 use size limit of Section 121.2(b) and is categorized in the Other Retail Sales and Services  
20 zoning classification, as defined in Section 790.102, may change to another use category  
21 enumerated in Section 790.102 as long as the use size is not increased and the Commission  
22 approves a conditional use application for such change; provided, however, that in the North  
23 Beach Neighborhood Commercial District any such change may not be to a use category enumerated  
24 in Section 790.102(n). The Commission's approval of such conditional use application shall  
25 explicitly address the use size findings of Section 303(c).

1           (d)     Discontinuance or Abandonment. A nonconforming use which is  
2 discontinued for a period of three years, or otherwise abandoned or changed to another use  
3 which is listed in Article 7 of this Code as a principal or conditional use for the district in which  
4 the use is located shall not be reestablished. For purposes of this Subsection, the period of  
5 nonuse for a nonconforming use to be deemed discontinued in the North Beach and Castro  
6 Street Neighborhood Commercial Districts shall be eighteen (18) months.

7           (e)     Relocation. A nonconforming use in a Neighborhood Commercial District  
8 may be reestablished at another location within that Neighborhood Commercial District only  
9 upon approval of a new conditional use application pursuant to the provisions of Article 3 of  
10 this Code, provided that the following conditions are met:

11           (1)     The original premises shall not be occupied by an establishment of the  
12 same type of use as the relocating use unless by another establishment that is relocating from  
13 within the district; and

14           (2)     No final permits to operate the relocated use at the new premises are  
15 granted prior to the issuance of a certificate of final completion of any work to the original  
16 premises which is required as conditions attached to the approval of the conditional use  
17 application; and

18           (3)     Deed restrictions are recorded for the original premises in the Official  
19 Records of the City and County of San Francisco, which restrictions prohibit for the duration of  
20 the Code sections prohibiting the use for the district in which the use is located, the  
21 establishment and operation of a new use of the same type of use as the relocated use,  
22 unless such new use is relocating from within the district.

23           Section 6. The San Francisco Planning Code is hereby amended by amending Section  
24 186.2 to read as follows:

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1           SEC. 186.2. EXCEPTIONS FOR PRE-EXISTING STRUCTURES IN  
2 NEIGHBORHOOD COMMERCIAL DISTRICTS FROM CERTAIN LIMITATIONS ON UPPER-  
3 STORY USES IMPOSED UNDER ARTICLE 7.

4           This section is intended to provide for the re-use of (1) multi-story buildings, or  
5 (2) buildings with either a ground story with a ceiling height in excess of 15 feet or  
6 mezzanines, which buildings were originally constructed prior to the effective date of this  
7 provision (Ordinance No. 445-87) for single-tenant occupancy, by uses which are otherwise  
8 not permitted on upper stories pursuant to Article 7 of this Code.

9           (a)    In (1) multi-story buildings, or (2) buildings with a ground story with a  
10 ceiling height in excess of 15 feet or mezzanines, which buildings were originally constructed  
11 for single-tenant occupancy, a use which is permitted as a principal or conditional use at the  
12 first story and below may also locate in the upper stories of the building as a nonconforming  
13 use as provided in Section 186.1(b) above, if the use occupies all stories as a single tenant.  
14 The nonconforming use area in the upper stories occupied by the single use shall be limited to  
15 the use approved by the conditional use authorization and shall not be transferable to any  
16 other party or parties except upon approval by the City Planning Commission as a new  
17 conditional use authorization.

18           (b)    In (1) multi-story buildings, or (2) buildings with a ground story with a  
19 ceiling height in excess of 15 feet or mezzanines, which buildings were originally constructed  
20 for single-tenant occupancy, an existing first-story nonconforming use may expand above the  
21 story which it lawfully occupies as provided in Section 186.1(b) above only if the expanded  
22 area is occupied by the same tenant operating the nonconforming use which occupies all  
23 stories as a single tenant. The nonconforming use area in the upper stories occupied by the  
24 single use shall be limited to the use approved by the conditional use authorization and shall  
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1 not be transferable to any other party or parties except upon approval by the City Planning  
2 Commission as a new conditional use authorization.

3 (c) Subsections (a) and (b) shall be inapplicable to the North Beach Neighborhood  
4 Commercial unless the proposed use is for a Movie Theater use as defined in Section 790.64 in a  
5 building existing prior to November 1, 1999, that was originally constructed as a theater.

6 (d) Except as provided in this Section or by subsequent changes to the  
7 provisions of this Code, new nonconforming uses shall not be established in Neighborhood  
8 Commercial Districts.

9 Section 7. The San Francisco Planning Code is hereby amended by amending Section  
10 604 to read as follows:

11 SEC. 604. PERMITS AND CONFORMITY REQUIRED.

12 (a) An application for a permit for a sign that conforms to the provisions of  
13 this Code shall be approved by the Department of Planning without modification or  
14 disapproval by the Department of Planning or the Planning Commission, pursuant to the  
15 authority vested in them by Section 26, Part III, of the San Francisco Municipal Code or any  
16 other provision of said Municipal Code; provided, however, that applications pertaining to  
17 signs subject to the regulations set forth in Article 10 of the Planning Code, Preservation of  
18 Historical, Architectural and Aesthetic Landmarks, Article 11, Preservation of Buildings and  
19 Districts of Architectural, Historical and Aesthetic Importance in the C-3 Districts and Section  
20 608.14 may be disapproved pursuant to the relevant provisions thereof. No sign, other than  
21 those signs exempted by Section 603 of this Code, shall be erected, placed, replaced,  
22 reconstructed or relocated on any property, intensified in illumination or other aspect, or  
23 expanded in area or in any dimension except in conformity with Sections 605 through 608.14  
24 of this Code. No such erection, placement, replacement, reconstruction, relocation,  
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1 intensification, or expansion shall be undertaken without a permit having been duly issued  
2 therefor, except as specifically provided otherwise in this Section 604.

3 (b) The provisions of this Section 604 shall apply to work of the above types  
4 on all signs unless specifically exempted by this Code, whether or not a permit for such sign is  
5 required under the San Francisco Building Code. In cases in which permits are not required  
6 under the Building Code, applications for permits shall be filed with the Central Permit Bureau  
7 of the Department of Building Inspection on forms prescribed by the Department of Planning,  
8 together with a permit fee of \$5 for each sign, and the permit number shall appear on the  
9 completed sign in the same manner as required by the Building Code.

10 (c) No permit shall be required under this Code for a sign painted or  
11 repainted directly on a door or window in an NC, C or M District. Permits shall be required for  
12 all other painted signs in NC, C and M Districts, and for all painted signs in P and R Districts.  
13 Repainting of any painted sign shall be deemed to be a replacement of the sign, except as  
14 provided in Subsection (f) below.

15 (d) Except as provided in Subsection (c) above, no permit shall be required  
16 under this Code for ordinary maintenance and minor repairs which do not involve  
17 replacement, alteration, reconstruction, relocation, intensification or expansion of the sign.

18 (e) No permit shall be required under this Code for temporary sale or lease  
19 signs, temporary signs of persons and firms connected with work on buildings under actual  
20 construction or alteration, and temporary business signs, to the extent that such signs are  
21 permitted by this Code.

22 (f) A mere change of copy on a sign the customary use of which involves  
23 frequent and periodic changes of copy shall not be subject to the provisions of this Section  
24 604, except that a change from general advertising to nongeneral advertising sign copy or  
25 from nongeneral advertising to general advertising sign copy or an increase in area including,

1 but not limited to, any extensions in the form of writing, representation, emblem or any figure  
2 of similar character shall in itself constitute a new sign subject to the provisions of this Section  
3 604. In the case of signs the customary use of which does not involve frequent and periodic  
4 changes of copy, a change of copy shall in itself constitute a new sign subject to the  
5 provisions of this Section 604 if the new copy concerns a different person, firm, group,  
6 organization, place, commodity, product, service, business, profession, enterprise or industry.

7 (g) Each application for a permit for a sign shall be accompanied by a scaled  
8 drawing of the sign, including the location of the sign on the building or other structure or on  
9 the lot, and including (except in the case of a sign the customary use of which involves  
10 frequent and periodic changes of copy) such designation of the copy as is needed to  
11 determine that the location, area and other provisions of this Code are met.

12 (h) Unless otherwise provided in this Code or in other Codes or regulations,  
13 a lawfully existing sign which fails to conform to the provisions of this Article 6 may remain  
14 until the end of its normal life. Such sign may not, however, be replaced, altered,  
15 reconstructed, relocated, intensified or expanded in area or in any dimension except in  
16 conformity with the provisions of this Code, including Subsection (i) below. Ordinary  
17 maintenance and minor repairs shall be permitted, but such maintenance and repairs shall not  
18 include replacement, alteration, reconstruction, relocation, intensification or expansion of the  
19 sign. A sign which is damaged or destroyed by fire or other calamity shall be governed by the  
20 provisions of Sections 181(d) and 188(b) of this Code. A sign which is voluntarily destroyed or  
21 removed by its owner or which is required by law to be removed may be restored only in full  
22 conformity with the provisions of this Code, except as authorized in Subsection (i) below.

23 (i) ~~A lawfully existing business that is relocating to a new location within 300 feet of~~  
24 ~~its existing location within the North Beach Neighborhood Commercial District described in Sections~~  
25 ~~702.1 and 722.1 of this Code may move to the new location within said North Beach Neighborhood~~



1 ~~Commercial District one existing business sign together with its associated sign structure, whether or~~  
 2 ~~not the sign is nonconforming in its new location; provided, however, that the sign is not intensified or~~  
 3 ~~expanded in area or in any dimension except in conformity with the provisions of this Code. With the~~  
 4 ~~approval of the Zoning Administrator, however, the sign structure may be modified to the extent~~  
 5 ~~mandated by the Building Code. In no event may a painted sign or a sign with flashing, blinking,~~  
 6 ~~fluctuating or other animated light be relocated unless in conformity with current code requirements~~  
 7 ~~applicable to its new location. In addition, the provisions of Articles 10 and 11 of this Code shall apply~~  
 8 ~~to the relocation of any sign to a location regulated by the provisions of said Articles.~~

9       — (j)       Nothing in this Article 6 shall be deemed to permit any use of property  
 10 that is otherwise prohibited by this Code, or to permit any sign that is prohibited by the  
 11 regulations of any special sign district or the standards or procedures of any Redevelopment  
 12 Plan or any other Code or legal restriction.

13       Section 8. The San Francisco Planning Code is hereby amended by amending  
 14 Sections 722.10, 722.21, 722.42, and 722.46 and the chart titled "Specific Provisions for the  
 15 North Beach Neighborhood Commercial District" to read as follows:

16       SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING  
 17       CONTROL TABLE

			<b>North Beach</b>
No.	Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>			
722.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-252, 260, 270, 271	P up to 40 ft. <del>C 41 to 65 ft. #</del> <del>§ 253.1</del>

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722.11	Lot Size [ <i>Per Development</i> ]	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
722.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
722.13	Street Frontage		Required § 145.1
722.14	Awning	§ 790.20	P § 136.1(a)
722.15	Canopy	§ 790.26	P § 136.1(b)
722.16	Marquee	§ 790.58	P § 136.1(c)
722.17	Street Trees		Required § 143
<b>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</b>			
722.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
722.21	Use Size [ <i>Nonresidential</i> ]	§ 790.130	P up to 1,999 sq. ft.; C 2,000 sq. ft. to 3,999 sq. ft.

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			NP 4,000 sq. ft. and above <u>§§121.2, 178(e), and 186.1(c)</u>
722.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-157, 159-160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
722.23	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
722.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
722.25	Drive-Up Facility	§ 790.30	
722.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
722.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m.; C 2 a.m. - 6 a.m.
722.30	General Advertising Sign	§§ 262, 602-604, 608, 609	

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722.31	Business Sign	§§ 262, 602-604, 608, 609	P §607.1(f)2		
722.32	Other Signs	§§ 262, 602-604, 608, 609	P §607.1(c) (d) (g)		
			<b>North Beach</b>		
			<b>Controls by Story</b>		
No.	Zoning Category	§ References	1st	2nd	3rd+
		§ 790.118	<b>1st</b>	2nd	3rd+
722.38	Residential Conversion	§ 790.84	P		
722.39	Residential Demolition	§ 790.86	P	C	C
<b>Retail Sales and Services</b>					
722.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P #	P #	
722.41	Bar	§ 790.22	C		
722.42	Full-Service Restaurant	§ 790.92	C	C#	
722.43	Large Fast Food Restaurant	§ 790.90			
722.44	Small Self-Service Restaurant	§ 790.91	C		
722.45	Liquor Store	§ 790.55	C		
722.46	Movie Theater	§§ 790.64, <i>121.2(b)</i>	P		

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		<i>(b) and 186.2</i>			
722.47	Adult Entertainment	§ 790.36			
722.48	Other Entertainment	§ 790.38	C		
722.49	Financial Service	§ 790.110	C/NP #		
722.50	Limited Financial Service	§ 790.112	C		
722.51	Medical Service	§ 790.114	P	P	
722.52	Personal Service	§ 790.116	P	P	
722.53	Business or Professional Service	§ 790.108	C	P	
722.54	Massage Establishment	§ 790.60, § 2700 Police Code	C		
722.55	Tourist Hotel	§ 790.46	C	C	C
722.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
722.57	Automotive Gas Station	§ 790.14			
722.58	Automotive Service Station	§ 790.17			
722.59	Automotive Repair	§ 790.15	C		
722.60	Automotive Wash	§ 790.18			
722.61	Automobile Sale or Rental	§ 790.12			
722.62	Animal Hospital	§ 790.6	C		
722.63	Ambulance Service	§ 790.2			

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722.64	Mortuary	§ 790.62			
722.65	Trade Shop	§ 790.124	P#	C#	
722.66	Storage	§ 790.117			
722.67	Video Store	§ 790.135	C	C	
<b>Institutions and Non-Retail Sales and Services</b>					
722.70	Administrative Service	§ 790.106			
722.80	Hospital or Medical Center	§ 790.44			
722.81	Other Institutions, Large	§ 790.50	P	C	C
722.82	Other Institutions, Small	§ 790.51	P	P	P
722.83	Public Use	§ 790.80	C	C	C
<b>RESIDENTIAL STANDARDS AND USES</b>					
722.90	Residential Use	§ 790.88	P	P	P
722.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area § 207.4		
722.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
722.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 60 sq. ft if private, or 80 sq. ft. if common		

			§ 135(d)		
722.94	Off-Street Parking, Residential	§§ 150, 153-157, 159-160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
722.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
<del>§ 722.10</del>	<del>§ 253.1</del>	<del>65-A-1 HEIGHT AND BULK DISTRICT Boundaries: Applicable for all of the North Beach NCD as mapped on Sectional Map 1H Controls: Building height and bulk limits are P up to 40 feet; C between 41 feet and 65 feet</del>
§ 722.40	§ 790.102(n)	NORTH BEACH SPECIALTY RETAIL USES Boundaries: North Beach NCD Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted

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		pursuant to § 790.102(b)
§ 722.42	§ 790.92	<p><i><del>NORTH BEACH FULL-SERVICE RESTAURANTS</del></i></p> <p><i><del>Boundaries: Applicable to the North Beach NCD</del></i></p> <p><i><del>Controls: A full-service restaurant may be permitted as a conditional use on the second story if, in addition to the criteria set forth in Section 303, the Commission finds that:</del></i></p> <p><i><del>(1) The full-service restaurant is situated within the North Beach NCD and is within 100 feet of Columbus Avenue; and</del></i></p> <p><i><del>(2) The full-service restaurant will be located in an existing building that is currently permitted for occupancy solely by commercial uses; and</del></i></p> <p><i><del>(3) The full-service restaurant does not require the demolition, conversion or relocation of any lawfully permitted dwelling units or guest rooms; and</del></i></p> <p><i><del>(4) The full-service restaurant is operated in combination with a lawfully existing nonconforming second floor movie theater as defined in Section 790.64 of this Code or a</del></i></p>



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		<i>lawfully existing nonconforming second floor "other entertainment" use as defined by Section 790.38 of this Code.</i>
§ 722.49	§ 781.6	NORTH BEACH FINANCIAL SERVICE SUBDISTRICT Boundaries: Applicable only for portions of the North Beach NCD south of Union Street as mapped on Sectional Map 1 SU <sup>a</sup> Controls: Financial services are NP at all stories
§ 722.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT Boundaries: Applicable only for the portion of North Beach NCD as mapped on Sectional Map 1 SU <sup>a</sup> Controls: Garment shops are P at the 1st and 2nd stories

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

By: \_\_\_\_\_  
John D. Malamut  
Deputy City Attorney