

BOARD of SUPERVISORS



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November 1, 2018

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On October 30, 2018, Supervisor Tang introduced the following substitute legislation:

File No. 180806-2

Ordinance amending the Planning Code to create new Use allowing flexible, multi-use retail; permitting Temporary Pop-Up Retail uses in commercial spaces; permitting Flexible Retail in certain Neighborhood Commercial Districts; permitting Arts Activities in certain Neighborhood Commercial Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

The proposed substitute ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: John Rahaim, Director
Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Dan Sider, Director of Executive Programs
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

1 [Planning Code - Temporary Pop-Up Retail, Flexible Retail, and Arts Activities Uses]

2
3 **Ordinance amending the Planning Code to create new Use allowing flexible, multi-use**
4 **retail; permitting Temporary Pop-Up Retail uses in commercial spaces; permitting**
5 **Flexible Retail in certain Neighborhood Commercial Districts; permitting Arts Activities**
6 **in certain Neighborhood Commercial Districts; affirming the Planning Department's**
7 **determination under the California Environmental Quality Act; making findings of**
8 **consistency with the General Plan, and the eight priority policies of Planning Code,**
9 **Section 101.1; and making findings of public necessity, convenience, and welfare**
10 **pursuant to Planning Code, Section 302.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.
13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
14 **Board amendment additions** are in double-underlined Arial font.
15 **Board amendment deletions** are in ~~strikethrough Arial font~~.
16 **Asterisks (* * * *)** indicate the omission of unchanged Code
17 subsections or parts of tables.

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

19 Section 1. Findings.

20 (a) In February 2018, the Office of Economic and Workforce Development
21 published a report entitled "State of the Retail Sector: Challenges and Opportunities for San
22 Francisco's Neighborhood Commercial Districts" ("Report"). Prepared by Strategic
23 Economics, the Report analyzed the national restructuring of the retail, restaurant, and
24 personal services industries; identified factors required to support successful San Francisco
25 retail districts; catalogued opportunities, costs, and challenges for retail, restaurant, and

1 personal services businesses in San Francisco; and documented adaptations that businesses
2 are making in response to changing conditions.

3 (b) The Report's key findings include:

- 4 • Between the first and third quarters of 2017, chain retailers nationwide
5 announced 3,044 store openings, and 6,752 store closings. While overall retail
6 sales were in decline, retail sales growth was concentrated in several
7 categories, including: food and beverage stores; e-commerce; building materials
8 and home furnishings; and health and personal care stores. Food services
9 sales also experienced growth.
- 10 • Consistent with national trends, after many years of growth, San Francisco's
11 retail sector appears to be slowing. Growth in retail employment and sales tax
12 revenues slowed between 2015 and 2016, and vacancy rates in some
13 neighborhood commercial districts are increasing. Retail business owners also
14 reported seeing increased competition with online sales for a rapidly expanding
15 range of products.
- 16 • While retail demand is slowing, there is a national trend towards increased
17 consumer spending on dining, services, and other ways to engage retail
18 customers. There is a corresponding increased demand in storefront space for
19 restaurant, entertainment, and personal services in San Francisco
20 neighborhoods. Restaurants and personal services are a key component of the
21 experience provided by neighborhood shopping districts, drawing foot traffic to
22 other businesses and providing spaces to linger and gather as a community.
23 Continued growth in these activities could mitigate some of the effects on
24 vacancy rates caused by local contraction in the retail industry.

- Based on increased consumer demand for experiences and increased competition from online sales, many retailers are developing new strategies to attract customers, including: expanding opportunities for customers to interact with products before making a purchase; integrating eating, drinking, and wellness into traditional retail stores; and offering community-building activities such as classes, workshops, readings, lectures, or concerts. Incorporating multiple uses or creatively co-locating other uses may help retail businesses diversify their revenue streams.
- Land use and permitting requirements can present challenges to new businesses in San Francisco. New businesses must often invest significant time and money into completing the permitting and construction processes. These costs frequently place business owners in substantial debt, jeopardizing the viability of their enterprises before they are even able to open their doors and can dissuade aspiring entrepreneurs from opening their own businesses.
- Existing land use and permitting requirements may make it challenging for businesses to incorporate food, drink, events, and other elements that create attractive experiences for customers. Existing land use and permitting requirements also limit a business' ability to incorporate multiple uses, or co-locate multiple businesses, within a single storefront.

(c) More flexibility within land use controls would support small businesses by enabling them to creatively experiment with integrating food, beverage, retail and professional services uses within the same space. The creation of flexible, multi-use space could enable small-scale entrepreneurs to launch brick-and-mortar operations, on a temporary or permanent basis, within larger storefronts.

1 (d) The purpose of this ordinance is to reduce storefront vacancies, support a
2 diverse mix of businesses, enable retail businesses to engage in creative strategies to attract
3 customers and diversify revenues, and otherwise support healthy and vibrant commercial
4 corridors in San Francisco.

5
6 Section 2. Environmental and Land Use Findings.

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

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

17 (c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code
18 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
19 in Planning Commission Resolution No. _____, and the Board incorporates such reasons
20 herein by reference.

21
22 Section 3. The Planning Code is hereby amended by revising Section 102 to read as
23 follows, with the definition of "Flexible Retail" placed after the definition of "Family" and before
24 the definition of "Floor Area, Gross":

25 **SEC. 102. DEFINITIONS.**

1 * * * *

2 **Arts Activities.** A Retail Entertainment, Arts and Recreation Use that includes performance,
3 exhibition (except exhibition of films), rehearsal, production, post-production, and some
4 schools of any of the following: Dance, music, dramatic art, film, video, graphic art,
5 painting, drawing, sculpture, small-scale glassworks, ceramics, textiles, woodworking,
6 photography, custom-made jewelry or apparel, and other visual, performance, and sound
7 arts and craft. It shall exclude accredited Schools and Post-Secondary Educational
8 Institutions. It shall include commercial arts and art-related business service uses including,
9 but not limited to, recording and editing services, small-scale film and video developing and
10 printing; titling; video and film libraries; special effects production; fashion and photo stylists;
11 production, sale, and rental of theatrical wardrobes; and studio property production and rental
12 companies. Arts spaces shall include studios, workshops, archives, and theaters, and other
13 similar spaces customarily used principally for arts activities, exclusive of a Movie Theater,
14 General Entertainment Amusement Enterprise, Adult Business Entertainment, and any other
15 establishment where liquor is customarily served during performances.

16 * * * *

17
18 **Flexible Retail.** A Retail Sales and Service Use in Neighborhood Commercial Districts, subject to the
19 requirements of Sections 179.2 and 202.9, that combines a minimum of two of the following Uses
20 within a space that may be operated by one or more business operators:

- 21 (1) Arts Activities;
22 (2) Restaurant, Limited;
23 (3) Retail Sales and Services, General;
24 (4) Service, Personal;
25 (5) Service, Retail Professional; and

1 (6) Trade Shop.

2 * * * *

3

4 **Restaurant, Limited.** A Retail Sales and Service Use that serves ready-to-eat foods and/or
5 drinks to customers for consumption on or off the premises, that may or may not have seating.
6 It may include wholesaling, manufacturing, or processing of foods, goods, or commodities on
7 the premises as an Accessory Use as set forth in Sections 204.3 or 703.2 depending on the
8 zoning district in which it is located. It includes, but is not limited to, foods provided by
9 sandwich shops, coffee houses, pizzerias, ice cream shops, bakeries, delicatessens, and
10 confectioneries meeting the above characteristics, but is distinct from a Specialty Grocery,
11 Restaurant, and Bar. Within the North Beach SUD, it is also distinct from Specialty Food
12 Manufacturing, as defined in Section 780.3(b). It shall not provide on-site beer and/or wine
13 sales for consumption on the premises, but may ~~sell provide off-site~~ beer and/or wine ~~sales~~ for
14 consumption off the premises with a California Alcoholic Beverage Control Board License type
15 20 (off-sale beer and wine), if all areas devoted to the display and sale of alcoholic beverages
16 occupy less than 15% of the Occupied Floor Area of the establishment ~~(including all areas~~
17 ~~devoted to the display and sale of alcoholic beverages)~~. Such businesses shall operate with the
18 specified conditions in Section 202.2(a)(1).

19 * * * *

20

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

- 25 (a) Personal items such as tobacco and magazines;

1 (b) Self-service laundromats and dry cleaning, where no portion of a building
2 occupied by such use shall have any opening other than fixed windows and exits required by
3 law within 50 feet of any R District;

4 (c) Household goods and service (including paint, fixtures, and hardware, but
5 excluding other building materials);

6 (d) Variety merchandise, pet supply stores, and pet grooming services;

7 (e) Florists and plant stores;

8 (f) Apparel and accessories;

9 (g) Antiques, art galleries, art supplies, and framing service;

10 (h) Home furnishings, furniture, and appliances;

11 (i) Books, stationery, greeting cards, office supplies, copying service, music, and
12 sporting goods; and

13 (j) Toys, gifts, and photographic goods and services.

14 * * * *

15
16 **Service, Personal.** A Retail Sales and Services Use that provides grooming services to the
17 individual, including salons, cosmetic services, tattoo parlors, and health spas, bathhouses,
18 and steam rooms. Personal Service does not include Massage Establishments or Gym, which
19 are defined separately in this Section 102.

20 * * * *

21
22 **Service, Retail Professional.** A Retail Sales and Service Use that provides to the general
23 public, general business, or professional services including, but not limited to, management,
24 clerical, accounting, legal, consulting, insurance, real estate brokerage, and travel services. It
25 may provide services to the business community, provided that it also provides services to the

1 general public. Otherwise, it shall be considered a Non-Retail Professional Service Use as
2 defined in this Section *of the Planning Code 102*.

3 This use does not include research service of an industrial or scientific nature in a
4 commercial or medical laboratory, other than routine medical testing and analysis by a health-
5 care professional or hospital.

6 * * * *

7
8 **Trade Shop.** A Retail Sales and Service Use that provides custom-crafted goods and/or
9 services for sale directly to the consumer, reserving some storefront space for display and
10 retail service, subject to the conditions in Section 202.2. A trade shop includes, but is not
11 limited to:

12 (a) Repair of personal apparel, accessories, household goods, appliances, furniture,
13 and similar items, but excluding repair of motor vehicles and structures;

14 (b) Upholstery services;

15 (c) Carpentry;

16 (d) Printing of a minor processing nature, including multi-copy and blueprinting
17 services and printing of pamphlets, brochures, resumes, and small reports, but excluding
18 printing of books, magazines, or newspapers;

19 (e) Tailoring; and

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

22 * * * *

23
24 Section 4. The Planning Code is hereby amended by adding Section 179.2, and
25 Section 202.9 to read as follows:

1 **SEC. 179.2. FLEXIBLE RETAIL USES.**

2 (a) Applicability. This Section shall apply to Flexible Retail Uses as defined in Section 102.

3 (b) Abandonment. A Flexible Retail Use must operate with at least two uses at any given
4 time. A Flexible Retail Use that operates only one Use for a period of 90 days or more shall be deemed
5 abandoned, and no new Flexible Retail Use shall be restored without the issuance of a new building
6 permit. However, based on a good faith showing that the operator has diligently attempted to locate
7 and establish a second permitted Use within the Flexible Retail Use, the Zoning Administrator may
8 grant a 90 days extension. If such extension passes without a second permitted Use established within
9 the Flexible Retail Use, then the Flexible Retail Use shall be deemed abandoned.

10
11 **SEC. 202.9. FLEXIBLE RETAIL USES.**

12 (a) Applicability. This Section shall apply to Flexible Retail Uses as defined in Section 102.

13 Flexible Retail shall be permitted in neighborhood commercial districts in the following Flexible Retail
14 Zones:

15 (1) Zone 1: shall comprise all of that portion of the City and County commencing at
16 the point of the intersection of the shoreline of the Pacific Ocean and the eastern boundary of Lincoln
17 Park, and proceeding southerly along the eastern boundary of Lincoln Park to California Street, and
18 proceeding easterly along California Street to 26th Avenue, and proceeding northerly along 26th
19 Avenue to Lake Street, and proceeding easterly along Lake Street to Arguello Boulevard, and
20 proceeding southerly along Arguello Boulevard to Euclid Avenue, and proceeding easterly along
21 Euclid Avenue to Bush Street, and proceeding easterly along Bush Street to Gough Street, and
22 proceeding southerly along Gough Street to Geary Boulevard, and proceeding easterly along Geary
23 Boulevard to Van Ness Avenue, and proceeding southerly along Van Ness Avenue to Oak Street, and
24 proceeding westerly along Oak Street to Buchanan Street, and proceeding southerly along Buchanan
25 Street to Hermann Street, and proceeding westerly along Hermann Street to Steiner Street, and

1 proceeding northerly along Steiner Street to Waller Street, and proceeding westerly along Waller
2 Street to Buena Vista Avenue East, and proceeding westerly along Buena Vista Avenue East to Haight
3 Street, and proceeding westerly along Haight Street to Buena Vista Avenue West, and proceeding
4 southerly along Buena Vista Avenue West to Frederick Street, and proceeding westerly along Frederick
5 Street to Ashbury Street, and proceeding southerly along Ashbury Street to Clayton Street, and
6 proceeding southerly along Clayton Street to Twin Peaks Boulevard, and proceeding southerly along
7 Twin Peaks Boulevard to Clarendon Avenue, and proceeding westerly along Clarendon Avenue to
8 Stanyan Street, and proceeding northerly along Stanyan Street to Belgrave Avenue, and proceeding
9 westerly along Belgrave Avenue to a westerly extension of Belgrave Avenue, and proceeding southerly
10 and westerly to the intersection of said line and Johnstone Drive, and proceeding westerly along
11 Johnstone Drive to Medical Center Way, and proceeding northerly along Medical Center Way to
12 Parnassus Avenue, and proceeding westerly along Parnassus Avenue to 4th Avenue, and proceeding
13 southerly along the southern extension of 4th Avenue to Kirkham Street, and proceeding westerly along
14 Kirkham Street to 9th Avenue, and proceeding northerly along 9th Avenue to Judah Street, and
15 proceeding westerly along the southern edge of Judah Street to 19th Avenue, and proceeding southerly
16 along 19th Avenue to Sloat Boulevard, and proceeding westerly along the northern edge of Sloat
17 Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific
18 Ocean proceeding northerly along said shoreline to the point of commencement.

19 (2) **Zone 2:** shall comprise all of that portion of the City and County commencing at
20 the point of the intersection of Junipero Serra Boulevard and Brotherhood Way, and proceeding
21 northerly along the eastern edge of Junipero Serra Boulevard to Garfield Street, and proceeding
22 easterly along Garfield Street to Grafton Avenue, and continuing easterly along Grafton Avenue to
23 Mount Vernon Avenue, and proceeding easterly along Mount Vernon Avenue to Howth Street, and
24 proceeding northerly along Howth Street to Geneva Avenue, and proceeding easterly along Geneva
25 Avenue to Interstate 280, and proceeding northerly along Interstate 280 to the straight-line extension of

1 Tingley Street, and proceeding southerly along said line to Tingley Street, and proceeding southerly
2 along Tingley Street to Alemany Boulevard, and proceeding easterly along Alemany Boulevard to
3 Congdon Street, and proceeding southerly along Congdon Street to Silver Avenue, and proceeding
4 easterly along Silver Avenue to Madison Street, and proceeding southerly along Madison Street to
5 Burrows Street, and proceeding westerly along Burrows Street to Prague Street, and proceeding
6 southerly along Prague Street to Persia Avenue, and proceeding easterly along Persia Avenue to
7 Mansell Street, and continuing easterly along Mansell Street to San Bruno Avenue, and proceeding
8 northerly and easterly along San Bruno Avenue along San Bruno Avenue to Ware Street, and
9 proceeding easterly along Ware Street to Bayshore Boulevard, and proceeding northerly along
10 Bayshore Boulevard to a straight line extension from Bayshore Boulevard to San Bruno Avenue, and
11 proceeding northerly along San Bruno Avenue to 23rd Street, and proceeding easterly along 23rd
12 Street to Vermont Street, and proceeding northerly along Vermont Street to 16th Street, and proceeding
13 easterly along 16th Street to a straight-line extension from 16th Street, and proceeding easterly along
14 said extension to the shoreline to the San Francisco Bay, and proceeding southerly along shoreline to
15 the San Francisco/San Mateo county border, and proceeding westerly along the San Francisco/San
16 Mateo county border to Saint Charles Avenue, and proceeding northerly along Saint Charles Avenue to
17 Interstate 280, and proceeding northeasterly along Interstate 280 to a northerly straight-line extension
18 to Orizaba Avenue, and proceeding northerly along said line to Alemany Boulevard, and proceeding
19 westerly along Alemany Boulevard to Brotherhood Way, and proceeding westerly along Brotherhood
20 Way to the point of commencement.

21 (b) **Requirements.**

22 (1) **Underlying Uses incorporated into Flexible Retail.** Flexible Retail, as defined
23 in Section 102, incorporates two or more specific uses. Each such use must be Principally Permitted in
24 the underlying zoning district. If a use requires a Conditional Use Authorization in the underlying
25

1 zoning district, then a Conditional Use Authorization must be obtained before such use may be
2 permitted as part of a Flexible Retail Use.

3 (2) **Minimum of two Uses.** A Flexible Retail Use must operate with at least two
4 Uses at any given time.

5
6 Section 5. Article 2 of the Planning Code is hereby amended by revising Section 205.1
7 to read as follows:

8 **SEC. 205.1. TEMPORARY USES: SIXTY-DAY LIMIT.**

9 A temporary use may be authorized for a period not to exceed 60 days for any of the
10 following uses:

11 (a) Neighborhood carnival, exhibition, celebration or festival sponsored by an
12 organized group of residents in the vicinity or, in Neighborhood Commercial, Mixed Use, PDR,
13 C, or M Districts, sponsored by property owners or businesses in the vicinity;

14 (b) Booth for charitable, patriotic or welfare purposes;

15 (c) Open air sale of agriculturally produced seasonal decorations, including, but not
16 necessarily limited to, Christmas trees and Halloween pumpkins;:

17 (d) Pop-Up Retail, which is a temporary Retail Use permitted within a space occupied by a
18 legally established Commercial Use. If the Pop-Up Retail use is in a Residential District then the
19 temporary Pop-Up Retail use may not serve alcohol or have hours of operation past 10:00 pm, and
20 such use shall not be permitted within six months of the date a prior Pop-Up Retail use began its
21 occupancy of the same commercial space.

22
23 Section 6. The Planning Code is hereby amended by revising Sections 710, 711, 712,
24 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 728, 729, 730, 731,

732, 733, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, and 764, to read as follows:

SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.

**Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1
ZONING CONTROL TABLE**

Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Arts Activities	§ 102	NP(7)	NP(6)	NP(6)

Sales and Service Use Category				
Retail Sales and Service Uses*	§ 102	P(2)	NP	NP

Cannabis Retail	§§ 102, 202.2(a)	NP(6)	NP(6)	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP(7)</u>	<u>NP</u>	<u>NP</u>

1 (6) C in ~~Supervisory District 4~~ the area comprising all of that portion of the City and
 2 County commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight-
 3 line extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th Avenue, and
 4 proceeding southerly along 17th Avenue to Judah Street, and proceeding westerly along Judah Street
 5 to 19th Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding
 6 westerly along Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the
 7 shoreline of the Pacific Ocean and proceeding northerly along said line to the point of commencement.

8 (7) P in ~~Supervisory District 4~~ the geographic area described as Flexible Retail Zones in
 9 Section 202.9.

10 (8) C in the geographic area described as Flexible Retail Zones in Section 202.9.

11
 12 **SEC. 711. NC-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

13 * * * *

14 **Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**
 15 **ZONING CONTROL TABLE**

16 * * * *

Zoning Category	§ References	Controls		
		1st	2nd	3rd+
NON-RESIDENTIAL USES				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Arts Activities	§ 102	NP(810)	NP(911)	NP(911)
* * * *				

Sales and Service Use Category

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP(10)</i>	<i>NP</i>	<i>NP</i>

(8) P in ~~Supervisorial District 4~~ the area comprising all of that portion of the City and County commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th Avenue, and proceeding southerly along 17th Avenue to Judah Street, and proceeding westerly along Judah Street to 19th Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding westerly along Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific Ocean and proceeding northerly along said line to the point of commencement.

(9) C in ~~Supervisorial District 4~~ the area comprising all of that portion of the City and County commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th Avenue, and proceeding southerly along 17th Avenue to Judah Street, and proceeding westerly along Judah Street to 19th Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding westerly along Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific Ocean and proceeding northerly along said line to the point of commencement.

(10) P in the geographic area described as Flexible Retail Zones in Section 202.9.

(11) C in the geographic area described as Flexible Retail Zones in Section 202.9.

SEC. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

1 *****

2 **Table 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**
3 **ZONING CONTROL TABLE**

4 *****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Amusement Game Arcade	§ 102	C	NP	NP
<i>Arts Activities</i>	<u>§ 102</u>	<u>NP(9)</u>	<u>NP(10)</u>	<u>NP(10)</u>

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP(9)</u>	<u>NP</u>	<u>NP</u>

19 *****

20 (9) P in the geographic area described as Flexible Retail Zones in Section 202.9.

21 (10) C in the geographic area described as Flexible Retail Zones in Section 202.9.

23 *****

1 SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER
 2 DISTRICT.

3 * * * * *

4 Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S
 5 ZONING CONTROL TABLE

6 * * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Amusement Game Arcade	§ 102	C	NP	NP
<i>Arts Activities</i>	<i>§ 102</i>	<i>NP (6)</i>	<i>NP (7)</i>	<i>NP (7)</i>
* * * * *				
Sales and Service Use Category				
* * * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP (6)</i>	<i>NP</i>	<i>NP</i>
* * * * *				

21 * * * * *

22 (6) P in the geographic area described as Flexible Retail Zones in Section 202.9.
 23 (7) C in the geographic area described as Flexible Retail Zones in Section 202.9.

24 * * * * *

1 **SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 *****

3 **Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT**
 4 **ZONING CONTROL TABLE**

5 *****

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS					

Sales and Service Use Category					

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP	
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	

14 *****

16 **SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

17 *****

18 **Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 19 **ZONING CONTROL TABLE**

20 *****

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS					

Sales and Service Use Category					

1	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
2	<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
3	****				

4 ****

5

6 **SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

7 ****

8 **Table 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

9 **ZONING CONTROL TABLE**

10 ****

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES					

Entertainment, Arts and Recreation Use Category					
Entertainment, Arts and Recreation Uses*		§ 102	NP	NP	NP
<i>Arts Activities</i>		<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>

Sales and Service Use Category					

Cannabis Retail		§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>		<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>

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1 SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL
 2 DISTRICT.

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4 Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 5 ZONING CONTROL TABLE

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Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<i>Arts Activities</i>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
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 21
 22 SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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24 Table 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 25 ZONING CONTROL TABLE

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Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

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11
12 **SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

13 *****

14 **Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
15 **ZONING CONTROL TABLE**

16 *****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<i>Arts Activities</i>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>

Sales and Service Use Category				

1	****				
2	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
3	<i>Flexible Retail</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
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7 **SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL**

8 **DISTRICT.**

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10 **Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL**

11 **DISTRICT ZONING CONTROL TABLE**

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Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES					

Entertainment, Arts and Recreation Use Category					
Entertainment, Arts and Recreation Uses*		§ 102	NP	NP	NP
Arts Activities		§ 102	P	P	P

Sales and Service Use Category					

Cannabis Retail		§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>		<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>

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2
3 SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.

4 *****

5 Table 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT ZONING
6 CONTROL TABLE

7 *****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Amusement Game Arcade	§ 102	P	P	P
<i>Arts Activities</i>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>

22 *****

23
24 SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

25 *****

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

3 ****

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES					

Sales and Service Use Category					

Cannabis Retail		§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>		<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

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14 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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16 **Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 17 **ZONING CONTROL TABLE**

18 ****

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES					

Sales and Service Use Category					

Cannabis Retail		§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>		<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

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SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

**Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

**Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
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SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

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**Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

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Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
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SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.

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2 **Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT**
3 **ZONING CONTROL TABLE**

4 *****

Zoning Category		§ References		Controls	
NON-RESIDENTIAL STANDARDS AND USES					

Sales and Service Use Category					

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP	
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	

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14
15 **SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

16 *****

17 **Table 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**
18 **ZONING CONTROL TABLE**

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Zoning Category		§ References		Controls	
NON-RESIDENTIAL STANDARDS					

Sales and Service Use Category					

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP	

1	<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
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5 **SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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7 **Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT**

8 **ZONING CONTROL TABLE**

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Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS					

Entertainment, Arts and Recreation Use Category					
Entertainment, Arts and Recreation Uses*		§ 102	NP	NP	NP
<i>Arts Activities</i>		<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>

Sales and Service Use Category					

Cannabis Retail		§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>		<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>

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25 **SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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2 **Table 731 NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
3 **ZONING CONTROL TABLE**

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Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Arts Activities	§ 102	P	C	C
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>P</i>	<i>NP</i>	<i>NP</i>
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20 **SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

21 * * * *

22 **Table 732 IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
23 **ZONING CONTROL TABLE**

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Zoning Category	§ References	Controls		
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NON-RESIDENTIAL STANDARDS

Entertainment, Arts and Recreation Use Category

Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Arts Activities	§ 102	P	C	C

Sales and Service Use Category

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>

SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

**Table 733 TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP

1	Arts Activities	§ 102	P	C	C
2	* * * *				
3	Sales and Service Use Category				
4	* * * *				
5	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
6	<i>Flexible Retail</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
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9
10 **SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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12 **Table 734 JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
13 **ZONING CONTROL TABLE**

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Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS					
* * * *					
Entertainment, Arts and Recreation Use Category					
Entertainment, Arts and Recreation Uses*		§ 102	NP	NP	NP
Arts Activities		§ 102	P	C	C
* * * *					
Sales and Service Use Category					
* * * *					
Cannabis Retail		§§ 102, 202.2(a)	C	C	NP

<u>Flexible Retail</u>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>

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

Table 750. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1 ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<u>Arts Activities</u>	<u>§ 102</u>	<u>NP(7)</u>	<u>NP(8)</u>	<u>NP(8)</u>

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	NP	NP	NP
<u>Flexible Retail</u>	<u>§ 102</u>	<u>NP(7)</u>	<u>NP</u>	<u>NP</u>

(7) P in the geographic area described as Flexible Retail Zones in Section 202.9.

(8) C in the geographic area described as Flexible Retail Zones in Section 202.9.

SEC. 751. NCT-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

Table 751. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2 ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<u>Arts Activities</u>	<u>§ 102</u>	<u>NP(5)</u>	<u>NP(6)</u>	<u>NP(6)</u>

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<u>Flexible Retail</u>	<u>§ 102</u>	<u>NP(5)</u>	<u>NP</u>	<u>NP</u>

(5) P in the geographic area described as Flexible Retail Zones in Section 202.9.

(6) C in the geographic area described as Flexible Retail Zones in Section 202.9.

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**SEC. 752. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL
TRANSIT DISTRICT.**

**Table 752. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
NCT-3 ZONING CONTROL TABLE**

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<i>Arts Activities</i>	<u>§ 102</u>	<u>NP(5)</u>	<u>NP(6)</u>	<u>NP(6)</u>

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP(5)</u>	<u>NP</u>	<u>NP</u>

(5) P in the geographic area described as Flexible Retail Zones in Section 202.9.
(6) C in the geographic area described as Flexible Retail Zones in Section 202.9.

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2 **SEC. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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4 **Table 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
5 **ZONING CONTROL TABLE**

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Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
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16
17 **SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
18 **DISTRICT.**

19 * * * *

20 **Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
21 **ZONING CONTROL TABLE**

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Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>

SEC. 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

Table 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>

SEC. 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

1 **Table 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 2 **ZONING CONTROL TABLE**

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Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
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14 **SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 15 **DISTRICT.**

16 * * * *

17 **Table 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 18 **DISTRICT ZONING CONTROL TABLE**

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Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Sales and Service Use Category				
* * * *				

1	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
2	<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
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5
6 **SEC. 758. REGIONAL COMMERCIAL DISTRICT.**

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8 **Table 758. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE**

9 ****

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES					

Sales and Service Use Category					

15	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
16	<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
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19
20 **SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
21 **DISTRICT.**

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23 **Table 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
24 **DISTRICT ZONING CONTROL TABLE**

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Zoning Category § References Controls
NON-RESIDENTIAL STANDARDS AND USES

Entertainment, Arts and Recreation Use Category

Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Amusement Game Arcade	§ 102	C	NP	NP
<i>Arts Activities</i>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>

Sales and Service Use Category

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>

SEC. 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

Table 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

Zoning Category § References Controls
NON-RESIDENTIAL STANDARDS AND USES

1 * * * *

2 **Entertainment, Arts and Recreation Use Category**

3 Entertainment, Arts and	§ 102	NP	NP	NP
4 Recreation Uses*				
5 Amusement Game Arcade	§ 102	C	NP	NP
6 <u>Arts Activities</u>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>

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8 **Sales and Service Use Category**

9 * * * *				
10 Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
11 <u>Flexible Retail</u>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
12 * * * *				

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15 **SEC. 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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17 **Table 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
18 **ZONING CONTROL TABLE**

19 * * * *

20 Zoning Category	§ References	Controls		
21 NON-RESIDENTIAL STANDARDS AND USES				
22 * * * *				
23 Entertainment, Arts and Recreation Use Category				

1	Entertainment, Arts and	§ 102	NP	NP	NP
2	Recreation Uses*				
3	<i>Arts Activities</i>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>
4	* * * *				
5	Sales and Service Use Category				
6	* * * *				
7	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
8	<i>Flexible Retail</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
9	* * * *				

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11
12 **SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
13 **DISTRICT.**

14 * * * *

15 **Table 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
16 **DISTRICT ZONING CONTROL TABLE**

17 * * * *

18	Zoning Category	§ References	Controls		
19	NON-RESIDENTIAL STANDARDS				
20	* * * *				
21	Sales and Service Use Category				
22	* * * *				
23	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
24	<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

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SEC. 763. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

Table 763. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>

SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

Table 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
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Section 7. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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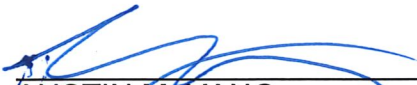
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Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

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4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: 
8 AUSTIN M. YANG
9 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(Substituted, 10/30/2018)

[Planning Code - Temporary Pop-Up Retail, Flexible Retail, and Arts Activities Uses]

Ordinance amending the Planning Code to create new Use allowing flexible, multi-use retail; permitting Temporary Pop-Up Retail uses in commercial spaces; permitting Flexible Retail in certain Neighborhood Commercial Districts; permitting Arts Activities in certain Neighborhood Commercial Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

The Planning Code considers Arts Activities, Limited Restaurants, General Retail Sales and Services, Personal Services, Retail Professional Services, and Trade Shop as separate uses. Each of these Uses is defined in section 102 of the Planning Code. While there is no Use that permits a retailer to combine multiple Uses in the same space, under certain conditions, the Planning Code permits some Uses to be considered Accessory to Principal Uses. In Neighborhood Commercial Districts ("NCDs") conditions for Accessory Uses are set forth in Planning Code section 703. Generally, Accessory Uses may not occupy more than 30% of the total floor area occupied by such use and the Principal or Conditional use.

Arts Activities is a retail Entertainment, Arts and Recreation Use.

Amendments to Current Law

This ordinance creates a new use called Flexible Retail. Flexible Retail would be a type of Retail Sales and Service Use and only permitted in located in NCDs. This Use would combine a minimum of the two following existing uses: Arts Activities, Limited Restaurants, General Retail Sales and Services, Personal Services, Retail Professional Services, and Trade Shop. Flexible Retail would also allow these Uses to be operated by one or more businesses within the space. This is different than Accessory Uses because there would be no limitation on the amount space any of the Uses could occupy. The ordinance would create Flexible Retail Zones, which are areas that loosely track the supervisorial districts 1, 4, 5, 10, and 11.

This ordinance would also allow Arts Activities in certain NCDs.

This ordinance would also create a temporary Pop-Up Retail use that allows an existing commercial space to be temporarily used for Retail uses. Temporary Pop-Up Retail uses would be more limited in residential districts – the Pop-Up Retail use would not be permitted to serve alcohol or operate past 10 pm. In addition, in residential districts, a Pop-Up Retail use would not be permitted within six months of a prior Pop-Up Retail use beginning to occupy the same location.

Background Information

In February 2018, the Office of Economic and Workforce Development published a report entitled “State of the Retail Sector: Challenges and Opportunities for San Francisco’s Neighborhood Commercial Districts.” The report found that based on increased consumer demand for experiences and increased competition from online sales, many retailers are developing new strategies to attract customers, including: expanding opportunities for customers to interact with products before making a purchase; integrating eating, drinking, and wellness into traditional retail stores; and offering community-building activities such as classes, workshops, readings, lectures, or concerts. The report found that incorporating multiple uses or creatively co-locating other uses may help retail businesses diversify their revenue streams.

The report also found that land use and permitting requirements can present challenges to new businesses in San Francisco. Specifically, that existing land use and permitting requirements may make it challenging for businesses to incorporate food, drink, events, and other elements that create attractive experiences for customers, and that existing land use and permitting requirements also limit a business’ ability to incorporate multiple uses, or co-locate multiple businesses, within a single storefront.

On 10/30/2018, Supervisors Fewer, Brown, Cohen and Safai joined as sponsors of the legislation, and introduced substitute legislation allowing Flexible Retail to be permitted in NCDs located in the area loosely bounded supervisorial districts 1, 4, 5, 10, and 11. The substitute legislation also permitted Arts Activities to be permitted in the same areas, and introduced the Temporary Pop-Up Retail Use.

For both Flexible Retail and Temporary Pop-Up Retail uses, this amendment does not modify the approvals otherwise required by the City. For example, a Flexible Retail Use that seek to incorporate a Limited Restaurant that is also considered Formula Retail, must obtain a Conditional Use Authorization pursuant to the Formula Retail controls, in addition to other Use approvals that may be required by the code. The Limited Restaurant may also need to obtain the necessary Alcohol and Beverage Control license. A Pop-Up Retail Use must obtain any necessary approvals from the Department of Public Health, the Department of Building Inspection, and any necessary Alcohol and Beverage Control license. A temporary Pop-Up Retail Use does not change these obligations.