

1 [Massage Services in South of Market Residential/Service Mixed Use District.]

2
3 **Ordinance amending the Planning Code by amending Section 803.4, Section 815, and**
4 **Table 815 to allow a business operating as a full-service spa to provide massage**
5 **services with a conditional use authorization; adopting findings, including**
6 **environmental findings, Section 302 findings, and findings of consistency with the**
7 **General Plan and the Priority Policies of Planning Code Section 101.1.**

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

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

14 Section 1. Findings. The Board of Supervisors of the City and County of San
15 Francisco hereby finds and determines that:

16 (a) The Planning Department has determined that the actions contemplated in this
17 ordinance are in compliance with the California Environmental Quality Act (California Public
18 Resources Code Section 21000 et seq.). This determination is on file with the Clerk of the
19 Board of Supervisors in File No. 081504.

20 (b) At a duly noticed public hearing held on Feb. 5, 2009, the Planning
21 Commission found in Resolution No. 17816 that the proposed Planning Code
22 amendments contained in this ordinance are consistent with the City's General Plan and with
23 the Priority Policies of Planning Code Section 101.1. A copy of this Planning Commission
24 Resolution is on file with the Clerk of the Board of Supervisors in File No. 081504 and is
25 incorporated herein by reference. The Board finds that the proposed Planning Code

1 amendments are consistent with the City's General Plan and with the Section 101.1 Priority
2 Policies for the reasons set forth in the Planning Commission Resolution cited above.

3 (c) Pursuant to Planning Code Section 302, this Board finds that this ordinance will
4 serve the public necessity, convenience and welfare for the reasons set forth in the Planning
5 Commission Resolution cited above.

6 Section 2. The San Francisco Planning Code is hereby amended by amending
7 Section 803.4, to read as follows:

8 SEC. 803.4. USES PROHIBITED IN SOUTH OF MARKET DISTRICTS.

9 (a) Uses which are not specifically listed in this Article or Article 6 are not permitted
10 unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this
11 Code or are determined by the Zoning Administrator to be permitted uses in accordance with
12 Section 307(a) of this Code. Uses not permitted in any South of Market District include, but
13 are not limited to, the following: Adult entertainment, bookstore or theater; amusement game
14 arcade or similar enterprise; shooting gallery; general advertising signs, except in the South of
15 Market General Advertising Special Sign District; animal kennel, riding academy or livery
16 stable; automobile, truck, van, recreational vehicle/trailer or camper sales, lease or rental;
17 auto tow of inoperable vehicles; auto wrecking operation; drive-up facility; hotel (except as
18 permitted as a conditional use as provided in Planning Code Section 818, Service/Secondary
19 Office District), motel, hostel, inn, or bed and breakfast establishment; heavy industry subject
20 to Section 226(e) through (w) of this Code; junkyard; landing field for aircraft; massage
21 establishment subject to Section 218.1 of this Code, *except in the Residential/Service Mixed Use*
22 *District when provided in conjunction with full-service spa services*; mortuary; movie theater and
23 sports stadium or arena.

1 (b) No use, even though listed as a permitted use or otherwise allowed, shall be
2 permitted in a South of Market District which, by reason of its nature or manner of operation,
3 creates conditions that are hazardous, noxious, or offensive through the emission of odor,
4 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive
5 noise.

6 (c) The establishment of a use that sells alcoholic beverages, other than beer and
7 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

8 Section 3. The San Francisco Planning Code is hereby amended by amending Section
9 815 and Table 815, to read as follows:

10 SEC. 815. RSD -- RESIDENTIAL/SERVICE MIXED USE DISTRICT.

11 The Residential/Service Mixed Use District (RSD) serves as a buffer between the
12 higher-density, predominantly commercial area of Yerba Buena Center to the east and the
13 low-scale, predominantly service/industrial area west of Sixth Street. The RSD serves as a
14 major housing opportunity area within the South of Market District. The district controls are
15 intended to facilitate the development of high-density, mid-rise housing, including residential
16 hotels and live/work units, while also encouraging the expansion of retail, business service
17 and commercial and cultural arts activities.

18 Residential hotels are subject to flexible standards for parking, rear yard/open space and
19 density. Continuous ground floor commercial frontage with pedestrian-oriented retail activities
20 along major thoroughfares is encouraged.

21 General office, hotels, nighttime entertainment, adult entertainment, massage establishment,
22 movie theaters and heavy industrial uses are not permitted, except that massages services are
23 authorized as a conditional use in the Residential/Service Mixed Use District when provided in
24 conjunction with full-service spa services.

Table 815

RSD -- RESIDENTIAL/SERVICE MIXED USE
DISTRICT ZONING CONTROL TABLE

Residential/Service
Mixed Use Districts

No.	Zoning Category	§ References	Controls
815.01	Height		Map, generally ranges from 40 to 85 feet See Sectional Zoning Map 1
815.02	Bulk	§ 270	See Sectional Zoning Map 1
815.03	Residential Density Limit	§§ 124(b), 207.5, 208	1:200 for dwellings in projects below 40 ft., above 40 ft. density to be determined as part of Conditional Use process; 1 bedroom for each 70 sq. ft. of lot area for group housing
815.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 1.8 to 1 floor area ratio subject to § 803.5(j)
815.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit if private, 48 sq. ft. if common
815.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
815.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
815.09	Outdoor Activity Area	§ 890.71	P
815.10	Walk-Up Facility, except Automated Bank Teller Machine	§ 890.140	P
815.11	Automated Bank Teller Machine	§ 803.5(d)	P
815.12	Residential Conversion	§ 803.5(b)	C

1	815.13	Residential Demolition	§ 803.5(b)	C
2			Residential Use	
3	815.14	Dwelling Units	§ 102.7	P
4	815.15	Group Housing	§ 890.88(b)	C
5	815.16	SRO Units	§ 890.88(c)	P
6		Institutions		
7	815.17	Hospital, Medical Centers	§ 890.44	NP
8	815.18	Residential Care	§ 890.50(e)	C
9	815.19	Educational Services	§ 890.50(c)	P
10	815.20	Religious Facility	§ 890.50(d)	C
11	815.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
12				
13	815.22	Child Care	§ 890.50(b)	P
14	815.23	Medical Cannabis Dispensary	§ 890.133	P#
15				
16		Vehicle Parking		
17	815.25	Automobile Parking Lot, Community Residential	§ 890.7	P
18	815.26	Automobile Parking Garage, Community Residential	§ 890.8	C, pursuant to § 803.5(i)
19				
20	815.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
21				
22	815.28	Automobile Parking Garage, Community Commercial	§ 890.10	C, pursuant to § 803.5(i)
23				
24	815.29	Automobile Parking Lot, Public	§ 890.11	P
25				

1	815.30	Automobile Parking Garage, Public	§ 890.12	C, pursuant to § 803.5(i)
2				
3		Retail Sales and Services		
4	815.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services	§ 890.104	P, pursuant to § 803.5(i)
5				
6				
7				
8	815.33	Fringe Financial Service	§§ 249.35, 890.113	P#
9				
10	<u>815.34</u>	<u>Massage Establishment</u>	<u>§ 890.60</u> <u>§ 1900 Health</u> <u>Code</u>	<u>C#</u>
11				
12		Assembly, Recreation, Arts and Entertainment		
13	815.37	Nighttime Entertainment	§§ 102.17, 181(f)	NP
14	815.38	Meeting Hall, not falling within Category 815.21	§ 221(c)	C, pursuant to § 803.5(i)
15	815.39	Recreation Building, not falling within Category 815.21	§ 221(e)	C, pursuant to § 803.5(i)
16				
17	815.40	Pool Hall, Card Club, not falling within Category 815.21	§§ 221(f), 803.4	P, pursuant to § 803.5(i)
18				
19	815.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P, pursuant to § 803.5(i)
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1	Home and Business Service			
2	815.42	Trade Shop	§ 890.124	P, pursuant to § 803.5(i)
3	815.43	Catering Services	§ 890.25	P, pursuant to § 803.5(i)
4	815.45	Business Goods and Equipment Repair Service	§ 890.23	P, pursuant to § 803.5(i)
5				
6	815.46	Arts Activities, other than Theaters	§ 102.2	P, pursuant to § 803.5(i)
7				
8	815.47	Business Services	§ 890.111	P, pursuant to § 803.5(i)
9		Office		
10	815.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.5(c)	C
11				
12	815.49	Work Space of Design Professionals	§§ 890.28, 803.5(k)	P, subject to § 803.5(k)
13				
14	815.50	All Other Office Uses	§ 890.70	NP
15		Live/Work Units		
16	815.51	Live/Work Units where the work activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f) and (g), 233	P
17				
18	815.52	Live/Work Units where all the work activity is otherwise permitted as a Principal Use	§§ 102.13, 233	P
19				
20	815.53	Live/Work Units where the work activity is otherwise permitted as a Conditional Use	§ 233	C
21				
22				
23	815.54	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.5(c)	C
24				
25				

1	815.55	All other Live/Work Units		NP
2		Motor Vehicle Services		
3	815.57	Vehicle Storage— Open Lot	§ 890.131	NP
4				
5	815.58	Vehicle Storage— Enclosed Lot or Structure	§ 890.132	P
6				
7	815.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P, pursuant to § 803.5(i)
8	815.60	Motor Vehicle Repair	§ 890.15	P, pursuant to § 803.5(i)
9				
10	815.61	Motor Vehicle Tow Service	§ 890.19	C, § 803.5(i)
11	815.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P, § 803.5(i)
12				
13	815.63	Public Transportation Facilities	§ 890.80	C, pursuant to § 803.5(i)
14		Industrial		
15	815.64	Wholesale Sales	§ 890.54(b)	P, pursuant to § 803.5(i)
16	815.65	Light Manufacturing	§ 890.54(a)	P, pursuant to § 803.5(i)
17	815.66	Storage	§ 890.54(c)	P
18	815.67	All Other Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment	§ 225	P
19				
20		Other Uses		
21				
22	815.68	Animal Services	§ 224	NP
23	815.69	Open Air Sales	§§ 803.5(e), 890.38	P
24	815.70	Ambulance Service	§ 890.2	NP
25				

1	815.71	Open Recreation and Horticulture	§ 209.5	P
2	815.72	Public Use, except Public Transportation Facility	§ 890.80	C
3	815.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
4	815.74	Greenhouse or Plant Nursery	§ 227(a)	NP
5	815.75	Mortuary Establishment	§ 227(c)	NP
6	815.76	General Advertising Sign	§ 607.2(b) & (e)	NP

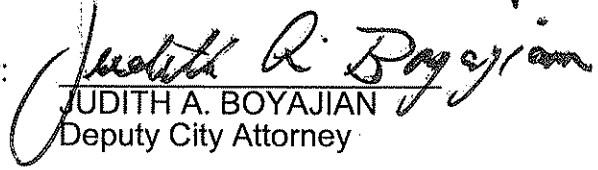
SPECIFIC PROVISIONS FOR RSD DISTRICTS

Article Code	Section	Other Code	Section	Zoning Controls
§ 815.23	§ 890.133			-- Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an RSD District.
815.33		§§ 249.35,	890.113	Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).
<u>815.34</u>		<u>§ 890.60</u>	<u>§ 1900 Health Code</u>	<u>Only those businesses that can demonstrate to the satisfaction of the Planning</u>

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Commission that massage services
are provided in conjunction with full-
service spa services are authorized
to provide massage services

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

By: 
JUDITH A. BOYAJIAN
Deputy City Attorney



City and County of San Francisco

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

Tails Ordinance

File Number: 081504

Date Passed:

Ordinance amending the Planning Code by amending Section 803.4, Section 815, and Table 815 to allow a business operating as a full-service spa to provide massage services with a conditional use authorization; adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

March 17, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

March 24, 2009 Board of Supervisors — FINALLY PASSED

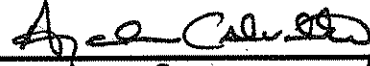
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 081504

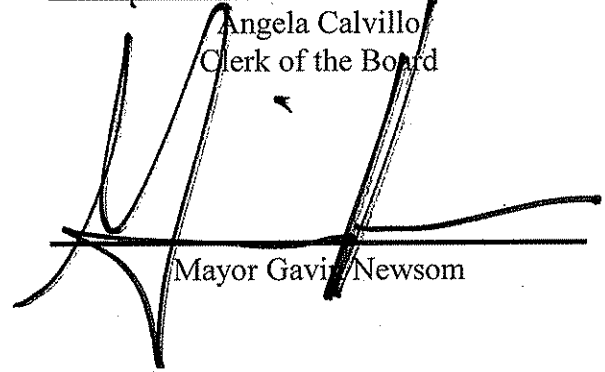
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on March 24, 2009
by the Board of Supervisors of the City and
County of San Francisco.

4/2/09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom