

[Planning Code; Zoning Map - Consolidating the North Beach Special Use and Neighborhood Commercial Districts and Expanding Allowable Uses and Use Size Limits in Certain Zoning Districts]

Ordinance amending the Planning Code to: 1) eliminate the North Beach Special Use District and consolidate certain controls into the North Beach Neighborhood Commercial District, expand allowable uses and increase use size limits in the North Beach Neighborhood Commercial District, 2) expand allowable uses and increase use size limits in the Polk Street Neighborhood Commercial District, 3) expand allowable uses in the Pacific Avenue Neighborhood Commercial District, 4) expand allowable uses and increase use size limits in the Nob Hill Special Use District, and 5) reduce limitations on Restaurants and Bars in the Jackson Square Special Use District; amending the Zoning Map to reflect removal of the North Beach Special Use District; 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 under Planning Code, Section 302.

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

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

Section 1. Environmental and Land Use Findings.

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

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

11 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the
12 actions contemplated in this ordinance will serve the public necessity, convenience, and
13 welfare for the reasons set forth in Planning Commission Resolution No. _____, and
14 adopts such reasons by this reference thereto. A copy of said Resolution is on file with the
15 Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by
16 reference.

17
18 Section 2. Article 1 of the Planning Code is hereby amended by revising Section 102,
19 to read as follows:

20 **SEC. 102. DEFINITIONS.**

21 For the purposes of this Code, certain words and terms used herein are defined as set
22 forth in this and the following sections. Additional definitions applicable to Signs are set forth
23 in Section 602. Additional definitions applicable to development impact fees and requirements
24 that authorize the payment of in-lieu fees are set forth in Section 401. Additional definitions
25 applicable only to Downtown Residential Districts are set forth in Section 890. *Additional*

1 ~~definitions applicable only to the North Beach Neighborhood Commercial District and the North Beach~~
2 ~~Special Use District are set forth in Section 780.3.~~ Additional definitions applicable only to the
3 Bernal Heights Special Use District are set forth in Section 242. Additional definitions
4 applicable only to Article 9, Mission Bay Districts, are set forth in Section 996. All words used
5 in the present tense shall include the future. All words in the plural number shall include the
6 singular number, and all words in the singular number shall include the plural number, unless
7 the natural construction of the wording indicates otherwise. The word "shall" is mandatory and
8 not directory. Whenever any of the following terms is used it shall mean the corresponding
9 officer, department, board or commission or its successor of the City and County of San
10 Francisco, State of California, herein referred to as the City: Assessor, Board of Supervisors,
11 Planning Department, Department of Public Works, Director of Planning, Planning
12 Commission, or Zoning Administrator. In each case, the term shall be deemed to include an
13 employee of any such officer or department of the City who is lawfully authorized to perform
14 any duty or exercise any power as a representative or agent of that officer or department.

15 * * * *

16 ***Restaurant, Limited.*** A Retail Sales and Service Use that serves ready-to-eat foods
17 and/or drinks to customers for consumption on or off the premises, that may or may not have
18 seating. It may include wholesaling, manufacturing, or processing of foods, goods, or
19 commodities on the premises as an Accessory Use as set forth in Sections 204.3 or 703(d),
20 803.2(d), 803.3(b)(1)(C) and 825(c)(1)(C) depending on the zoning district in which it is
21 located. It includes, but is not limited to, foods provided by sandwich shops, coffee houses,
22 pizzerias, ice cream shops, bakeries, delicatessens, and confectioneries meeting the above
23 characteristics, but is distinct from a Specialty Grocery, Restaurant, and Bar. ~~Within the North~~
24 ~~Beach SUD, it is also distinct from Specialty Food Manufacturing, as defined in Section 780.3(b).~~ It
25 shall not provide on-site beer and/or wine sales for consumption on the premises, but may sell

beer and/or wine for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine), if all areas devoted to the display and sale of alcoholic beverages occupy less than 15% of the Occupied Floor Area of the establishment. Such businesses shall operate with the specified conditions in Section 202.2(a)(1).

Section 3. Article 1.2 of the Planning Code is hereby amended by revising Sections 121.2 and 145.4, to read as follows:

SEC. 121.2. NON-RESIDENTIAL USE SIZE LIMITS IN NEIGHBORHOOD COMMERCIAL AND NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICTS.

(a) In order to protect and maintain a scale of development appropriate to each district, Non-Residential Uses of the same size or larger than the square footage stated in the table below may be permitted only as Conditional Uses. The use area shall be measured as the Gross Floor Area for each individual Non-Residential Use.

| District | Use Size Limits |
|---------------------------|-----------------|
| Castro Street | 2,000 sq. ft. |
| <i>North Beach</i> | |
| Pacific Avenue | |
| <i>Polk Street</i> * | |
| * * * * | |
| NC-1, NCT-1 | 3,000 sq. ft. |
| Broadway | |
| Hayes-Gough | |
| <u><i>North Beach</i></u> | |

| | |
|---------------------|--|
| <u>Polk Street*</u> | |
| Upper Market Street | |
| Valencia Street | |
| * * * * | |

5 * * * *

6 (b) In order to protect and maintain a scale of development appropriate to each
7 district, Non-Residential uses that exceed the square footage stated in the table below shall
8 not be permitted, except in the following circumstances:

9 (1) In the Castro Street Neighborhood Commercial District, a Child Care
10 Facility, School, Post-Secondary Educational Institution, Religious Institution, Social Service
11 or Philanthropic Facility, Community Facility, or a Residential Care Facility as defined in
12 Section 102 of this Code that is operated by a non-profit and is neighborhood-serving may
13 exceed this subsection 121.2(b) with Conditional Use authorization.

14 (2) In the Regional Commercial District, Schools and Childcare Facilities as
15 defined in Section 102 may exceed this subsection 121.2(b) with Conditional Use
16 authorization.

17 (3) ~~In the Polk Street Neighborhood Commercial District, this subsection 121.2(b)~~
18 ~~shall not apply to a Movie Theater use, or the expansion of an existing General Grocery Use, as~~
19 ~~defined in Section 102 of this Code, and pursuant to the controls of Section 723.~~

20 (4) In the West Portal Neighborhood Commercial District, Health Services Uses
21 located at Assessor's Parcel Block No. 2989B, Lot 17 may exceed the limit in the table below,
22 but shall not have a Gross Floor Area greater than 5,000 square feet.

23 The use area shall be measured as the Gross Floor Area for each individual Non-
24 Residential use.

| District | Use Size Limits |
|------------------------------|--------------------|
| West Portal Avenue | 4,000 square feet |
| North Beach | |
| Castro Street | |
| <i>Polk Street</i> | |
| Pacific Avenue | |
| Regional Commercial District | 25,000 square feet |

* * * *

SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.

(a) **Purpose.** To support active, pedestrian-oriented commercial uses on important commercial streets.

(b) **Applicability.** The requirements of this Section 145.4 apply to the following street frontages.

* * * *

(27) The entirety of the North Beach Neighborhood Commercial District ~~and~~
~~North Beach Special Use District;~~

* * * *

Section 4. Article 1.7 of the Planning Code is hereby amended by revising Section 186, to read as follows:

SEC. 186. EXEMPTION OF LIMITED COMMERCIAL AND INDUSTRIAL NONCONFORMING USES IN RH, RM, RTO, AND RED DISTRICTS.

* * * *

(a) Exemption from Termination Provisions. The following nonconforming uses in R Districts shall be exempt from the termination provisions of Section 185, provided such uses comply with all the conditions specified in subsection (b) below:

* * * *

(3) Subsections (a)(1) and (a)(2) above apply to the following Restricted Use Subdistricts: the Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict set forth in Section 781.4 of this Code; the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict set forth in Section 781.6 of this Code; the North Beach ~~Special Use~~Neighborhood Commercial District set forth in Section ~~780.3~~722 of this Code; and the Third Street Formula Retail Restricted Use District set forth in Section 786 of this Code.

* * * *

Section 5. Article 2 of the Planning Code is hereby amended by revising Sections 201, 238, and 249.25 to read as follows:

SEC. 201. CLASSES OF USE DISTRICTS.

* * * *

Neighborhood Commercial Special Use Districts

(Defined in Sec. 702.2)

| |
|---|
| Lakeshore Plaza Special Use District (Defined in Sec. 780.1) |
| Bayshore-Hester Special Use District (Defined in Sec. 780.2) |
| Mission-Harrington Special Use District (Defined in Sec. 780.4) |
| North Beach Special Use District (Defined in Sec. 780.3) |
| 1800 Market Community Center Project Special Use District (Defined in Sec. 787) |

* * * *

1 **SEC. 238. NOB HILL SPECIAL USE DISTRICT.**

2 (a) A Hotel, as defined in Section 102 of this Code, may be permitted by the Planning
3 Commission as a eConditional #Use under Section 303 of this Code.

4 (b) In connection with any permitted pPrincipal Use or eConditional #Use located in
5 such Special Use District, incidental eCommercial #Uses may be permitted by the Planning
6 Commission as a eConditional #Use under Section 303 of this Code, if designed primarily for
7 occupants of and visitors to the use to which they are incidental, accessible to the general
8 public only from within the building, and not identified outside the building by means of any
9 sign or signs.

10 (c) A Private Community Facility as defined in Section 102 of this Code, and that is
11 not operated as a gainful (for-profit) business may be permitted by the Planning Commission
12 as a eConditional #Use under Section 303 of this Code.

13 (d) Eating and Drinking uses as defined in Section 102 of this Code, ~~with the exception~~
14 ~~of Eating and Drinking uses that are also defined as Formula Retail~~ may be permitted by the
15 Planning Commission as a eConditional #Use under Section 303 of this Code, except that
16 Limited Restaurant uses as defined in Section 102 of this Code shall be permitted as Principal Uses and
17 any Eating and Drinking uses that are also defined as Formula Retail are not permitted. The
18 limitations on design, accessibility, and identification set forth in ~~S~~subsection (b) above shall
19 not apply to such uses hereby permitted.

20 (e) Arts Activities uses as defined in Section 102 of this Code shall be permitted as a
21 Conditional Use under Section 303 of this Code.

22 (f) Signage for pPrincipal ~~permitted~~ #Uses or for Eating and Drinking uses within the
23 Nob Hill Special Use District shall be limited as per Section 606 of this Code, with the
24 exception that projecting ~~s~~signs in the form of sign copy on eCanopies and #Awnings shall be
25

1 permitted for Eating and Drinking uses in lieu of ~~W~~all ~~S~~igns unless otherwise limited as a
2 condition of approval of a ~~C~~onditional ~~U~~se authorization.

3 (~~f~~g) The various uses provided for in Subsections 238(a) through 238(~~e~~f) above are
4 not permitted in any portion of a building that is devoted to a Dwelling Unit or to Group
5 Housing as defined in Section 102 of this Code.

7 **SEC. 249.25. JACKSON SQUARE SPECIAL USE DISTRICT.**

8 In order to provide for the protection and enhancement of specialty retail and antique
9 store uses in the Jackson Square area, there shall be established the Jackson Square Special
10 Use District as designated on Sectional Map No. SU01 of the Zoning Map. The boundaries of
11 this Special Use District shall be coterminous with the boundaries of the Jackson Square
12 Historic District as established by Appendix B to Article 10 of this Code and further described
13 in Section 3 of that Appendix, and shall also include Lot 4 of Block 195. The following
14 provisions shall apply within the Jackson Square Special Use District:

15 (a) **Purposes.** These controls are intended to protect and enhance the unique retail
16 character of the Special Use District. All decisions of the Planning Commission and
17 Department for the establishment of ground floor use shall be guided by the following factors:

18 (1) Continuation and enhancement of existing ground floor retail uses are of
19 critical importance to the character of the District and displacement of such uses should be
20 discouraged;

21 (2) Attraction and retention of similar new retail establishments that conform
22 with the character of this District should be encouraged; and

23 (3) Uses that greatly intensify the density of employment have a negative
24 impact on the provision of neighborhood services, traffic circulation, and limited on- and off-
25 street parking.

1 (b) **Controls.**

2 (1) **General.** The provisions of the C-2 ~~use d~~District ~~as established in~~ (Section
3 210.21) and applicable provisions of the Washington-Broadway Special Use District, (Section
4 239), and the Chinatown Community Business District (Section 810), shall prevail except as
5 provided in ~~subsections paragraphs~~ (b)(2) and (b)(3) ~~of this Section 249.25 below.~~

6 (2) **Conditional Uses.**

7 (A) **Office Uses, Business Services, and Institutional Uses.** Office
8 Uses, Business Services, and Institutional Uses, as defined in Section 102 of this Code, at the
9 ground floor are subject to Conditional Use authorization pursuant to Section 303 of this
10 Code; provided, however, that building lobbies, entrances, and exits to and from the
11 basement, ground floor, or upper floors, and other reasonably-sized common areas at the
12 ground floor shall be permitted without Conditional Use authorization. In addition to the
13 findings required under Section 303(c) for Conditional Use authorization, the Commission
14 shall make the following findings:

15 (i) The use shall be necessary to preserve the historic resource
16 and no other use can be demonstrated to preserve the historic resource.

17 (ii) The use shall be compatible with, and shall enhance, the
18 unique retail character of the District.

19 (B) **Restaurants, ~~Limited Restaurants,~~ and Bars.** Restaurant, ~~Limited~~
20 ~~Restaurant,~~ and Bar uses larger than 4,000 square feet may be permitted as a Conditional Use
21 on the First Story through the procedures set forth in Section 303, ~~only if the Zoning~~
22 ~~Administrator first determines that the proposed new Restaurant, Limited Restaurant, or Bar would~~
23 ~~occupy a space that is currently or was last legally occupied by one of the uses described below;~~
24 ~~provided that its last use has not been discontinued or abandoned pursuant to Sections 186.1(d) or~~
25 ~~178(d) of this Code and that the proposed new use will not enlarge the space; and provided further~~

1 that no Conditional Use authorization shall be required if the use remains the same as the prior
2 authorized use, with no enlargement or intensification of use.

3 ~~(i) A Bar may occupy a space that is currently or last legally occupied~~
4 ~~by a Bar;~~

5 ~~(ii) A Restaurant may occupy a space that is currently or was last~~
6 ~~legally occupied by a Restaurant or Bar; and~~

7 ~~(iii) A Limited Restaurant may occupy a space that is currently or was~~
8 ~~last legally occupied by a Limited Restaurant, Restaurant, or Bar.~~

9 ~~(iv) Except as provided herein, no other use shall be allowed to convert~~
10 ~~to a Limited Restaurant, Restaurant, or Bar.~~

11 ~~(C) Exception for Certain Proposed Limited Restaurant Uses. A proposed~~
12 ~~Limited Restaurant use is Principally Permitted, shall not be required to obtain a Conditional Use~~
13 ~~authorization pursuant to subsection (b)(2)(B) above, and shall not be subject to the limitation of~~
14 ~~subsection (b)(2)(B)(iii) above if an application for a building permit necessary for the establishment of~~
15 ~~such use was filed with the City by July 19, 2018.~~

16 (3) **Prohibited Uses.** Adult Businesses, as defined in Section 102 of this Code,
17 are prohibited.

18
19 Section 6. Article 3 of the Planning Code is hereby amended by revising Sections
20 303.2 and 304, to read as follows:

21 **SEC. 303.2. PRIORITY PROCESSING FOR CERTAIN USES IN COMMERCIAL**
22 **SPACE: EXPEDITED CONDITIONAL USE REVIEW AND APPROVAL PROCESS AND**
23 **REDUCED APPLICATION FEE.**

24 * * * *

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

7 * * * *

8 ~~(9) It is not within the North Beach Neighborhood Commercial District, as described~~
9 ~~and set forth in Section 722, or the North Beach Special Use District, as described and set forth in~~
10 ~~Section 780.3.~~

11 * * * *

12 13 **SEC. 304. PLANNED UNIT DEVELOPMENTS.**

14 In districts other than C-3, the Eastern Neighborhoods Mixed Use Districts, the DTR
15 Districts, or the North Beach ~~Special Use~~Neighborhood Commercial District, the Planning
16 Commission may authorize as Conditional Uses, in accordance with the provisions of Section
17 303, Planned Unit Developments subject to the further requirements and procedures of this
18 Section 304. After review of any proposed development, the Planning Commission may
19 authorize such development as submitted or may modify, alter, adjust or amend the plan
20 before authorization, and in authorizing it may prescribe other conditions as provided in
21 Section 303(d). The development as authorized shall be subject to all conditions so imposed
22 and shall be excepted from other provisions of this Code only to the extent specified in the
23 authorization.

24 * * * *

1 Section 7. Article 7 of the Planning Code is hereby amended by revising Sections 703,
2 722, 723, 726, and 780.3, to read as follows:

3 **SEC. 703. NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS.**

4 * * * *

5 (d) Accessory Uses. Subject to the limitations set forth below and in Sections 204.1
6 (Accessory Uses for Dwellings in All Districts), 204.4 (Dwelling Units Accessory to Other
7 Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, Accessory Uses as
8 defined in Section 102 shall be permitted when located on the same lot. Notwithstanding the
9 foregoing, a Retail Workspace, as defined in Section 102, shall be permitted as an Accessory
10 Use in connection with any Eating and Drinking Use regardless of the floor area occupied by
11 such Accessory Use, so long as (1) the hours of operation for the accessory Retail
12 Workspace use are limited to 9 a.m. to 5 p.m. and (2) such Eating and Drinking Use is also
13 open for business to the general public on each day during which the accessory Retail
14 Workspace use is open. Any Use that does not qualify as an Accessory Use shall be
15 classified as a Principal or Conditional Use unless it qualifies as a temporary use under
16 Sections 205 through 205.4 of this Code. Parcel Delivery Service, as defined in Section 102 of
17 the Planning Code, for merchandise or products other than cannabis and cannabis products is
18 not allowed as an accessory use to any other principal use.

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

21 * * * *

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

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

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

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

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

13 * * * *

15 **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

16 The North Beach Neighborhood Commercial District is a nonlinear district centered on
17 Columbus Avenue, located in the valley between Telegraph Hill and Russian Hill north of
18 Broadway. North Beach functions as a neighborhood-serving marketplace, citywide specialty
19 shopping, and dining district, and a tourist attraction, as well as an apartment and residential
20 hotel zone. Traditionally, the district has provided most convenience goods and services for
21 residents of North Beach and portions of Telegraph and Russian Hills. North Beach's eating,
22 drinking, and entertainment establishments remain open into the evening to serve a much
23 wider trade area and attract many tourists. The balance between neighborhood-serving
24 convenience stores and Citywide specialty businesses has shifted, as convenience stores
25 have been replaced by restaurants and bars. The proliferation of financial services, limited

1 financial services, and professional services has also upset the district's balance of uses. The
2 relocation of business and professional offices from downtown to North Beach threatens the
3 loss of upper-story residential units.

4 The North Beach District controls are designed to ensure the livability and
5 attractiveness of North Beach. Building standards limit new development to a small to
6 moderate scale. Rear yards are protected above the ground story and at residential levels.
7 Active commercial uses shall be required at the ground floor. Small-scale, neighborhood-
8 serving businesses are strongly encouraged and formula retail uses are prohibited. To
9 preserve and maintain the district's small-scale, fine grain storefronts, the consolidation or
10 merger of existing retail or commercial spaces or storefronts ~~are prohibited~~ is restricted, and Use
11 Sizes are controlled to encourage conversion back to the traditional small-scale commercial
12 spaces. Special controls are necessary because an over-concentration of food and beverage
13 service establishments limits neighborhood-serving retail sales and personal services in an
14 area that needs them to thrive as a neighborhood. In order to maintain neighborhood-serving
15 retail sales and personal services and to protect residential livability, additional ~~eating and~~
16 ~~drinking establishments~~ Restaurants and Bars are prohibited in spaces that have been occupied by
17 neighborhood-serving retail sales and personal services. ~~Special controls prohibit new walk-up~~
18 ~~facilities.~~ Financial services, limited financial services, and ground-story business and
19 professional office uses are prohibited from locating in the portion of the district south of
20 Greenwich Street, while new financial services locating in the portion of the district north of
21 Greenwich Street are limited. Restrictions on automobile and drive-up uses are intended to
22 promote continuous retail frontage and maintain residential livability.

23 In keeping with the district's existing mixed-use character, housing development in new
24 buildings is encouraged above the ground floor. Existing residential units are protected by
25 prohibitions of upper-story conversions, mergers, removals, and demolitions. Per Section

207.1 of this Code, Accessory Dwelling Units are permitted within the existing building envelope, but may not eliminate or reduce ground-story retail or commercial space.

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

| | | North Beach NCD |
|---|----------------------------|---|
| Zoning Category | § References | Controls |
| BUILDING STANDARDS <u>(17)</u> | | |
| * * * * | | |
| Street Frontage and Public Realm | | |
| * * * * | | |
| Ground Floor Commercial | §§ 145.4, 780.3 | Required within the entire District. <i>Consolidation of ground floor Retail or Commercial spaces is prohibited.</i> |
| * * * * | | |

| | | | | |
|---------------------------------------|--------------------------------|-------------------------|------------|-------------|
| RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| Loss of Dwelling Units | | Control by Story | | |
| | | 1st | 2nd | 3rd+ |
| Residential Conversion | §§ 317, 780.3(c)(4) | C | NP | NP |
| Residential Demolition and Merger | §§ 317, 780.3(c)(4) | C | NP | NP |

| | | |
|---|------------------|----------|
| NON-RESIDENTIAL STANDARDS AND USES <u>(18)</u> | | |
| Development Standards | | |
| Floor Area Ratio | §§ 102, 123, 124 | 1.8 to 1 |

| | | | | |
|--------------------------------|---------------------------------------|--|-----------------|-----------------|
| Use Size | §§ 102, 121.2, 780.3(c)(3) | P up to 1,999 <u>2,999</u> square feet; C 2,000 <u>3,000</u> square feet to 3,999 square feet; NP 4,000 square feet and above. Specialty Grocery use shall not exceed a Use Size of 1,000 square feet within the North Beach Special Use District.(5) | | |
| * * * * | | | | |
| Storefront Mergers | § 780.3(c)(3) | Storefront mergers N P up to 3,000 square feet; C 3,001 square feet and above and Specialty Grocery use shall not exceed a Use Size of 1,000 square feet within the North Beach Special Use District. | | |
| Commercial Use Characteristics | | | | |
| * * * * | | | | |
| Walk-up Facility | § 102 | NP (2) | | |
| | | Controls by Story | | |
| | | 1st | 2nd | 3rd+ |
| * * * * | | | | |
| Sales and Service Use Category | | | | |
| Retail Sales and Service Uses* | §§ 102, 202.2(a), 202.3 | P(10) | P(10) | NP |
| * * * * | | | | |
| Bar | §§ 102, 202.2(a), 780.3 | C(5)(6) | NP | NP |
| * * * * | | | | |
| Flexible Retail | §§ 102, 202.9 | NP | NP C | NP C |
| * * * * | | | | |
| Restaurant | §§ 102, 202.2(a), 780.3 | C(5)(6) | NP | NP |
| Restaurant, Limited | §§ 102, 202.2(a), 780.3 | C <u>P</u> (5) | NP | NP |
| * * * * | | | | |
| Services, Health | § 102 | NP C | C | C |
| * * * * | | | | |

1 * Not listed below

2 * * * *

3 (2) NORTH BEACH WALK UP FACILITIES: Walk-up facilities are ~~NP~~ in the District,
4 ~~including except~~ automated bank teller machines (ATMs), ~~which are NP~~.

5 (3) [Note deleted.]

6 (4) [Note deleted.]

7
8 (5) ~~NORTH BEACH SPECIAL USE DISTRICT (Section 780.3):~~ Restaurants, ~~Limited Restaurants~~
9 and Bars may be permitted as a Conditional Use on the First Story through the procedures
10 set forth in Section 303 only if the Zoning Administrator first determines that the proposed
11 new Restaurant, ~~Limited Restaurant~~, or Bar would occupy a space that is currently or was last
12 legally occupied by one of the uses described below; provided that its last use has not been
13 discontinued or abandoned pursuant to Sections 186.1(d) or 178(d) of this Code and that
14 the proposed new use will not enlarge the space; and provided further that no Conditional
15 Use shall be required if the use remains the same as the prior authorized use, with no
16 enlargement or intensification of use:

17 (A) A Bar may occupy a space that is currently or last legally occupied by a Bar;

18 (B) A Restaurant may occupy a space that is currently or was last legally occupied by a
19 Restaurant or Bar; ~~and~~

20 (C) ~~A Limited Restaurant may occupy a space that is currently or was last legally occupied by a~~
21 ~~Limited Restaurant, Restaurant or Bar.~~

22 ~~—(D)~~ Except as provided herein, no other use shall be allowed to convert to a ~~Limited~~
23 ~~Restaurant~~, Restaurant or Bar

24 (6) ~~NORTH BEACH LIQUOR LICENSES FOR RESTAURANTS (Section 780.3): A Restaurant Use~~
25 ~~may only add ABC license types 02, 23, 41, 47, 49, 59 or 75 as a Conditional Use on the First Story~~

1 ~~if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the~~
2 ~~Restaurant is operating as a Bona Fide Eating Place as defined in Section 102. Should a Restaurant~~
3 ~~fail to operate as a Bona Fide Eating Place for any length of time, the Conditional Use authorization~~
4 ~~shall be subject to immediate revocation. To verify that the Restaurant is continuing to operate as a~~
5 ~~Bona Fide Eating Place, records of the Restaurant's gross receipts or gross sales shall be provided~~
6 ~~to the Department upon request. All records and information shall be submitted to the Department~~
7 ~~under penalty of perjury. [Note deleted.]~~

8 * * * *

9 (10) ~~Per the North Beach Special Use District in Section 780.3(c)(3) of this Code, Specialty~~
10 ~~Grocery use shall not exceed a Use Size of 1,000 square feet in order to preserve and maintain the~~
11 ~~district's small scale, fine grain storefronts. [Note deleted.]~~

12 (11) GROUND FLOOR COMMERCIAL USES REQUIRED

13 **Boundaries:** North Beach NCD

14 **Controls:** Unless otherwise prohibited or limited by ~~Section 780.3~~, Section 722, or any other
15 section of this Code, to promote active, pedestrian-oriented streetscape, Active Commercial
16 uses shall be required at the Ground Floor pursuant to Section 145.4. Per
17 Section 145.4(c)(1), "active commercial uses" shall not include Automotive Uses except for
18 Automobile Sale or Rental uses where curb-cuts, garage doors, or loading access are not
19 utilized or proposed and such sales or rental activity is entirely within an enclosed building
20 and does not encroach on surrounding sidewalks or open spaces.

21 * * * *

22
23 (17) Architectural and Cultural Heritage of North Beach. Section 101.1 of the Planning Code
24 includes the priority policy that historic buildings be preserved. The architectural and cultural
25 character and features of existing historic buildings shall be preserved and enhanced. The Historic

1 Preservation Commission or its staff shall review any proposed alterations to historic buildings, as
2 defined in section 102, and must determine that such alterations comply with the Secretary of
3 Interior's Standards for the Treatment of Historic Properties before the City approves any permits to
4 alter such buildings.

5 (18) Legacy Business: Where an immediately prior use was a Legacy Business, as defined under
6 Administrative Code Section 2A.242, the controls require any new Non-Residential use to obtain
7 Conditional Use authorization; provided, however, that this requirement shall not apply where: (A)
8 the subject non-residential space has had no occupant and has not been open to the public for three
9 or more years from the date the application for the new use is filed, or (B) the Legacy Business has
10 removed itself or has been otherwise removed from the Legacy Business Registry.

11 12 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

13 * * * *

14 **(b) Controls.**

15 * * * *

16 **(3) Merger of Storefronts**~~Prohibited~~. To preserve and maintain the district's small-
17 scale, fine grain storefronts, the consolidation or merger of existing ground floor retail or
18 commercial spaces or storefronts shall be principally permitted up to 3,000 square feet and
19 conditionally permitted at 3,001 square feet and above~~prohibited, except that two adjacent storefronts~~
20 ~~may be consolidated or merged if: (A) the storefronts are for a Legacy Business on a corner lot within~~
21 ~~the same building and Block and Lot number, and provided that the consolidation or merger of~~
22 ~~storefronts would not result in a use size in excess of the principally permitted use size within the Polk~~
23 ~~Street NCD, (B) the storefronts are merged by a General Grocery use in association with the~~
24 ~~replacement of a Legacy Business that is also a General Grocery use, and the expansion of the General~~
25 ~~Grocery use is within a building on the same Lot, and is consistent with the size limitations in Section~~

~~121.2, or (C) the storefronts are merged by a Limited Restaurant use that relocates within the Polk Street NCD, and is designated as a Legacy Business as of the effective date of the ordinance in Board File No. 240411.~~

* * * *

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

| | | | | |
|--|-------------------------|--|-----|-----|
| | | Polk Street NCD | | |
| Zoning Category | § References | Controls | | |
| * * * * | | | | |
| NON-RESIDENTIAL STANDARDS AND USES (7) | | | | |
| Development Standards | | | | |
| * * * * | | | | |
| Use Size | §§ 102, 121.2 | P up to 1,999 <u>2,999</u> square feet; C 3,000 <u>2,000 to 3,999 square feet</u> ; NP 4,000 square feet and above (2) | | |
| * * * * | | | | |
| <u>Storefront Mergers</u> | <u>§ 102</u> | <u>Storefront mergers P up to 3,000 square feet; C 3,001 square feet and above.</u> | | |
| * * * * | | | | |
| | | Controls by Story | | |
| | | 1st | 2nd | 3rd |
| * * * * | | | | |
| Sales and Service Use Category | | | | |
| Retail Sales and Service Uses* | §§ 102, 202.2(a), 202.3 | P | P | NP |
| * * * * | | | | |
| Services, Health | § 102 | NP <u>C</u> (3) | C | C |

* * * *

* Not listed below

(1) Temporary closures of existing liquor establishments located within the Lower Polk Alcohol Restricted Use District for repair, renovation, or remodeling that meet the requirements of Section 788(d)(2)(B) shall not be considered enlargement, alteration, intensification, abandonment, or a change of use of a conditional use permit pursuant to Section 178 of this Code, provided that any demolition permits required for the repair, renovation, or remodeling work have been submitted by January 1, 2018.

(2) USE SIZE EXEMPTION: Per Planning Code Section 121.2(a), a Conditional Use Authorization is not required for any Limited Restaurant use that relocates within the Polk Street NCD, and is designated as a Legacy Business as of the effective date of the ordinance in Board File No. 240411. ~~Per Planning Code Section 121.2(b), Use Size shall generally not exceed 4,000 square feet except that a Movie Theater as defined in Section 102 may exceed 4,000 square feet. In addition, the enlargement of an existing General Grocery use on the same Lot, and in association with the replacement of a Legacy Business that is also a General Grocery use, may exceed 4,000 square feet.~~

(3) Principally permitted on properties that do not have any frontage on Polk Street, California Street, or Hyde Street.

* * * *

(7) REPLACEMENT OF LEGACY BUSINESSES REQUIRES CONDITIONAL USE AUTHORIZATION. Where an immediately prior use was a Legacy Business, as defined under Administrative Code Section 2A.242, the controls require any new Non-Residential Use to obtain Conditional Use authorization; this requirement shall not apply where: (A) the subject non-residential space has had no occupant and has not been open to the public for

three or more years from the date the application for the new use is filed, or (B) where the Legacy Business has removed itself or has been otherwise removed from the Legacy Business Registry.

* * * *

SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

| | | | | |
|---|-------------------------|--------------------|---------------|---------------|
| | | Pacific Avenue NCD | | |
| Zoning Category | § References | Controls | | |
| * * * * | | | | |
| NON-RESIDENTIAL STANDARDS AND USES <u>(6)</u> | | | | |
| * * * * | | | | |
| | | Controls by Story | | |
| | | 1st | 2nd | 3rd+ |
| * * * * | | | | |
| Sales and Service Use Category | | | | |
| Retail Sales and Service Uses* | §§ 102, 202.2(a), 202.3 | P | C | NP |
| * * * * | | | | |
| Bar | §§ 102, 202.2(a) | NP | NP | NP |
| * * * * | | | | |
| Flexible Retail | §§ 102, 202.9 | NP | NP | NP |
| * * * * | | | | |
| Services, Health | § 102 | NP | C | NP |
| * * * * | | | | |

* * * *

SEC. 780.3. ~~NORTH BEACH SPECIAL USE DISTRICT.~~[REPEALED.]

1 ~~—(a) **Purposes.** In order to (1) preserve and maintain the mix and variety of neighborhood~~
2 ~~serving retail sales and personal services of a type that supplies commodities or offers personal~~
3 ~~services to residents of North Beach and nearby neighborhoods; (2) preserve and maintain the~~
4 ~~District’s small-scale, fine grain storefronts; (3) protect and encourage upper-story Residential Uses;~~
5 ~~(4) preserve and enhance the architectural and cultural heritage of North Beach; and (5) preserve the~~
6 ~~contributions of Legacy Businesses to the history and identity of North Beach, there shall be a North~~
7 ~~Beach Special Use District applicable to the North Beach Neighborhood Commercial District, as~~
8 ~~designated on the Sectional Map SU01 of the Zoning Map of the City and County of San Francisco.~~

9 ~~—(b) **Definitions.** The following definitions shall apply only to the North Beach Special Use~~
10 ~~District:~~

11 ~~—(1) **Specialty Food Manufacturing.** A Commercial Use that includes the manufacturing and~~
12 ~~processing of foods on the premises for retail and/or wholesale sales and also provides a customer~~
13 ~~service counter for sale of such manufactured or processed food directly to the consumer. It may have~~
14 ~~seating as a minor and incidental use that occupies less than 15% of the Occupied Floor Area of the~~
15 ~~establishment. It includes, but is not limited to, bakeries, coffee roasters, confectionaries, chocolatiers,~~
16 ~~makers of homemade ice cream and handmade gelato or sorbet. It shall not provide any alcohol sales~~
17 ~~for consumption on or off the premises.~~

18 ~~—(2) **Legacy Business.** A business as defined under Administrative Code Section 2A.242 and~~
19 ~~included in the Legacy Business registry.~~

20 ~~—(3) **Historic Buildings.** “Historic buildings” shall include Planning Code Article 10~~
21 ~~Landmarks and buildings located within Article 10 Historic Districts, buildings and districts identified~~
22 ~~by surveys adopted by the City, buildings listed or potentially eligible for individual listing on the~~
23 ~~National or California Registers, and buildings located within listed or potentially eligible National~~
24 ~~Register or California Register historic districts. The Planning Department shall also consult materials~~
25

1 available through the California Historical Resources Information System (CHRIS) and Inventory to
2 determine eligibility.

3 ~~—(c) **Controls.** The following provisions shall apply within such District:~~

4 ~~—(1) **Restaurants, Limited Restaurants, and Bars.** Restaurant, Limited Restaurant, and Bar~~
5 ~~uses may be permitted as a Conditional Use on the First Story through the procedures set forth in~~
6 ~~Section 303 only if the Zoning Administrator first determines that the proposed new Restaurant,~~
7 ~~Limited Restaurant, or Bar would occupy a space that is currently or was last legally occupied by one~~
8 ~~of the uses described below; provided that its last use has not been discontinued or abandoned~~
9 ~~pursuant to Sections 186.1(d) or 178(d) of this Code and that the proposed new use will not enlarge the~~
10 ~~space; and provided further that no Conditional Use shall be required if the use remains the same as~~
11 ~~the prior authorized use, with no enlargement or intensification of use:~~

12 ~~—(A) A Bar may occupy a space that is currently or last legally occupied by a Bar;~~

13 ~~—(B) A Restaurant may occupy a space that is currently or was last legally occupied by a~~
14 ~~Restaurant or Bar; and~~

15 ~~—(C) A Limited Restaurant may occupy a space that is currently or was last legally~~
16 ~~occupied by a Limited Restaurant, Restaurant or Bar.~~

17 ~~—(D) Except as provided herein, no other use shall be allowed to convert to a Limited~~
18 ~~Restaurant, Restaurant or Bar.~~

19 ~~—(2) **Alcohol Licenses.**~~

20 ~~—(A) A Restaurant may provide on-site beer, wine, and/or liquor sales for drinking on the~~
21 ~~premises (with ABC license types 02, 23, 41, 47, 49, 59 or 75) as a Conditional Use on the First Story~~
22 ~~if, in addition to the criteria set forth in Section 303, the Planning Commission finds, based on~~
23 ~~information submitted to the Department by the applicant, that the Restaurant is and will continue to~~
24 ~~operate as a Bona Fide Eating Place as defined in Section 102. Should a Restaurant fail to operate as~~
25 ~~a Bona Fide Eating Place for any length of time, the Conditional Use authorization shall be subject to~~

1 ~~immediate revocation per Planning Code Section 303(f). To verify that the Restaurant is continuing to~~
2 ~~operate as a Bona Fide Eating Place, records of the Restaurant's gross receipts or gross sales shall be~~
3 ~~provided to the Department upon request. All records and information shall be submitted to the~~
4 ~~Department under penalty of perjury.~~

5 ~~——(B) **Music Entertainment Facility.** A music entertainment facility with a Type 90 ABC~~
6 ~~license shall be permitted to serve alcoholic beverages in this SUD.~~

7 ~~——(C) **Non-Profit Theaters.** A non-profit theater shall be permitted to serve alcoholic~~
8 ~~beverages in this SUD. A “non-profit theater” shall mean a building or part of a building intended to~~
9 ~~be used for the specific purposes of presenting any act, play, revue, pantomime, scene, song, dance act,~~
10 ~~or song and dance act, conducted or participated in by one or more persons, whether or not such~~
11 ~~person or persons are compensated for such performance, and which is exempted from payment of~~
12 ~~income tax under Section 23701d of the California Revenue and Taxation Code and Section 501(c)(3)~~
13 ~~of the Internal Revenue Code of the United States. A “non-profit theater” shall not include any dance~~
14 ~~hall, as defined in Section 1022.~~

15 ~~——(3) **Storefronts.** To preserve and maintain the District's small-scale, fine grain storefronts,~~
16 ~~(A) the consolidation or merger of existing retail or commercial spaces or storefronts is prohibited, and~~
17 ~~(B) Specialty Groceries shall not exceed a Non-Residential Use Size of 1,000 square feet.~~

18 ~~——(4) **Loss of Residential Units.** To prevent the loss of existing Residential Units within the~~
19 ~~district, the removal, demolition, merger, or conversion of Residential Units above the First Story are~~
20 ~~prohibited.~~

21 ~~(5) **Specialty Food Manufacturing.** Within the North Beach SUD a Specialty Food~~
22 ~~Manufacturing use, as defined in subsection (b)(1), may only be permitted with a Conditional Use~~
23 ~~authorization on the Ground Floor or below.~~

24 ~~(6) **Legacy Business.** Unless otherwise prohibited by this Section 780.3, Section 722, or~~
25 ~~any other section of this Code, any new Non-Residential Use proposed where the immediately prior~~

1 ~~Commercial Use was a Legacy Business shall require Conditional Use authorization pursuant to~~
2 ~~Section 303 of this Code.~~

3 ~~—(7) **Architectural and Cultural Heritage of North Beach.** Section 101.1 of the Planning~~
4 ~~Code includes the priority policy that historic buildings be preserved. The architectural and cultural~~
5 ~~character and features of existing historic buildings shall be preserved and enhanced. The Historic~~
6 ~~Preservation Commission or its staff shall review any proposed alterations to historic buildings, as~~
7 ~~defined in subsection 780.3(b)(3), and must determine that such alterations comply with the Secretary~~
8 ~~of Interior's Standards for the Treatment of Historic Properties before the City approves any permits to~~
9 ~~alter such buildings.~~

10 ~~—(8) **Additional Controls:** The following additional controls shall apply in the North Beach~~
11 ~~Special Use District. (1) A Planned Unit Development shall not be permitted; (2) Large Scale Urban~~
12 ~~Agriculture uses shall not be permitted; (3) Hours of Operation shall not be permitted from 2 a.m. to 6~~
13 ~~a.m.; (4) Unless otherwise prohibited or limited by this Section 780.3, Section 722, or any other section~~
14 ~~of this Code, active commercial uses, as defined in Planning Code Section 145.4(c), shall be required~~
15 ~~at the Ground Floor; and (5) A Health Service use, as defined in Section 102 of this Code, shall be~~
16 ~~prohibited on the ground floor. On the second floor and above, a Health Service use shall require~~
17 ~~Conditional Use authorization pursuant to Section 303 of this Code.~~

18 ~~(9) **Conditional Use Authorizations.** In addition to the findings required under Section~~
19 ~~303 of this Code, for any use or project within the District that is subject to Conditional Use~~
20 ~~authorization under this Section 780.3, Section 722, or any other section of this Code, the Planning~~
21 ~~Commission shall find that the proposed project supports the purposes of the North Beach SUD set~~
22 ~~forth in this Section 780.3.~~

23
24 Section 8. Zoning Map Amendment. Pursuant to Sections 106 and 302(c) of the
25 Planning Code, the following change is hereby adopted as an amendment to the Zoning Map

1 of the City and County of San Francisco: Sectional Map SU01 shall delete all reference to the
2 North Beach Special Use District, Planning Code Section 780.3.

3
4 Section 9. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance

8
9 Section 10. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
13 additions, and Board amendment deletions in accordance with the "Note" that appears under
14 the official title of the ordinance.

15
16
17 APPROVED AS TO FORM:
18 DAVID CHIU, City Attorney

19 By: /s/ Brian Crossman
20 BRIAN CROSSMAN
Deputy City Attorney

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