

1 [Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses]
2 **Ordinance amending the Planning Code to 1) permit additional commercial, retail, and**
3 **restaurant uses on the ground floor in certain neighborhood commercial districts**
4 **(NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor**
5 **in NCDs and Chinatown mixed use districts; 3) create Professional Services as a use**
6 **category that may provide services to the public and businesses and delete Non-Retail**
7 **Professional Service and Retail Professional Service use subcategories; 4) create**
8 **regulations for music entertainment venues and non-profit theaters distinct from**
9 **regulations for Bars; 5) allow Limited Corner Commercial Uses in certain residential**
10 **districts; 6) conditionally permit Formula Retail and Restaurant uses in certain**
11 **commercial and residential districts; 7) amend Section 311 to remove neighborhood**
12 **notice requirements for changes of use in the Eastern Neighborhoods mixed use**
13 **districts; 8) expand business types that qualify for the Planning Department priority**
14 **review program; 9) clarify that multiple allowable uses may co-locate on one site;**
15 **10) clarify and modify various other use regulations and processes; 11) establish a**
16 **process to legalize certain unpermitted outdoor activity areas including restaurant**
17 **patios; 12) permit additional retail and non-retail uses in specified NCDs; and affirming**
18 **the Planning Department’s determination under the California Environmental Quality**
19 **Act, making findings of consistency with the General Plan, and the eight priority**
20 **policies of Planning Code, Section 101.1, and making findings of public necessity,**
21 **convenience, and welfare pursuant to Planning Code, Section 302.**

22 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
23 **Additions to Codes** are in *single-underline italics Times New Roman font*.
24 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
25 **Board amendment additions** are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.

1 **Asterisks (* * * *)** indicate the omission of unchanged Code
2 subsections or parts of tables.

3 Be it ordained by the People of the City and County of San Francisco:
4

5 Section 1. Environmental and Land Use Findings.

6 (a) The Planning Department has determined that the actions contemplated in this
7 ordinance comply with the California Environmental Quality Act (California Public Resources
8 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
9 Supervisors in File No. 230701 and is incorporated herein by reference. The Board affirms
10 this determination.

11 (b) On September 7, 2023, the Planning Commission, in Resolution No. 21385,
12 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
13 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
14 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
15 the Board of Supervisors in File No. 230701, and is incorporated herein by reference.

16 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
17 amendments will serve the public necessity, convenience, and welfare for the reasons set
18 forth in Planning Commission Resolution No. 21385, and the Board incorporates such
19 reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of
20 Supervisors in File No. 230701.

21
22 Section 2. Articles 1, 2, 3, 7, and 8 of the Planning Code are hereby amended by
23 revising Sections 102, 186, 202.2, 202.9, 209.1, 209.2, 209.4, 210.3, 231, 249.25, 249.60,
24 249.64, 303.1, 303.2, 311, 703, 703.9, 710, 711, 712, 713, 714, 715, 716, 718, 719, 720, 722,
25 723, 724, 725, 726, 727, 728, 729, 730, 734, 738, 739, 740, 741, 744, 750, 751, 752, 753,

1 754, 755, 756, 757, 758, 762, 763, 764, 780.1, 780.3, 781.1, 781.5, 781.6, 781.7, 781.9, 810,
2 811, and 812; adding Section 194; and deleting Section 179.2, to read as follows:

3 **SEC. 102. DEFINITIONS.**

4 * * * *

5 **Bar.** A Retail Sales and Service Use that provides on-site alcoholic beverage sales for
6 drinking on the premises, including bars serving beer, wine, and/or liquor to the customer
7 where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC]
8 license types 23, 42, 48, or 61), drinking establishments serving beer where minors are
9 present (with ABC license types 40 or 60) in conjunction with other uses such as Movie
10 Theaters and General Entertainment, and bars serving wine operated by licensed
11 winegrowers (with ABC license type 02). Such businesses shall operate with the specified
12 conditions in Section 202.2(a). A non-profit theater that provides on-site alcoholic beverage
13 sales only for consumption by ticket-holding patrons on the premises, with ABC license type
14 64, shall not be considered a Bar use. A music entertainment facility that is authorized to sell beer,
15 wine, and distilled spirits at retail for consumption on the premises, with ABC license type 90, shall not
16 be considered a Bar use.

17 * * * *

18 **Design Professional.** A Non-Retail Sales and Service Use that provides professional
19 design services to the general public or to other businesses and includes architectural,
20 landscape architectural, engineering, interior design, and industrial design services. It does
21 not include (1) the design services of graphic artists or other visual artists which are included
22 in the definition of Arts Activities; or (2) the services of advertising agencies or other services
23 which are included in the definition of Professional Service ~~or Non-Retail Professional Service,~~
24 Financial Service, or Health Service. Design Professional in Neighborhood Commercial
25 Districts is subject to the operating restrictions outlined in Section 202.2(i).

1 * * * *

2 **Entertainment, General.** A Retail Entertainment, Arts and Recreation Use that
3 provides entertainment or leisure pursuits to the general public including dramatic and musical
4 performances where alcohol is not served during performances, arcades that provide eleven
5 or more amusement game devices (such as video games, pinball machines, or other such
6 similar mechanical and electronic amusement devices), billiard halls, bowling alleys, skating
7 rinks, and mini-golf, when conducted within a completely enclosed building, and which is
8 adequately soundproofed or insulated so as to confine incidental noise to the premises.
9 Mechanical amusement devices are further regulated in Sections 1036 through 1036.24 of the
10 Police Code. The use may include a non-profit theater with ABC license Type 64 and a music
11 entertainment facility with ABC license Type 90, provided that alcohol is not served during
12 performances.

13 **Entertainment, Nighttime.** A Retail Entertainment, Arts and Recreation Use that
14 includes dance halls, discotheques, nightclubs, private clubs, and other similar evening-
15 oriented entertainment activities which require dance hall keeper police permits or Place of
16 Entertainment police permits, as defined in Section 1060 of the Police Code, which are not
17 limited to non-amplified live entertainment, including Restaurants and Bars which present
18 such activities. Nighttime Entertainment uses do not include any Arts Activity, any theater
19 performance space which does not serve alcoholic beverages during performances, or any
20 temporary uses permitted pursuant to Sections 205 through 205.5 of this Code. This use is
21 also subject to the controls in Section 202.11. Nighttime Entertainment uses are subject to the
22 Entertainment Commission's Good Neighbor Policy. The use may include a non-profit theater with
23 ABC license Type 64 and a music entertainment facility with ABC license Type 90.

24 * * * *

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

- 5 (1) Arts Activities;
- 6 (2) Restaurant, Limited;
- 7 (3) Retail Sales and Services, General;
- 8 (4) Service, Personal;
- 9 (5) Service, *Retail* Professional; and
- 10 (6) Trade Shop.

11 * * * *

12 **Office Use.** A grouping of uses that includes General Office, ~~Retail Professional Services,~~
13 and ~~Non-Retail~~ Professional Services. This use shall exclude: retail uses other than *Retail*
14 Professional Services; repair; any business characterized by the physical transfer of tangible
15 goods to customers on the premises; wholesale shipping, receiving and storage; and design
16 showrooms or any other space intended and primarily suitable for display of goods.

17 * * * *

18 **Sales and Services, Non-Retail.** A Commercial Use category that includes Uses that
19 involve the sale of goods or services to other businesses rather than the end user, or that
20 does not provide for direct sales to the consumer on site. Uses in this category include, but
21 are not limited to: Business Services, Catering, Commercial Storage, Design Professional,
22 General Office, Laboratory, Life Science, ~~Non-Retail Professional Service,~~ Trade Office,
23 Wholesale Sales, and Wholesale Storage.

24 **Sales and Services, Retail.** A Commercial Use category that includes Uses that
25 involve the sale of goods, typically in small quantities, or services directly to the ultimate

1 consumer or end user with some space for retail service on site, excluding Retail
2 Entertainment Arts and Recreation, and Retail Automobile Uses and including, but not limited
3 to: Adult Business, Animal Hospital, Bar, Cannabis Retail, Chair and Foot Massage, Tourist
4 Oriented Gift Store, General Grocery, Specialty Grocery, Gym, Hotel, Jewelry Store, Kennel,
5 Laundromat, Liquor Store, Massage Establishment, Mortuary (Columbarium), Motel, Non-
6 Auto Sales, Pharmacy, Restaurant, Limited Restaurant, General Retail Sales and Service,
7 Financial Service, Fringe Financial Service, Limited Financial Service, Health Service,
8 Personal Service, ~~Retail~~ Professional Service, Self-Storage, Tobacco Paraphernalia
9 Establishment, and Trade Shop.

10 * * * *

11 ~~**Service, Non-Retail Professional.** A Non-Retail Sales and Service Office Use that provides~~
12 ~~professional services primarily to other businesses including, but not limited to, accounting, legal,~~
13 ~~consulting, insurance, real estate brokerage, advertising agencies, public relations agencies, computer~~
14 ~~and data processing services, employment agencies, management consultants and other similar~~
15 ~~consultants, telephone message services, and travel services. This use may also provide services to the~~
16 ~~general public but is not required to. This use shall not include research services of an industrial or~~
17 ~~scientific nature in a commercial or medical laboratory, other than routine medical testing and~~
18 ~~analysis by a health care professional or hospital.~~

19 * * * *

20 **Service, Professional.** A Retail Sales and Service Use that provides professional services
21 including, but not limited to, accounting, legal, consulting, insurance, real estate brokerage,
22 advertising agencies, public relations agencies, computer and data processing services, employment
23 agencies, management consultants and other similar consultants, telephone message services, and
24 travel services. This use includes any combination of permitted Professional Service uses in a co-
25 working space, which may include offices or conference rooms for hire on a daily or hourly basis. This

1 use shall not include research services of an industrial or scientific nature in a commercial or medical
2 laboratory, other than routine medical testing and analysis by a health-care professional or hospital.

3 ~~**Service, Retail Professional.** A Retail Sales and Service Use that provides primarily to the~~
4 ~~general public, general business, or professional services including, but not limited to, management,~~
5 ~~clerical, accounting, legal, consulting, insurance, real estate brokerage, and travel services. It may~~
6 ~~provide services to the business community, provided that it also provides services to the general~~
7 ~~public. Otherwise, it shall be considered a Non-Retail Professional Service Use as defined in this~~
8 ~~Section 102.~~

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

12 * * * *

13 **SEC. 179.2. FLEXIBLE RETAIL USES.**

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

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

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

24 * * * *

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

4 (1) Any nonconforming use at any Story in an RTO, RH, or RM District which is
5 located more than one-quarter of one mile from any of the Restricted Use Subdistricts
6 specified in subsection (a)(3) below, and which complies with the use limitations specified for
7 the First Story and below of an NC-1 District, as set forth in Section 710 of this Code.

8 (2) Any nonconforming use in an RTO, RH, or RM District which is located
9 within one-quarter of one mile from any of the Restricted Use Subdistricts specified in
10 subsection (a)(3) below and which complies with the most restrictive use limitations specified
11 for the First Story and below of:

12 (A) an NC-1 District, as set forth in Section 710 of this Code;

13 (B) Any of the specified Restricted Use Subdistricts specified in
14 subsection (a)(3) below.

15 (3) Subsections (a)(1) and (a)(2) above apply to the following Restricted Use
16 Subdistricts: the Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating
17 and Drinking Subdistrict set forth in Section 781.4 of this Code; the North Beach Financial
18 Service, Limited Financial Service, and Business or Professional Service Subdistrict set forth
19 in Section 781.6 of this Code; the Lower Polk Street Alcohol Restricted Use District set forth in
20 Section 788 of this Code; and the Third Street Formula Retail Restricted Use District set forth
21 in Section 786 of this Code; and the Mission Street Formula Retail Restaurant Subdistrict as
22 set forth in Section 781.5 of this Code.

23 * * * *

24 (b) **Conditions on Limited Nonconforming Uses.** The limited nonconforming uses
25 described above shall meet the following conditions:

1 (1) The building shall be maintained in a sound and attractive condition,
2 consistent with the general appearance of the neighborhood;

3 (2) Any signs on the property shall be made to comply with the requirements of
4 Section 606(c) of this Code for Limited Commercial uses;

5 (3) The hours during which the use is open to the public shall be limited to the
6 period between 6:00 a.m. and 10:00 p.m., however, the Planning Commission may extend the
7 hours of operation to 12:00 a.m. through Conditional Use authorization, as outlined in Section
8 303 of this Code;

9 (4) A limited nonconforming use may have an Outdoor Activity Area meeting the
10 requirements in Section 202.2(a)(7). Public sidewalk space may be occupied in connection with
11 the use provided that it is occupied only with tables and chairs as permitted by this Municipal
12 Code;

13 (5) Truck loading shall be limited in such a way as to avoid undue interference
14 with sidewalks, or with crosswalks, bus stops, hydrants, and other public features;

15 (6) Noise, odors, and other nuisance factors shall be adequately controlled; ~~and~~

16 (7) An Outdoor Activity Area is principally permitted if it is located at the front of the
17 building. An Outdoor Activity Area that is located at the rear of the building is principally permitted
18 only if it complies with the operating restrictions in Section 202.2(a)(7). Operation of an Outdoor
19 Activity Area at the rear of the building beyond the limitations set in 202.2(a)(7) is not permitted; and

20 (8) All other applicable provisions of this Code shall be complied with.

21 * * * *

22 **SEC. 194. LEGALIZATION OF EXISTING OUTDOOR ACTIVITY AREA.**

23 (a) An existing Outdoor Activity Area that was not established in accordance with this Code
24 may be legalized by obtaining a building permit, provided the Zoning Administrator or designee

1 determines that the Outdoor Activity Area has been regularly operating or functioning without a
2 substantial gap in operation for at least 10 years prior to the effective date of this Section 194; and

3 (b) The Zoning Administrator’s determination shall be made based upon the existence of
4 supporting evidence that may include, but is not necessarily limited to, the following: rental or lease
5 agreements, building or other permits, liquor license records, or relevant media coverage.

6 (c) A “substantial gap in operation” shall not be interpreted to include any of the following:

7 (1) a change in ownership of a premises;

8 (2) the temporary closure of a premises for repair, renovation, restoration, or
9 remodeling, including, but not limited to, restoration or repair of a premises after total or partial
10 destruction or damage due to fire, riot, insurrection, toxic accident, or act of God; or

11 (3) the temporary closure of a premises to comply with restrictions connected to the
12 COVID-19 pandemic.

13 (d) An application for a building permit to establish an Outdoor Activity Area under this
14 Section must be filed within 365 days of the effective date of this Section 194.

15 (e) Notwithstanding any other provision of this Code, no Conditional Use Authorization or any
16 otherwise applicable neighborhood notification requirements shall be required.

17 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

18 (a) **Retail Sales and Service Uses.** The Retail Sales and Service Uses listed below shall be
19 subject to the corresponding conditions:

20 * * * *

21 (7) **Outdoor Activity Area.** An Outdoor Activity Area shall be principally permitted
22 in the WMUG, WMUO, SALL, and RED-MX Districts, at the rear of a building in any Neighborhood
23 Commercial District or Neighborhood Commercial Transit District, and ~~in the WMUG, WMUO,~~
24 ~~SALL, and RED-MX Districts,~~at the rear of a building in association with a limited commercial use or
25

1 limited corner commercial use as defined in Sections 186 and 231 respectively, if it meets all of the
2 following conditions:

3 (A) The Outdoor Activity Area is located on the ground level;

4 (B) The Outdoor Activity Area is in operation only between 9:00 a.m. and 10:00
5 p.m.;

6 (C) The Outdoor Activity Area is not operated in association with a Bar use;

7 (D) Where associated with a Limited Restaurant or Restaurant Use, the Outdoor
8 Activity Area includes only seated, not standing, areas for patrons; and

9 (E) Alcohol is dispensed to patrons only inside the premises or through wait staff
10 services at the patron's outdoor seat in the Outdoor Activity Area.

11 Any Outdoor Activity Area at the rear of a building seeking to operate beyond these
12 limitations within a Neighborhood Commercial District or Neighborhood Commercial Transit District
13 requires a Conditional Use Authorization, unless such Outdoor Activity Area is permitted by
14 Planning Code Section 145.2. Any Outdoor Activity Area at the rear of a building seeking to operate
15 beyond these limitations in association with a limited commercial use or limited corner commercial use
16 as defined in Sections 186 and 231 respectively is not permitted.

17 * * * *

18 ~~(i) **Non-Retail Sales and Service Use; Design Professional.** In order to preserve and enhance~~
19 ~~active commercial frontage in the City's Neighborhood Commercial Districts, a Design Professional~~
20 ~~use located on the First Story or below within any Neighborhood Commercial or Neighborhood~~
21 ~~Commercial Transit District must provide its services to the general public.~~

22 (i) **Multiple Uses.** Multiple Uses may exist simultaneously on one Lot or in one Structure. If
23 there are two or more Uses on a Lot, any Use classified under this Code as an Accessory Use will be
24 subject to applicable provisions concerning Accessory Uses. Any Use not classified as an Accessory
25

1 Use will be considered separately as an independent Principal, Conditional, or temporary Use, subject
2 to applicable provisions of this Code concerning each independent Use.

3 **SEC. 202.9. FLEXIBLE RETAIL USES.**

4 (a) **Applicability.** This Section shall apply to Flexible Retail Uses as defined in
5 Section 102. ~~Flexible Retail shall be permitted in neighborhood commercial districts in the following~~
6 ~~Flexible Retail Zones:~~

7 (1) ~~**Zone 1:** shall comprise all of that portion of the City and County commencing at~~
8 ~~the point of the intersection of the shoreline of the Pacific Ocean and the eastern boundary of Lincoln~~
9 ~~Park, and proceeding southerly along the eastern boundary of Lincoln Park to California Street, and~~
10 ~~proceeding easterly along California Street to 26th Avenue, and proceeding northerly along 26th~~
11 ~~Avenue to Lake Street, and proceeding easterly along Lake Street to Arguello Boulevard, and~~
12 ~~proceeding southerly along Arguello Boulevard to Euclid Avenue, and proceeding easterly along~~
13 ~~Euclid Avenue to Bush Street, and proceeding easterly along Bush Street to Gough Street, and~~
14 ~~proceeding southerly along Gough Street to Geary Boulevard, and proceeding easterly along Geary~~
15 ~~Boulevard to Van Ness Avenue, and proceeding southerly along Van Ness Avenue to Oak Street, and~~
16 ~~proceeding westerly along Oak Street to Buchanan Street, and proceeding southerly along Buchanan~~
17 ~~Street to Hermann Street, and proceeding westerly along Hermann Street to Steiner Street, and~~
18 ~~proceeding northerly along Steiner Street to Waller Street, and proceeding westerly along Waller~~
19 ~~Street to Buena Vista Avenue East, and proceeding westerly along Buena Vista Avenue East to Haight~~
20 ~~Street, and proceeding westerly along Haight Street to Buena Vista Avenue West, and proceeding~~
21 ~~southerly along Buena Vista Avenue West to Frederick Street, and proceeding westerly along Frederick~~
22 ~~Street to Ashbury Street, and proceeding southerly along Ashbury Street to Clayton Street, and~~
23 ~~proceeding southerly along Clayton Street to Twin Peaks Boulevard, and proceeding southerly along~~
24 ~~Twin Peaks Boulevard to Clarendon Avenue, and proceeding westerly along Clarendon Avenue to~~
25 ~~Stanyan Street, and proceeding northerly along Stanyan Street to Belgrave Avenue, and proceeding~~

1 westerly along Belgrave Avenue to a westerly extension of Belgrave Avenue, and proceeding southerly
2 and westerly to the intersection of said line and Johnstone Drive, and proceeding westerly along
3 Johnstone Drive to Medical Center Way, and proceeding northerly along Medical Center Way to
4 Parnassus Avenue, and proceeding westerly along Parnassus Avenue to 4th Avenue, and proceeding
5 southerly along the southern extension of 4th Avenue to Kirkham Street, and proceeding westerly along
6 Kirkham Street to 9th Avenue, and proceeding northerly along 9th Avenue to Judah Street, and
7 proceeding westerly along the southern edge of Judah Street to 19th Avenue, and proceeding southerly
8 along 19th Avenue to Sloat Boulevard, and proceeding westerly along the northern edge of Sloat
9 Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific
10 Ocean proceeding northerly along said shoreline to the point of commencement.

11 (2) ~~Zone 2:~~ shall comprise all of that portion of the City and County commencing at
12 the point of the intersection of Junipero Serra Boulevard and Brotherhood Way, and proceeding
13 northerly along the eastern edge of Junipero Serra Boulevard to Garfield Street, and proceeding
14 easterly along Garfield Street to Grafton Avenue, and continuing easterly along Grafton Avenue to
15 Mount Vernon Avenue, and proceeding easterly along Mount Vernon Avenue to Howth Street, and
16 proceeding northerly along Howth Street to Geneva Avenue, and proceeding easterly along Geneva
17 Avenue to Interstate 280, and proceeding northerly along Interstate 280 to the straight-line extension
18 of Tingley Street, and proceeding southerly along said line to Tingley Street, and proceeding southerly
19 along Tingley Street to Alemany Boulevard, and proceeding easterly along Alemany Boulevard to
20 Congdon Street, and proceeding southerly along Congdon Street to Silver Avenue, and proceeding
21 easterly along Silver Avenue to Madison Street, and proceeding southerly along Madison Street to
22 Burrows Street, and proceeding westerly along Burrows Street to Prague Street, and proceeding
23 southerly along Prague Street to Persia Avenue, and proceeding easterly along Persia Avenue to
24 Mansell Street, and continuing easterly along Mansell Street to San Bruno Avenue, and proceeding
25 northerly and easterly along San Bruno Avenue to Ware Street, and proceeding easterly along Ware

1 ~~Street to Bayshore Boulevard, and proceeding northerly along Bayshore Boulevard to a straight line~~
2 ~~extension from Bayshore Boulevard to San Bruno Avenue, and proceeding northerly along San Bruno~~
3 ~~Avenue to 23rd Street, and proceeding easterly along 23rd Street to Vermont Street, and proceeding~~
4 ~~northerly along Vermont Street to 16th Street, and proceeding easterly along 16th Street to a straight-~~
5 ~~line extension from 16th Street, and proceeding easterly along said extension to the shoreline to the~~
6 ~~San Francisco Bay, and proceeding southerly along shoreline to the San Francisco/San Mateo county~~
7 ~~border, and proceeding westerly along the San Francisco/San Mateo county border to Saint Charles~~
8 ~~Avenue, and proceeding northerly along Saint Charles Avenue to Interstate 280, and proceeding~~
9 ~~northeasterly along Interstate 280 to a northerly straight line extension to Orizaba Avenue, and~~
10 ~~proceeding northerly along said line to Alemany Boulevard, and proceeding westerly along Alemany~~
11 ~~Boulevard to Brotherhood Way, and proceeding westerly along Brotherhood Way to the point of~~
12 ~~commencement.~~

13 (b) **Requirements.**

14 (1) **Underlying Uses incorporated into Flexible Retail.** Flexible Retail, as
15 defined in Section 102, incorporates two or more specific uses. Each such use must be
16 Principally Permitted in the underlying zoning district. If a use requires a Conditional Use
17 Authorization in the underlying zoning district, then a Conditional Use Authorization must be
18 obtained before such use may be permitted as part of a Flexible Retail Use.

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

21 **SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.**

22 * * * *

23 **RH-2 Districts: Two-Family.** These Districts are devoted to one-family and two-family
24 houses, with the latter commonly consisting of two large flats, one occupied by the owner and
25 the other available for rental. Structures are finely scaled and usually do not exceed 25 feet in

width or 40 feet in height. Building styles are often more varied than in historically single-family areas, but certain streets and tracts are quite uniform. Considerable ground-level open space is available, and it frequently is private for each unit. The Districts may have easy access to shopping facilities and transit lines. In ~~the~~ some cases, Group Housing and institutions are found in these areas, although nonresidential uses tend to be quite limited.

* * * *

**Table 209.1
ZONING CONTROL TABLE FOR RH DISTRICTS**

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
BUILDING STANDARDS						
* * * *						
Miscellaneous						
* * * *						
Awning	§ 136.1	P (1)	P (1)	P (1)	P (1)	P (1)
* * * *						
NON-RESIDENTIAL STANDARDS AND USES						
Development Standards						
* * * *						
Limited Commercial Uses	§§ 186, 186.3	Continuing nonconforming uses are permitted, subject to the requirements of § 186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3.				
<i>Limited Corner Commercial Uses</i>	<i>§ 231</i>	<i>P on a Corner Lot, with no part of the use extending more than 50 feet in depth from said corner.</i>				
<u>Commercial Use Characteristics</u>						
<i>Drive-up Facility</i>	<i>§ 102</i>	<i>NP</i>				
<i>Formula Retail</i>	<i>§§ 102, 303.1</i>	<i>C</i>				
<i>Hours of Operation</i>	<i>§§ 102, 186, 231</i>	<i>For Limited Corner Commercial Uses under § 231: P 6:00 a.m. to 10:00 p.m.; NP 10:00 p.m. to 6:00 a.m.</i>				

		<i>For limited commercial uses under § 186: 6:00 a.m. to 10:00 p.m.; C 10:00 p.m. to 12:00 a.m.; NP 12:00 a.m. to 6:00 a.m.</i>
<i>Maritime Use</i>	<i>§ 102</i>	<i>NP</i>
<i>Open Air Sales</i>	<i>§ 102</i>	<i>NP</i>
<i>Outdoor Activity Area</i>	<i>§§ 102, 145.2, 186, 202.2, 231</i>	<i>P if located in front of building; P at the rear of the building if compliant with § 202.2(a)(7); NP otherwise.</i>
<i>Walk-up Facility</i>	<i>§ 102</i>	<i>P</i>
* * * *		

* * * *

(1) P for Limited Commercial Uses *and Limited Corner Commercial Uses* per § 136.1(~~a~~) only; otherwise NP.

* * * *

SEC. 209.2. RM (RESIDENTIAL, MIXED) DISTRICTS.

* * * *

Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
BUILDING STANDARDS					
* * * *					
Miscellaneous					
* * * *					
Awning	§ 136.1	P (1)	P (1)	P (1)	P (1)
* * * *					
NON-RESIDENTIAL STANDARDS AND USES					
Development Standards					
* * * *					
<i>Limited Corner Commercial Uses</i>	<i>§ 231</i>	<i>NP</i>	<i>NP</i>	<i>P</i>	<i>P</i>

1	<u>Limited Corner Commercial Uses</u>	<u>§ 231</u>	<u>P on a Corner Lot, with no part of the use extending more than 50 feet in depth from said corner.</u>	<u>P on a Corner Lot, with no part of the use extending more than 100 feet in depth from said corner.</u>
2				
3				
4	Limited Commercial Uses	§§ 186, 186.3	Continuing nonconforming uses are permitted, subject to the requirements of § 186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3.	
5	<u>Commercial Use Characteristics</u>			
6	<u>Drive-up Facility</u>	<u>§ 102</u>	<u>NP</u>	
7	<u>Formula Retail</u>	<u>§§ 102, 303.1</u>	<u>C</u>	
8	<u>Hours of Operation</u>	<u>§§ 102, 186, 231</u>	<u>For Limited Corner Commercial Uses under § 231: P 6:00 a.m. to 10:00 p.m.; NP 10:00 p.m. to 6:00 a.m.</u>	
9			<u>For limited commercial uses under § 186: 6:00 a.m. to 10:00 p.m.; C 10:00 p.m. to 12:00 a.m.; NP 12:00 a.m. to 6:00 a.m.</u>	
10	<u>Maritime Use</u>	<u>§ 102</u>	<u>NP</u>	
11	<u>Open Air Sales</u>	<u>§ 102</u>	<u>NP</u>	
12	<u>Outdoor Activity Area</u>	<u>§§ 102, 145.2, 186, 202.2, 231</u>	<u>P if located in front of building; P at the rear of the building if compliant with § 202.2(a)(7); NP otherwise.</u>	
13	<u>Walk-up Facility</u>	<u>§ 102</u>	<u>P</u>	
14	* * * *			

* * * *

(1) P for Limited Commercial Uses and Limited Corner Commercial Uses per § 136.1(~~a~~) only, otherwise NP.

* * * *

SEC. 209.4. RTO (RESIDENTIAL TRANSIT ORIENTED) DISTRICTS.

These Districts are intended to recognize, protect, conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. RTO and RTO-M (*Residential Transit Oriented, Mission*) Districts are composed of multi-family moderate-density areas, primarily areas formerly designated RM and RH-3, and are well served within short walking distance, generally less than one-quarter mile, of transit and neighborhood commercial areas. Transit available on nearby streets is frequent and/or provides multiple lines serving different parts of the City or region. Limited small-scale neighborhood-oriented retail and services is common and permitted throughout the neighborhood on Corner Lots only to provide goods and services to residents within walking distance, but the districts are otherwise residential. Only retail compatible with housing, generally those permitted in NC-1 Districts, is permitted and auto-oriented uses are not permitted. Hours of operation are restricted and off-street parking is not permitted for these very locally-oriented uses.

* * * *

**Table 209.4
ZONING CONTROL TABLE FOR RTO DISTRICTS**

Zoning Category	§ References	RTO	RTO-M
BUILDING STANDARDS			
* * * *			
Miscellaneous			
* * * *			
Awning	§§ 136, 136.1	P (1)	P (1)
* * * *			
NON-RESIDENTIAL STANDARDS AND USES			

* * * *			
Institutional Use Category			
* * * *			
Community Facility	§ 102	<u>PC</u>	<u>PC</u>
* * * *			

* * * *

(1) P for Limited Commercial Uses ~~per § 136(a)~~ and Limited Corner Commercial Uses per § 136.1§ 231, otherwise NP.

* * * *

SEC. 210.3. PDR DISTRICTS.

* * * *

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
* * * *					
NON-RESIDENTIAL STANDARDS AND USES					
* * * *					
Sales and Service Category					
* * * *					
Gym	§§ 102, 210.3C	<u>CNP</u>	NP (20)	NP (20)	{NP}
* * * *					

* * * *

(20) NP except as provided in Section 210.3C.

* * * *

SEC. 231. LIMITED CORNER COMMERCIAL USES IN RH, RTO, AND RM DISTRICTS.

(a) **Purpose.** Corner stores enhance and support the character and traditional pattern of development in San Francisco RTO and RM Districts. These small neighborhood-oriented establishments provide convenience goods and services on a retail basis to meet the frequent

1 and recurring needs of neighborhood residents within a short walking distance of their homes.
2 These uses tend to be small in scale, to serve primarily walk-in trade, and cause minimum
3 interference with nearby streets and properties. These uses are permitted only on the ground
4 floor of corner buildings, and their intensity and operating hours are limited to ensure
5 compatibility with the predominantly residential character of the district. Accessory off-street
6 parking is prohibited for these uses to maintain the local neighborhood walk-in character of
7 the uses.

8 (b) **Location.** Uses permitted under this section must be located:

9 (1) completely within an RH, RTO, RTO-M, or ~~RM-3, or RM-4~~ District;

10 (2) on or below the ground floor; and

11 (3) in RH, RM-1, RM-2, and RTO Districts, on a Corner Lot, with no part of the use
12 extending more than 50 feet in depth from said corner, as illustrated in Figure 231.

13 * * * *

14 (4) in RM-3, RM-4, and RTO-M Districts, on a Corner Lot, with no part of the use
15 extending more than 100 feet in depth from said corner.

16 (c) **Permitted Uses.** Any use is permitted which complies with the use limitations for the
17 First Story and below of an NC-1 District, as set forth in Section 710 of this Code.

18 (d) **Use Size.** No more than 1,200 square feet of Occupied Floor Area of commercial area
19 in a RTO District and no more than 2,500 occupied square feet of Commercial Use in a RM-3,
20 RM-4 or RTO-M District shall be allowed per Corner Lot, except those lots which occupy more
21 than one corner on a given block and which may provide an additional 1,200 square feet of
22 Occupied Floor Area of Commercial Use per additional corner, so long as the commercial
23 space is distributed equitably throughout appropriate parts of the parcel or project.

24 * * * *

1 (j) **Awnings.** Awnings are permitted, subject to the standards in Section 136.1(a) of this
2 Code. Canopies and marquees are not permitted.

3 (k) **Outdoor Activity Area.** An Outdoor Activity Area is principally permitted if it is located at the
4 front of the building. An Outdoor Activity Area that is located at the rear of the building is principally
5 permitted only if it complies with the operating restrictions in Section 202.2(a)(7). Operation of an
6 Outdoor Activity Area at the rear of the building beyond the limitations set in 202.2(a)(7) is not
7 permitted.

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

9 * * * *

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

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

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

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

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

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

6 * * * *

7 **SEC. 249.60. MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT.**

8 * * * *

9 The following restrictions shall apply within such district:

10 (a) **Prohibition of New Liquor Stores.** No new Liquor Store, shall be permitted in the
11 SUD, except that an existing Liquor Store may relocate pursuant to subsection (c) below.

12 (b) **Allowed Alcohol-related Uses.** Certain uses which are not likely to generate
13 negative impacts on the surrounding area shall be allowed within the SUD as set forth below:

14 (1) The following uses shall be eligible for liquor licenses transferred from
15 within the SUD as well as licenses transferred from outside the SUD:

16 (A) **Bona Fide Eating Places.** A Restaurant Use operating as a Bona
17 Fide Eating Place shall be permitted to serve alcoholic beverages in this SUD.

18 (B) **Non-Profit Theaters.** A non-profit theater shall be permitted to serve
19 alcoholic beverages in this SUD. A "non-profit theater" shall mean a building or part of a
20 building intended to be used for the specific purposes of presenting any act, play, revue,
21 pantomime, scene, song, dance act, or song and dance act, conducted or participated in by
22 one or more persons, whether or not such person or persons are compensated for such
23 performance, and which is exempted from payment of income tax under Section 23701d of
24 the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue
25 Code of the United States. A "non-profit theater" shall not include any dance hall, as defined

1 in Section 1022 of the Police Code, a billiard parlor, pool hall, bowling alley, or Adult
2 Business.

3 (C) **Bowling Alleys and Mini-Golf Courses.** A bowling alley or a mini-
4 golf course shall be permitted to serve alcoholic beverages along with any Restaurant use
5 which is functionally and/or physically integrated with such bowling alley or mini-golf course.
6 General Entertainment uses, excluding those uses that require a Place of Entertainment
7 permit, shall be permitted to serve alcoholic beverages along with any Restaurant use which
8 is functionally and/or physically integrated with such General Entertainment use.

9 (D) **Single Screen Movie Theaters.** A single screen Movie Theater
10 shall be permitted to serve alcoholic beverages, provided that (i) such use contains only a
11 single screen and auditorium, (ii) only beer and wine are offered for consumption, and (iii)
12 such beer and wine are: a. only consumed on the premises and primarily in the main theater
13 auditorium, b. only sold and consumed by ticketholders and only immediately before and
14 during performances, and c. only offered in conjunction with the screening of films and not as
15 an independent element of the establishment that is unrelated to the viewing of films.

16 (E) **Music Entertainment Facility.** *A music entertainment facility with a*
17 *California Department of Alcoholic Beverage Control (ABC) Type 90 license shall be permitted to*
18 *serve alcoholic beverages in this SUD.*

19 * * * *

20 **SEC. 249.64. PARKMERCED SPECIAL USE DISTRICT.**

21 * * * *

22 (b) **Development Controls.** Development in the Parkmerced Special Use District shall be
23 regulated by the controls contained in the Parkmerced Design Standards and Guidelines, as
24 adopted by the Planning Commission and periodically amended, except for those controls
25 specifically enumerated in this Section. Where not explicitly superseded by definitions

1 established in the Parkmerced Design Standards and Guidelines, the definitions in this Code
2 shall apply. All procedures and requirements in Article 3 shall apply to development in this
3 Special Use District to the extent that they are not in conflict with this Special Use District or
4 the Development Agreement, approved by the Board of Supervisors in Ordinance No. 89-11.
5 The Planning Commission may amend the Parkmerced Design Standards and Guidelines
6 upon initiation by the Planning Department or upon application by an owner of property within
7 Parkmerced (or ~~owner's~~*his or her* authorized agent) to the extent that such amendments are
8 consistent with this Special Use District, the General Plan, and the approved Development
9 Agreement.

10 * * * *

11 (2) **Uses.**

12 (A) **Principally Permitted Uses.** The following uses are principally permitted:

13 * * * *

14 (ii) **Parkmerced Mixed Use – Social Heart (PM-MU1).** All uses permitted in PM-R;
15 locally serving Retail Sales and Service uses not larger than 15,000 occupied square feet per
16 business establishment; one General Grocery Store not larger than 50,000 occupied square
17 feet; and Business Service, Design Professional, and ~~Non-Retail~~ Professional Service Uses,
18 provided such ~~use~~*Non-Retail Uses* shall not exceed 10,000 occupied square feet per business if
19 located on the ground floor of any building;

20 (iii) **Parkmerced Mixed Use – Neighborhood Commons (PM-MU2).** All uses
21 permitted in PM-R; locally serving Retail Sales and Service Uses not larger than 5,000
22 occupied square feet per business establishment; and Business Service, Design Professional,
23 and ~~Non-Retail~~ Professional Service Uses not larger than 5,000 occupied square feet per
24 business, provided that such use does not occupy more than 2,000 occupied square feet per
25 business establishment on the ground floor;

1 * * * *

2 **SEC. 303.1. FORMULA RETAIL USES.**

3 * * * *

4 (e) **Conditional Use Authorization Required.** A Conditional Use Authorization shall
5 be required for a Formula Retail use in the following zoning districts unless explicitly
6 exempted:

7 * * * *

8 (10) ~~The~~ C-3-G District with frontage on Market Street, between 6th Street and
9 the intersection of Market Street, 12th Street and Franklin Street; ~~and~~

10 (11) ~~The~~ Central SoMa Special Use District as defined in Section 848, except
11 for those uses not permitted pursuant to subsection (f) below; ~~and-~~

12 (12) Mission Street Formula Retail Restaurant Subdistrict as defined in Section 781.5.

13 (f) **Formula Retail Uses Not Permitted.** Formula Retail uses are not permitted in the
14 following zoning districts:

15 * * * *

16 ~~(6) Mission Street Formula Retail Restaurant Subdistrict does not permit Formula~~
17 ~~Retail uses that are also Restaurant or Limited-Restaurant uses;~~

18 ~~(67)~~ Geary Boulevard Formula Retail Pet Supply Store and Formula Retail
19 Eating and Drinking Subdistrict does not permit Formula Retail uses that are also either a
20 Retail Pet Supply Store or an Eating and Drinking uses as set forth in Section 781.4;

21 ~~(78)~~ Taraval Street Restaurant Subdistrict does not permit Formula Retail uses
22 that are also Restaurant or Limited-Restaurant uses;

23 ~~(89)~~ Chinatown Mixed Use Districts do not permit Formula Retail uses that are
24 also Restaurant or Limited-Restaurant uses; and

1 (910) Central SoMa Special Use District does not permit Formula Retail Uses
2 that are also Bar, Restaurant, or Limited Restaurant Uses as defined in Section 102.

3 * * * *

4 **SEC. 303.2. PRIORITY PROCESSING FOR CERTAIN USES IN COMMERCIAL SPACE:**
5 **EXPEDITED CONDITIONAL USE REVIEW AND APPROVAL PROCESS AND REDUCED**
6 **APPLICATION FEE.**

7 * * * *

8 (b) **Priority Processing for Certain Uses.** Applications for Conditional Use authorization
9 that comply with the requirements of subsection (c) are eligible for priority processing and a
10 prorated application fee. Eligibility for priority processing shall not require any application
11 separate from a completed application for Conditional Use authorization. Unless modified by
12 this Section 303.2 , the provisions of Section 303 shall apply.

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

- 18 (1) It pertains exclusively to Non-Residential Uses;
- 19 (2) It is limited to changes of use, tenant improvements, or other interior or
20 storefront work;
- 21 (3) It does not involve the removal of any Dwelling Units;
- 22 (4) It does not involve a Formula Retail use;
- 23 (5) It does not propose or require the consolidation of multiple storefronts;
- 24 (6) It does not seek to provide off-street parking in a quantity beyond that allowed
25 as of right; *and*

1 ~~(7) It does not seek to establish, expand, or intensify activities during hours of operation~~
2 ~~beyond those permitted as of right;~~

3 ~~(8) It does not seek to sell alcoholic beverages for either on-site or off-premises~~
4 ~~consumption, excepting beer and/or wine sold in conjunction with the operation of a Bona Fide Eating~~
5 ~~Place;~~

6 (7)(9) It does not seek to establish or expand any of the following uses:

7 (A) Adult Entertainment.

8 ~~(B) Bar.~~

9 (B)(C) Drive-up Facility.

10 (C)(D) Fringe Financial Service.

11 (D)(E) Medical Cannabis Dispensary.

12 ~~(F) Nighttime Entertainment.~~

13 ~~(G) Non-Retail Sales and Service that is closed to the general public.~~

14 (E)(H) Tobacco Paraphernalia Establishment.

15 (F)(I) Wireless Communication Facility; and

16 (8)(10) Is not within the Calle 24 Special Use District, as described and set forth in
17 Section 249.59 of this Code.

18 If the application qualifies for priority processing, the Department shall notify the
19 applicant of the date of acceptance of the complete application and of the applicant's eligibility
20 for priority processing. The application fee shall be prorated pursuant to subsection (f).

21 (d) **Expedited Commission Hearing.** An eligible application shall be scheduled for a
22 public hearing on the Planning Commission's consent calendar within 90 days from the date
23 that the application has been deemed complete, unless the hearing date is extended pursuant
24 to subsection (e). An application is deemed complete when the application and filing fee have
25 been accepted by the Department. The Planning Commission shall develop rules and

1 regulations to ensure that eligible applications are heard and determined within 90 days
2 without compromising the review times of other applications. In order to aid the expedited
3 processing of these applications, the Planning Department shall create and use an abbreviated case
4 report for applications that are eligible for this program.

5 * * * *

6 **SEC. 311. PERMIT REVIEW PROCEDURES.**

7 * * * *

8 (b) **Applicability.** Except as indicated in this subsection (b), all building permit
9 applications in Residential, NC, and NCT, ~~and Eastern Neighborhoods Mixed Use~~ Districts for a
10 change of use; shall be subject to the notification and review procedures required by this Section
11 311. Except as indicated in this subsection (b), all building permit applications in Residential, NC,
12 NCT, and Eastern Neighborhoods Mixed Use Districts for establishment of a Micro Wireless
13 Telecommunications Services Facility; establishment of a Formula Retail Use; demolition,
14 new construction, or alteration of buildings; and the removal of an authorized or unauthorized
15 residential unit, shall be subject to the notification and review procedures required by this
16 Section 311. In addition, with the exception of Grandfathered MCDs converting to Cannabis
17 Retail use pursuant to Section 190(a), all building permit applications that would establish
18 Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district, shall be
19 subject to the notification and review procedures required by this Section 311.
20 Notwithstanding the foregoing or any other requirement of this Section 311, a change of use
21 to a Child Care Facility, as defined in Section 102, shall not be subject to the review
22 requirements of this Section 311. Notwithstanding the foregoing or any other requirement of
23 this Section 311, building permit applications to construct an Accessory Dwelling Unit
24 pursuant to Section 207(c)(6) shall not be subject to the notification or review requirements of
25 this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311,

1 a change of use to a principally permitted use in an NC or NCT District, or in a limited
2 commercial use or a limited corner commercial use, as defined in Sections 186 and 231,
3 respectively, shall not be subject to the review or notice requirements of this Section 311.
4 Notwithstanding the foregoing or any other requirement of this Section 311, building permit
5 applications to change any existing Automotive Use to an Electric Vehicle Charging Location
6 shall not be subject to the review or notification requirements of this Section 311.

7 (1) **Change of Use.** *Subject to the foregoing provisions of subsection (b), for the*
8 *purposes of this Section 311, a change of use is defined as follows:*

9 (A) **Residential, NC, and NCT Districts.** *Subject to the foregoing*
10 *provisions of subsection (b), for the purposes of this Section 311, f*~~For~~ *all Residential, NC, and NCT*
11 *Districts, a change of use is defined as a change to, or the addition of, any of the following*
12 *land uses as defined in Section 102 of this Code: Adult Business, Bar, Cannabis Retail,*
13 *General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Massage*
14 *Establishment, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity*
15 *Area, Post-Secondary Educational Institution, Private Community Facility, Public Community*
16 *Facility, Religious Institution, Residential Care Facility, Restaurant, School, Tobacco*
17 *Paraphernalia Establishment, Trade School, and Wireless Telecommunications Facility. A*
18 *change of use from a Restaurant to a Limited-Restaurant shall not be subject to the*
19 *provisions of this Section 311. Any accessory massage use in the Ocean Avenue*
20 *Neighborhood Commercial Transit District shall be subject to the provisions of this Section*
21 *311. A change of use to a principally permitted use in an NC or NCT District, or in a limited*
22 *commercial use or a limited corner commercial use, as defined in Sections 186 and 231,*
23 *respectively, shall not be subject to the provisions of this Section 311.*

24 * * * *

1 ~~(B) Eastern Neighborhood Mixed Use Districts. In all Eastern Neighborhood~~
2 ~~Mixed Use Districts a change of use shall be defined as a change in, or addition of, a new land use~~
3 ~~category. A “land use category” shall mean those categories used to organize the individual land uses~~
4 ~~that appear in the use tables, immediately preceding a group of individual land uses, including but not~~
5 ~~limited to the following: Residential Use; Institutional Use; Retail Sales and Service Use; Assembly,~~
6 ~~Recreation, Arts and Entertainment Use; Office Use; Live/Work Units Use; Motor Vehicle Services~~
7 ~~Use; Vehicle Parking Use; Industrial Use; Home and Business Service Use; or Other Use.~~

8 (B) A change of use to a principally permitted use in the Western SoMa
9 Plan Area, Central SoMa Plan Area, or East SoMa Plan Area shall not be subject to the
10 provisions of this Section 311.

11 * * * *

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

13 * * * *

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

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

3 (1) The use of more than one-third of the total floor area occupied by such use
4 and the Principal or Conditional use to which it is accessory, except in the case of accessory
5 off-street parking and loading and as specified in subsection (d)(3) below as accessory
6 wholesaling, manufacturing, or processing of foods, goods, or commodities:

7 (2) Any Bar or Restaurant, or any other retail establishment which serves liquor
8 for consumption on-site; however, this shall not prohibit take-out food activity which operates
9 in conjunction with a Limited Restaurant, Restaurant, General Grocery, and Specialty
10 Grocery. This shall also not prohibit a Limited Restaurant as an Accessory Use to a permitted
11 Principal or Conditional Use except as specified ~~in subsection (d)(7)~~ below;

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

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

20 (B) Notwithstanding the floor area limitation in subsection (d)(1), a
21 Catering Use limited to food and beverage Catering shall be permitted as an Accessory Use
22 to Restaurants and Limited Restaurants if the following requirements are met:

23 (i) The Catering Use does not operate more than 75% of the total
24 time within the Restaurant's or Limited Restaurant's Hours of Operation on any given day;
25 and

1 (ii) The Catering Use does not distribute or deliver individual
2 meals to customers directly from the subject lot, either by its own means, or through a third-
3 party delivery service.

4 (4) Any retail Liquor Store.

5 (5) Medical Cannabis Dispensaries.

6 (6) Any General Entertainment or Nighttime Entertainment use, except for one
7 that involves a Limited Live Performance Permit as set forth in Police Code Section 1060 et
8 seq., or one that does not require a Limited Live Performance Permit as set forth in Police
9 Code Section 1060.1(e).

10 ~~(7) Within the North Beach SUD and NCD, a Limited Restaurant.~~

11 ~~(7)(8)~~ A Health Service use as an Accessory Use in the Sacramento Street
12 Neighborhood Commercial District requires a Conditional Use authorization on the ground
13 story and is permitted above the ground story pursuant to Section 724 of this Code.

14 ~~(8)(9)~~ Cannabis Retail that does not meet the limitations set forth in Section
15 204.3(a)(3) of this Code.

16 ~~(9)(10)~~ An Adult Sex Venue as defined in Section 102 of this Code.

17 * * * *

18 **SEC. 703.9. PRESERVATION OF HISTORIC BUILDINGS WITHIN THE FOLSOM STREET**
19 **NCT AND RCD DISTRICTS.**

20 * * * *

21 (b) **Permitted uses.** ~~Non-Retail Professional Service, Retail~~ Professional Service, Community
22 Facility, Private Community Facility, Social Service and Philanthropic Facility, Financial
23 Services, Gym, Limited Financial Service, Health Service, Personal Service, and Instructional
24 Service uses, as defined in Section 102, are Principally Permitted. In the RCD District only, in
25 addition to the above uses, Nighttime Entertainment uses as defined in Section 102 require

1 Conditional Use authorization on the third floor and above, except that Nighttime
 2 Entertainment uses are Principally Permitted in Article 10 Landmark Building No. 120 (St.
 3 Joseph’s Church at 1401 Howard Street). For all uses listed above, prior to the issuance of
 4 any necessary permits, the Zoning Administrator, with the advice of the Historic Preservation
 5 Commission, shall determine that allowing the use will enhance the feasibility of preserving
 6 the building. The project sponsor must also submit a Preservation, Rehabilitation, and
 7 Maintenance Plan that describes any proposed preservation and rehabilitation work and that
 8 guarantees the maintenance and upkeep of the historic resource for approval by the
 9 Department. This Plan shall include:

- 10 (i) a plan for the ongoing maintenance of the subject property;
- 11 (ii) information regarding the nature and cost of any rehabilitation, restoration,
 12 or preservation work to be conducted at the subject property, including information about any
 13 required seismic, life safety, or disability access work;
- 14 (iii) a construction schedule; and
- 15 (iv) such other information as the Department may require in order to
 16 determine compliance with this subsection 703.9(b).

17 * * * *

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

19 * * * *

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

22 * * * *

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

NON-RESIDENTIAL USES	Controls by Story			
	1st	2nd	3rd+	
* * * *				
Entertainment, Arts and Recreation Use Category				
* * * *				
Arts Activities	§ 102	P(7)	P(8)	P(8)
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<u>PNP</u> (7)	NP	NP
* * * *				
Kennel	§ 102	<u>CNP</u>	NP	NP
* * * *				
Restaurant	§§ 102, 202.2(a)	P(3)	P(3)	NP
Restaurant, Limited	§§ 102, 202.2(a)	P(3)	<u>P</u> (3)	NP
Services, Financial	§ 102	<u>CNP</u>	NP	NP
* * * *				
Services, Retail Professional	§ 102	P	P	P
* * * *				
Service, Non-Retail Professional	§ 102	NP	P	NP
* * * *				

* * * *

(3) TARAVAL STREET RESTAURANT SUBDISTRICT. Applicable only for the Taraval Street NC-1 District between 40th and 41st Avenues and between 45th and 47th Avenues as mapped on Sectional Maps 5 SU and 6 SU. Within the Taraval Street Restaurant Subdistrict, ~~restaurants and Limited Restaurants are C~~; Formula Retail Restaurants and Formula Retail Limited Restaurants are NP; Formula Retail Restaurants and Formula Retail Limited

1 Restaurants are NP if located within one quarter of one mile from the Taraval Street
 2 Restaurant Subdistrict.

3 * * * *

4 (7) [Note deleted.]P in the geographic area described as Flexible Retail Zones in Section
 5 202.9.

6 (8) [Note deleted.]C in the geographic area described as Flexible Retail Zones in Section
 7 202.9.

8 * * * *

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

10 * * * *

11 **Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**
 12 **ZONING CONTROL TABLE**

13 * * * *

Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, <u>202.9</u>	<u>PNP(10)</u>	NP	NP
* * * *				
Restaurant	§§ 102, 202.2(a)	P(4)	P(4)	NP
Restaurant, Limited	§§ 102, 202.2(a)	P(4)	P(4)	NP
Services, Financial	§ 102	P(5)	C(5)	NP
Services, Fringe Financial	§ 102	P(5)(6)	NP	NP

Services, Limited Financial	§ 102	P(5)	NP	NP
Services, <i>Retail</i> Professional	§ 102	P	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	<i>§ 102</i>	<i>NP</i>	<i>P</i>	<i>NP</i>
* * * *				

* * * *

(4) TARAVAL STREET RESTAURANT SUBDISTRICT: Applicable only for the Taraval Street NC-2 District between 12th and 19th Avenues as mapped on Sectional Maps 5 SU and 6 SU. *Restaurants, Limited Restaurants are C*; Formula Retail Restaurants and Limited-Restaurants are NP.

(5) CHESTNUT STREET FINANCIAL SERVICE SUBDISTRICT: ~~CNP~~ for properties on Chestnut Street zoned NC-2 from Broderick to Fillmore Streets as mapped on Sectional Map 2 SU.

* * * *

(10) *[Note deleted.]P in the geographic area described as Flexible Retail Zones in Section 202.9.*

* * * *

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

* * * *

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

* * * *

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

1	* * * *				
2	Sales and Service Use Category				
3	* * * *				
4	Flexible Retail	§§ 102, 202.9	PNP(9)	NP	NP
5	* * * *				
6	Retail Sales and Service, General	§ 102	P(5)	P(5)	P(3)
7	* * * *	§ 102	P	P	NP
8	Services, Retail Professional	§ 102	P	P	P
9	* * * *				
10	<i>Service, Non-Retail Professional</i>	§ 102	C	P	C
11	* * * *				

* * * *

(3) THIRD STREET SPECIAL USE DISTRICT

Boundaries: Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3.

Controls: Off-sale retail liquor sales are NP; drive-up facilities for Restaurants and Limited-Restaurants are C.

* * * *

(5) GEARY BOULEVARD FORMULA RETAIL PET SUPPLY STORE AND FORMULA RETAIL EATING AND DRINKING SUBDISTRICT: Applicable only for the portion of the Geary Boulevard NC-3 District between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU. Formula Retail pet supply stores and ~~E~~formula ~~R~~retail ~~E~~eating and ~~D~~drinking uses are NP.

* * * *

(9) ~~[Note deleted.] P in the geographic area described as Flexible Retail Zones in Section 202.9.~~

* * * *

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

2 * * * *

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

5 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	PNP(6)	NP	NP
* * * *				
Restaurant, Limited	§§ 102, 202.2(a)	P(I)	P(I)	NP
* * * *				
Services, <i>Retail</i> Professional	§ 102	P	P	P
* * * *				
Service, Non-Retail Professional	§ 102	€	P	NP(I)
* * * *				

19 * * * *

20 (1) LAKESHORE PLAZA SPECIAL USE DISTRICT

21 **Boundaries:** Applicable only for the Lakeshore Plaza NC-S District as mapped on
 22 Sectional Map SU13 and HT13.

23 **Controls:** Special controls on various features and uses, and residential standards per
 24 Section 780.1, and special Height controls per Section 253.3.

25 * * * *

1 (6) *[Note deleted.]P in the geographic area described as Flexible Retail Zones in Section*
2 *202.9.*

3 * * * *

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

5 * * * *

6 The Broadway District controls are designed to encourage development that is
7 compatible with the existing moderate building scale and mixed-use character, and maintain
8 the district's balance of entertainment uses, restaurants, and small-scale retail stores. New
9 buildings exceeding 40 feet in height will be carefully reviewed and rear yards at residential
10 levels are protected. Most commercial uses in new buildings are permitted at the first two
11 stories. Neighborhood-serving businesses are strongly encouraged. In order to protect the
12 livability of the area, limitations apply to new fast-food restaurants and adult entertainment
13 uses at the first and second stories, as well as late-night activity. Financial services are
14 allowed on the ground story subject to certain limitations. Nonretail offices are ~~limited~~*prohibited*
15 in order to prevent encroachment of the adjoining downtown office uses. Due to the high
16 traffic volume on Broadway, most automobile and drive-up uses are prohibited in order to
17 prevent further traffic congestion. Parking garages are permitted if their ingress and egress do
18 not disrupt the traffic flow on Broadway.

19 * * * *

20 **Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT**
21 **ZONING CONTROL TABLE**

22 * * * *

Zoning Category	§ References	Controls
NON-RESIDENTIAL STANDARDS AND USES		

* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<i>PNP</i>	NP	NP
* * * *				
Services, <i>Retail</i> Professional	§ 102	P	P	P
* * * *				
Service, <i>Non-Retail</i> Professional	§ 102	NP	P	NP
* * * *				

* * * *

SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Services Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<i>PNP</i>	NP	NP
* * * *				
Services, <i>Retail</i> Professional	§ 102	P	P	P

* * * *				
<i>Service, Non-Retail Professional</i>	<i>§ 102</i>	<i>NP</i>	<i>P</i>	<i>NP</i>
* * * *				

* * * *

SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

The Inner Clement Street District controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that supports the district’s vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories, although certain limitations apply to uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and protect adjacent residential livability. These controls ~~limit~~*prohibit* additional financial service ~~uses, and~~ *limit* additional eating and drinking establishments, and late-night commercial uses. In order to maintain the street’s active retail frontage, controls also prohibit most new automobile and drive-up uses.

* * * *

**Table 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

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

		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	P	NP	NP
* * * *				
Services, Financial	§ 102	<u>CNP</u>	NP	NP
* * * *				
Services, <i>Retail</i> Professional	§ 102	P	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	§ 102	<i>NP</i>	<i>P</i>	<i>NP</i>
* * * *				

* * * *

SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<u>PNP</u>	NP	NP
* * * *				
Services, <i>Retail</i> Professional	§ 102	P	P	P

* * * *				
<i>Service, Non-Retail Professional</i>	<i>§ 102</i>	<i>NP</i>	<i>P</i>	<i>NP</i>
* * * *				

* * * *

SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

The Haight Street District controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. The building standards regulate large-lot and use development and protect rear yards above the ground story and at residential levels. To promote the prevailing mixed-use character, most commercial uses are directed primarily to the ground story with some upper-story restrictions in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving commercial uses and regulate the more intensive commercial uses which can generate congestion and nuisance problems, special controls *limit/prohibit* additional drinking uses and tourist hotels. Prohibitions of most automobile and drive-up uses protect the district's continuous retail frontage.

* * * *

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

* * * *

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

1	* * * *				
2	Sales and Service Use Category				
3	* * * *				
4	Bar	§§ 102, 202.2(a)	<u>CNP</u>	NP	NP
5	* * * *				
6	Flexible Retail	§§ 102, <u>202.9</u>	P	NP	NP
7	* * * *				
8	Restaurant	§§ 102, 202.2(a)	<u>PNP(3)(4)</u>	NP	NP
9	* * * *				
10	Services, Health	§ 102	<u>CNP</u>	C	NP
11	* * * *				
12	Services, <i>Retail</i> Professional	§ 102	P	P	P
13	* * * *				
14	<i>Service, Non-Retail Professional</i>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
15	* * * *				

* * * *

(3) HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT: Retail establishments selling off-sale or on-sale alcoholic beverages are ~~not~~ permitted as a Conditional Use pursuant to Section 781.9.

(4) ~~[Note deleted.] HAIGHT STREET RESTAURANTS~~

~~Boundaries: Applicable to the Haight Street Neighborhood Commercial District and Haight Street Alcohol Restricted Use Subdivision.~~

~~Controls: A Restaurant may be permitted as a Conditional Use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission has approved no more than a total of 3 Restaurants in accordance with this Section. Should a Restaurant permitted under this Section cease operation and complete a lawful change of use to another principally or conditionally permitted use, the Commission may consider a new Restaurant in accordance with the terms of this Section.~~

* * * *

SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Institutional Use Category				
* * * *				
Job Training	§ 102	<i>CNP</i>	P	P
* * * *				
Social Service or Philanthropic Facility	§ 102	<i>CNP</i>	P	P
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	P	NP	NP
* * * *				
Services, <i>Retail</i> Professional	§ 102	P	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	§ 102	€	P	€
* * * *				

* * * *

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

2 * * * *

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

5 * * * *

Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
* * * *				
Bar	§§ 102, 202.2(a), 780.3	C(5)(6)	NP	NP
* * * *				
Flexible Retail	§§ 102, <u>202.9</u>	<u>PNP</u>	NP	NP
* * * *				
Restaurant	§§ 102, 202.2(a), 780.3	C(5)(6)	NP	NP
Restaurant, Limited	§§ 102, 202.2(a), 780.3	<u>CP</u> (5)	NP	NP
Services, Financial	§ 102, 781.6	C(7)	NP	NP
* * * *				
Services, Limited Financial	§ 102	C(2)(7)	NP	NP
Services, <i>Retail</i> Professional	§ 102	<u>P</u> (7)	P	P
* * * *				
Design Professional	§ 102, 781.6	<u>PC</u> (7)	P	NP
<i>Service, Non-Retail Professional</i>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
* * * *				

25 * * * *

1 (5) NORTH BEACH SPECIAL USE DISTRICT (Section 780.3):

2 * * * *

3 ~~(E) Existing retail or commercial spaces or storefronts may be consolidated or merged~~
4 ~~with an existing Public Facility for San Francisco Police Department functions or auxiliary space~~
5 ~~associated with such use. Any increase or decrease in square footage resulting from such consolidation~~
6 ~~or merger is Principally Permitted and does not require a Conditional Use authorization. This~~
7 ~~subsection (E) shall expire three years after its effective date unless extended by ordinance, pursuant to~~
8 ~~Section 780.3(c)(3).~~

9 (6) NORTH BEACH LIQUOR LICENSES FOR RESTAURANTS (Section 780.3): A

10 Restaurant Use may only add ABC license types 02, 23, 41, 47, 49, 59 or 75 as a Conditional
11 Use on the First Story if, in addition to the criteria set forth in Section 303, the Planning
12 Commission finds that the Restaurant is operating as a Bona Fide Eating Place as defined in
13 Section 102. Should a Restaurant fail to operate as a Bona Fide Eating Place for any length
14 of time, the Conditional Use authorization shall be subject to immediate revocation. To verify
15 that the Restaurant is continuing to operate as a Bona Fide Eating Place, records of the
16 Restaurant's gross receipts ~~or gross sales, showing that a minimum of 51% of its gross receipts~~
17 ~~within the last year is from food sales prepared and sold to guests on the premises,~~ shall be provided
18 to the Department upon request. All records and information shall be submitted to the
19 Department under penalty of perjury.

20 (7) NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL SERVICE, AND
21 BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT (Section 781.6)

22 **Boundaries:** Applicable only for portions of the North Beach NCD south of Greenwich
23 Street as mapped on Sectional Map SU01.

1 **Controls:** Financial Services and Limited Financial Services are NP at all stories; *Retail*
 2 *Professional Services, Design Professional, and Trade Offices* are NP at the First story. *Design*
 3 *Professional uses are C at the First story.*

4 * * * *

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

6 * * * *

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

9 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES (7)				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<i>PNP</i>	NP	NP
* * * *				
Services, Health	§ 102	<i>CNP</i>	C	C
* * * *				
Services, <i>Retail</i> Professional	§ 102	P	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	<i>§ 102</i>	<i>NP</i>	<i>P</i>	<i>NP</i>
* * * *				

25 * * * *

1 **SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 * * * *

3 The Sacramento Street District controls are designed to promote adequate growth
 4 opportunities for development that is compatible with the surrounding low-density residential
 5 neighborhood. The building standards monitor large-scale development and protect rear
 6 yards at the grade level and above. Most new commercial development is permitted at the
 7 first story; general retail uses are permitted at the second story only if such use would not
 8 involve conversion of any existing housing units. Special controls are designed to protect
 9 existing neighborhood-serving ground-story retail uses. *New Health Service uses, whether*
 10 *Principal or Accessory, require a Conditional Use authorization on the ground story and are permitted*
 11 *above the ground story.* Limits on financial service uses are intended to minimize the
 12 environmental impacts generated by the growth of such uses. The daytime orientation of the
 13 district is encouraged by *requiring conditional use authorization for prohibiting* bars and
 14 restricting late-night commercial activity. New hotels and parking facilities are limited in scale
 15 and operation to minimize disruption to the neighborhood. Most new automobile and drive-up
 16 uses are prohibited to promote continuous retail frontage.

17 * * * *

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

20 * * * *

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

Sales and Service Use Category				
* * * *				
Bar	§§ 102, 202.2(a)	<u>CNP</u>	NP	NP
* * * *				
Flexible Retail	§§ 102, 202.9	<u>PNP</u>	NP	NP
Gym	§ 102	<u>PC</u>	NP	NP
* * * *				
Services, Health	§ 102	<u>PC(4)</u>	P	P
* * * *				
Services, Personal	§ 102	<u>PC</u>	NP	NP
Services, <i>Retail</i> Professional	§ 102	P	P	P
* * * *				
Design Professional	§ 102	<u>C(4)</u>	NP	NP
<i>Service, Non-Retail Professional</i>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
* * * *				

* * * *

(4) [Note deleted.] *A Health Service Use requires a Conditional Use authorization on the ground story whether it is Principal or Accessory.*

* * * *

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

The Union Street District controls are designed to provide sufficient growth opportunities for commercial development that is in keeping with the existing scale and character, promote continuous retail frontage, and protect adjacent residential livability. Small-scale buildings and neighborhood-serving uses are promoted, and rear yards above the ground story and at all residential levels are protected. Most commercial development is permitted at the first two stories of new buildings, while retail service uses are monitored at the third story and above. Controls are necessary to preserve the remaining convenience

businesses and to reduce the cumulative impacts which the growth of certain uses have on neighborhood residents. Such controls require Conditional Use authorization for ~~prohibit~~ additional drinking establishments and limit additional entertainment, and financial service uses. Most automobile and drive-up uses are prohibited in order to maintain continuous retail frontage and minimize further traffic congestion.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Bar	§§ 102, 202.2(a)	<u>CNP</u>	NP	NP
* * * *				
Flexible Retail	§§ 102, <u>202.9</u>	<u>PNP</u>	NP	NP
* * * *				
Services, Retail Professional	§ 102	P	P	P
* * * *				
Service, Non-Retail Professional	§ 102	NP	P	NP
* * * *				

* * * *

SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* * * *

SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Commercial use provisions encourage the full range of neighborhood-serving convenience retail sales and services provided that the use size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability

are prohibited, such as auto uses, ~~financial services~~, general advertising signs, drive-up facilities, hotels, and late-night activity.

* * * *

Table 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE				
		Lakeside Village NCD		
<u>Zoning Category</u>	<u>§ References</u>	Controls		
* * * *				
Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	PNP	NP	NP
* * * *				
Services, Financial	§ 102	PNP	NP	NP
* * * *				
Services, Retail Professional	§ 102	P	P	P
* * * *				
Service, Non-Retail Professional	§ 102	NP	P	NP
* * * *				

* * * *

SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<i>PNP</i>	NP	NP
* * * *				
Services, <i>Retail Professional</i>	§ 102	P	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	§ 102	<i>NP</i>	<i>P</i>	<i>NP</i>
* * * *				

* * * *

SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Special controls on commercial uses are designed to protect the existing mix of ground-story retail uses and prevent further intensification and congestion in the district. ~~No new financial services are permitted.~~ Because the district and surrounding neighborhoods are well served by the existing number of eating and drinking establishments, new bars are discouraged: any proposed new establishment should be carefully reviewed to ensure that it is neighborhood-serving and family-oriented, and will not generate traffic, parking, or litter problems. Medical, business or professional services are permitted at the first two stories, but

1 additional ground-story locations are to be closely monitored to ensure that the current
 2 balance between retail and office uses is maintained. Existing service stations are
 3 encouraged to continue operating, but changes in their size, operation, or location are subject
 4 to review. Other automotive uses are prohibited. The neighborhood-oriented, retail character
 5 of the district is further protected by prohibiting hotels and *limiting* nonretail uses. The daytime
 6 orientation of the district is maintained by prohibition of late-night commercial operating hours.
 7 * * * *

8 **Table 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**
 9 **ZONING CONTROL TABLE**

10 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				
* * * *				
Movie Theater	§§ 102, 202.4	<u>PC</u>	<u>PC</u>	<u>PC</u>
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<u>PNP</u>	NP	NP
* * * *				
Services, Financial	§ 102	<u>CNP</u>	NP	NP
* * * *				
Services, Health	§ 102	<u>PC</u>	P	NP
* * * *				

Services, <i>Retail Professional</i>	§ 102	P	P	P
* * * *				
Design Professional	§ 102	<u>PC</u>	P	NP
<i>Service, Non-Retail Professional</i>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
* * * *				

* * * *

SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Automotive Use Category				
Automotive Uses*	§§ 102, 187.1, 202.2(b)	<u>CNP</u>	NP	NP
Automotive Repair	§ 102	C	NP	NP
Electric Vehicle Charging Location	§§ 102, 202.2(b), 202.13	C(7)	C(7)	C(7)
Fleet Charging	§ 102	C	C	C
Parking Garage, Private	§ 102	C	C	C
Parking Garage, Public	§ 102	C	C	C
Parking Lot, Private	§§ 102, 142, 156	C	C	C
Parking Lot, Public	§§ 102, 142, 156	C	C	C
* * * *				
Sales and Service Use Category				
* * * *				

1	Flexible Retail	§§ 102, <u>202.9</u>	P	NP	NP
2	* * * *				
3	Services, Health	§ 102	<u>PC</u>	C	NP
4	* * * *				
5	Services, <i>Retail</i> Professional	§ 102	P	P	P
6	* * * *				
7	<i>Service, Non-Retail Professional</i>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
8	* * * *				

* Not listed below

* * * *

(7) P where existing use is any Automotive Use.

SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, <u>202.9</u>	P	NP	NP
* * * *				
Services, <i>Retail</i> Professional	§ 102	<u>PNP</u>	P	NP
* * * *				

<i>Service, Non-Retail Professional</i>	§ 102	NP	P	NP
* * * *				

* * * *

SEC. 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
NON-RESIDENTIAL USES	Controls by Story			
	1st	2nd	3rd+	
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<u>PNP</u>	NP	NP
* * * *				
Services, <i>Retail Professional</i>	§ 102	P	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	§ 102	<u>NP</u>	<u>P</u>	<u>NP</u>
* * * *				

* * * *

SEC. 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
NON-RESIDENTIAL USES	Controls by Story			
	1st	2nd	3rd+	
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	PNP(6)	NP	NP
* * * *				
Services, Retail Professional	§ 102	P	P	P
* * * *				
Service, Non-Retail Professional	§ 102	€	P	€
* * * *				

* * * *

(3) GEARY BOULEVARD FORMULA RETAIL PET SUPPLY STORE AND FORMULA RETAIL EATING AND DRINKING SUBDISTRICT: Applicable only for the portion of the Geary Boulevard NCD between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU. Formula Retail pet supply stores and ~~F~~formula ~~R~~retail ~~E~~eating and ~~D~~drinking uses are NP.

* * * *

(6) ~~[Note deleted.] P in the geographic area described as Flexible Retail Zones in Section 202.9.~~

(7) ~~[Note deleted.]~~ *€* in the geographic area described as Flexible Retail Zones in Section 202.9.

* * * *

SEC. 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	PNP(3)	NP	NP
* * * *				
Services, <i>Retail</i> Professional	§ 102	P	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	§ 102	€	P	€
* * * *				

* * * *

SEC. 741. SAN BRUNO AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 741. SAN BRUNO AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
NON-RESIDENTIAL USES	Controls by Story			
	1st	2nd	3rd+	
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<i>PNP</i>	NP	NP
* * * *				
Services, Retail Professional	§ 102	P	P	P
* * * *				
Service, Non-Retail Professional	§ 102	NP	P	NP
* * * *				

* * * *

SEC. 744. LOWER POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 744. LOWER POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES				
* * * *				
NON-RESIDENTIAL USES	Controls by Story			
	1st	2nd	3rd+	
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<i>PNP</i>	NP	NP

* * * *	§ 102	C	C	C
Services, <i>Retail Professional</i>	§ 102	P	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	§ 102	€	P	€
* * * *				

* * * *

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

* * * *

NCT-1 commercial use provisions encourage the full range of neighborhood-serving convenience retail sales and services at the First Story provided that the Use Size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability are prohibited, such as auto uses, *financial services*, general advertising signs, drive-up facilities, hotels, and late-night activity;.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<i>PNP(7)</i>	NP	NP
* * * *				

1	Services, Financial	§ 102	<u>CNP</u>	NP	NP
	* * * *				
2	Services, <i>Retail</i> Professional	§ 102	P	P	P
3	* * * *				
4	<i>Service, Non-Retail Professional</i>	<u>§ 102</u>	<i>NP</i>	<i>P</i>	<i>NP</i>
5	* * * *				

6 * * * *

7 (7) [Note deleted.]P in the geographic area described as Flexible Retail Zones in Section
8 202.9.

9 * * * *

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

12 * * * *

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

15 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<u>PNP(5)</u>	NP	NP
* * * *				
Services, <i>Retail</i> Professional	§ 102	P	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	<u>§ 102</u>	<i>NP</i>	<i>P</i>	<i>NP</i>

1 * * * *

2 * * * *

3 (5) *[Note deleted.]P in the geographic area described as Flexible Retail Zones in Section*
4 *202.9.*

5 * * * *

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

8 * * * *

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

12 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<i>PNP(5)</i>	NP	NP
* * * *				
Services, <i>Retail</i> Professional	§ 102	P	P	P
* * * *				
Non-Retail Sales and Service*	§ 102	NP	NP	NP
<i>Catering</i>	§ 102	<i>P(11)</i>	<i>NP</i>	<i>NP</i>
* * * *				
<i>Service, Non-Retail Professional</i>	§ 102	€	P	€

* * * *

* * * *

(11) A Catering Use in this district may not distribute or deliver individual meals to customers directly from the lot, either by its own means, or through a third-party delivery service.

* * * *

SEC. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<u>P</u> <u>NP</u>	NP	NP
* * * *				
<u>Services, Professional</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *				

* * * *

SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

(c) **Controls.**

* * * *

(2) **Commercial Mergers.** The consolidation or merger of existing ground floor commercial spaces that would result in greater than 1,500 gross square feet of consolidated or merged space shall require conditional use authorization pursuant to Section 303. ~~be prohibited, except for Legacy Businesses, Arts Activities Uses, and Institutional Community Uses. The prohibition shall not apply to projects that submitted a development application, as defined in Section 401, to the Planning Department prior to July 31, 2018.~~

* * * *

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

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Bar	§§ 102, 202.2(a)	C(7)	C(7)	NP
* * * *				
Flexible Retail	§§ 102, <u>202.9</u>	<u>PNP</u>	NP	NP
* * * *				
Restaurant	§§ 102, 202.2(a), 249.60(f)(1)	C(7)	NP	NP
Restaurant, Limited	§§ 102, 202.2(a)	P(7)	NP	NP
* * * *				
Services, Limited Financial	§ 102	P	P	NP
<u>Services, Professional</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *				

1 * * * *

2 (7) The total number of Eeating and Ddrinking uses (Restaurants, Limited
3 Restaurants, and Bars) within the District shall not exceed 197167. A new Restaurant, Limited
4 Restaurant, or Bar shall not be permitted if it would result in a net total of more than 197167
5 Eeating and Ddrinking uses in the District. Accessory Limited Restaurants are not subject to
6 and do not count toward the 197167cap on Eeating and Ddrinking uses.

7 * * * *

8 **SEC. 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

9 * * * *

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

12 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<i>PNP</i>	NP	NP
* * * *				
Services, <i>Retail Professional</i>	§ 102	P	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	<i>§ 102</i>	<i>NP</i>	<i>P</i>	<i>NP</i>
* * * *				

23 * * * *

1 **SEC. 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

2 * * * *

3 **Table 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 4 **ZONING CONTROL TABLE**

5 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<i>PNP</i>	NP	NP
* * * *				
Services, <i>Retail</i> Professional	§ 102	P	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	§ 102	<i>NP</i>	<i>P</i>	<i>NP</i>
* * * *				

17 * * * *

18 **SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

19 * * * *

20 **Table 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 21 **ZONING CONTROL TABLE**

22 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<u>PNP</u>	NP	NP
* * * *				
Services, <i>Retail</i> Professional	§ 102	<u>P(7)</u>	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	<u>§102</u>	<u>NP</u>	<u>P</u>	<u>NP</u>
* * * *				

* * * *

(7) [Note deleted.] ~~Must be primarily open to the general public on a client-oriented basis, NP if not.~~

* * * *

SEC. 758. REGIONAL COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL STANDARDS AND USES				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				

* * * *				
Flexible Retail	§§ 102, 202.9	<i>PNP</i>	NP	NP
* * * *				
Services, <i>Retail Professional</i>	§ 102	<i>P(6)</i>	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	<i>§ 102</i>	<i>NP</i>	<i>P</i>	<i>NP</i>
<i>Service, Non-Retail Professional</i>	<i>§ 102</i>	<i>P</i>	<i>P</i>	<i>NP</i>
* * * *				

* * * *

(6) P when primarily open to the general public on a client-oriented basis.

* * * *

SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

The Valencia Street District has a pattern of large lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. Continuous retail frontage is promoted by prohibiting drive-up facilities *and*, some automobile uses, and *limiting* new nonretail commercial uses. Parking is not required, and any new parking is required to be set back or below ground. Active, pedestrian-oriented ground floor uses are required.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<i>PNP</i>	NP	NP
* * * *				
Services, <i>Retail Professional</i>	§ 102	P	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	§102	<i>NP</i>	<i>P</i>	<i>NP</i>
* * * *				

* * * *

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

* * * *

The 24th Street – Mission Neighborhood Commercial Transit District controls are designed to provide potential for new development consistent with the existing scale and character. Small-scale buildings and neighborhood-serving uses are encouraged, and rear yard corridors above the ground story and at residential levels are protected. Most

commercial uses are encouraged at the ground story, while service uses are permitted with some limitations at the second story. Special controls are necessary to preserve the unique mix of convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent livability, new bars are ~~limited~~*prohibited*, and limitations apply to the development and operation of ground-story restaurants and entertainment uses. Continuous retail frontage along 24th Street is maintained and encouraged by prohibiting most automobile and drive-up uses, banning curb cuts, and requiring active, pedestrian-oriented ground floor uses. Parking is not required, and any new parking required to be set back or below ground.

* * * *

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

* * * *

Zoning Category	§ References	Controls
NON-RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *		
<i>Mergers</i>	§ 249.59	<i>C for any merger of first story commercial use space where the merger would result in first story commercial use space greater than 799 gross square feet in Calle 24 Special Use District.</i>
Commercial Use Characteristics		
* * * *		
<i>Legacy Business</i>	§ 249.59	<i>Requirements apply in Calle 24 Special Use District.</i>

1	<u>Compatibility of Uses</u>	<u>§ 249.59</u>	<u>Requirements apply in Calle 24 Special Use District.</u>		
2			Controls by Story		
3			1st	2nd	3rd+
4	* * * *				
5	Entertainment, Arts and Recreation Use Category				
6	Entertainment, Arts and Recreation Uses*	§ 102	NP(3)	NP	NP
7	Entertainment, General	§ 102	C(3)	NP	NP
8	Entertainment, Nighttime	§ 102	C(3)	NP	NP
9	Movie Theater	§§ 102, 202.4	P(3)	NP	NP
10	Open Recreation Area	§ 102	C	C	C
10	Passive Outdoor Recreation	§ 102	C	C	C
11	* * * *				
11	Sales and Service Use Category				
12	* * * *				
13	Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P(2)(3)	NP	NP
14	Bar	§§ 102, 202.2(a)	C(2)(3) NP	NP	NP
15	* * * *				
16	Flexible Retail	§§ 102, 202.9	P(3) NP	NP	NP
17	* * * *				
18	Restaurant	§§ 102, 202.2(a)	C(2)(3)	NP	NP
19	* * * *				
19	Services, Health	§ 102	P(10)	C	NP
20	* * * *				
21	Services, <i>Retail</i> Professional	§ 102	P	C	NP
22	* * * *				

* * * *

(2) ~~[Note deleted.]~~ Additional limitations apply in the Calle 24 Special Use District per the requirements of Section 249.59.

(3) ~~[Note deleted.]~~ Additional limitations apply in the Mission Alcoholic Beverage Special Use District per the requirements of Section 249.60.

* * * *

(10) Health Service Uses are C on first story in the Calle 24 Special Use District per the requirements of Section 249.59.

* * * *

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				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<i>PNP</i>	NP	NP
* * * *				
Services, <i>Retail</i> Professional	§ 102	P	P	P
* * * *				
<i>Service, Non-Retail Professional</i>	§ 102	<i>NP</i>	<i>P</i>	<i>NP</i>
* * * *				

1 * * * *

2
3 **SEC. 780.1. LAKESHORE PLAZA SPECIAL USE DISTRICT.**

4 * * * *

5 (b) **Controls.** The controls for the NC-S District, as set forth in Section 713 of this Code,
6 shall apply to the Lakeshore Plaza Special Use District, except as provided below:

Zoning Category No.	Controls
* * * *	
.44	Limited Restaurants are permitted as Conditional Uses at the First and Second Stories.
* * * *	
.69A	Restaurants are permitted as principal uses Conditional Uses at the first story and as Conditional Uses at the second stories .
* * * *	

13
14 **SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.**

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

25 * * * *

1 (c) **Controls.** The following provisions shall apply within such District:

2 * * * *

3 (2) **Alcohol Licenses.**

4 (A) A Restaurant may provide on-site beer, wine, and/or liquor sales for
5 drinking on the premises (with ABC license types 02, 23, 41, 47, 49, 59 or 75) as a
6 Conditional Use on the First Story if, in addition to the criteria set forth in Section 303, the
7 Planning Commission finds, based on information submitted to the Department by the
8 applicant, that the Restaurant is and will continue to operate as a Bona-Fide Eating Place as
9 defined in Section 102. Should a Restaurant fail to operate as a Bona-Fide Eating Place for
10 any length of time, the Conditional Use authorization shall be subject to immediate revocation
11 per Planning Code Section 303(f). To verify that the Restaurant is continuing to operate as a
12 Bona-Fide Eating Place, records of the Restaurant's gross receipts *or gross sales, showing that*
13 *a minimum of 51% of its gross receipts within the last year preceding the Department's request is from*
14 *food sales prepared and sold to guests on the premises,* shall be provided to the Department upon
15 request. All records and information shall be submitted to the Department under penalty of
16 perjury.

17 ~~(B) Subject to the requirements set forth in this subsection (B), a Limited~~
18 ~~Restaurant that existed as of March 1, 2020, may apply for a permit to convert to Restaurant use within~~
19 ~~six months after the effective date of the ordinance in Board File No. 200673.~~

20 ~~(i) The application to convert to Restaurant Use shall include records~~
21 ~~submitted under penalty of perjury showing that the Limited Restaurant has operated as a Bona Fide~~
22 ~~Eating Place for at least three full calendar months between November 1, 2019 and September 1, 2020.~~
23 ~~The Department shall reject the application if the records do not support the application for such~~
24 ~~conversion; otherwise, it shall approve it.~~

1 (ii) ~~If the application to convert is approved pursuant to this subsection,~~
2 ~~Restaurant Use shall be principally permitted and, notwithstanding any other Section of the Planning~~
3 ~~Code, shall not require separate Conditional Use Authorization to permit the sale of alcohol on the~~
4 ~~premises under Section 780.3(c)(2)(A).~~

5 (iii) ~~Applications to convert pursuant to this subsection shall be exempt~~
6 ~~from the notice provisions of Planning Code Section 311 and from the requirement under Section 780.3~~
7 ~~that Restaurants only occupy spaces that were previously occupied by a Restaurant or a Bar.~~

8 (iv) ~~This subsection 780.3(c)(2)(B) shall expire six months after the~~
9 ~~effective date of the ordinance in Board File No. 200673, and the City Attorney shall thereafter cause~~
10 ~~this subsection to be removed from the Planning Code and the remaining subsections of this Section~~
11 ~~780.3 to be renumbered accordingly.~~

12 (B) Music Entertainment Facility. A music entertainment facility with a Type
13 90 ABC license shall be permitted to serve alcoholic beverages in this SUD.

14 (C) Non-Profit Theaters. A non-profit theater shall be permitted to serve
15 alcoholic beverages in this SUD. A "non-profit theater" shall mean a building or part of a building
16 intended to be used for the specific purposes of presenting any act, play, revue, pantomime, scene,
17 song, dance act, or song and dance act, conducted or participated in by one or more persons, whether
18 or not such person or persons are compensated for such performance, and which is exempted from
19 payment of income tax under Section 23701d of the California Revenue and Taxation Code and Section
20 501(c)(3) of the Internal Revenue Code of the United States. A "non-profit theater" shall not include
21 any dance hall, as defined in Section 1022.

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

1 ~~**Exception.** Existing retail or commercial spaces or storefronts may be consolidated~~
2 ~~or merged with an existing Public Facility for San Francisco Police Department functions or auxiliary~~
3 ~~space associated with such use. Any increase or decrease in square footage resulting from such~~
4 ~~consolidation or merger is Principally Permitted and does not require a Conditional Use authorization~~
5 ~~under subsection (c)(9) below. This exception to the storefront merger prohibition shall be in effect for~~
6 ~~three years from its effective date unless further extended by ordinance. Unless so extended, the City~~
7 ~~Attorney shall cause this paragraph stating the foregoing exception to be removed from this Code,~~
8 ~~along with the sentence referencing it in subsection (c)(9).~~

9 * * * *

10 (9) **Conditional Use Authorizations.** In addition to the findings required under
11 Section 303 of this Code, for any use or project within the District that is subject to Conditional
12 Use authorization under this Section 780.3, Section 722, or any other section of this Code, the
13 Planning Commission shall find that the proposed project supports the purposes of the North
14 Beach SUD set forth in this Section 780.3. ~~For the duration of the Exception stated in subsection~~
15 ~~(c)(3), a Conditional Use authorization is not required for use of consolidated or merged space for a~~
16 ~~Public Facility for San Francisco Police Department functions or auxiliary space associated with such~~
17 ~~use.~~

18 **SEC. 781.1. TARAVAL STREET RESTAURANT SUBDISTRICT.**

19 (a) **Purpose.** In order to preserve the mix and variety of goods and services provided to
20 the Sunset and Parkside neighborhoods and City residents, prevent further proliferation of
21 restaurant uses and prevent further aggravation of parking and traffic congestion in this
22 district, there shall be a Taraval Street Restaurant Subdistrict, generally applicable for the NC-
23 1-zoned portion of Taraval Street located between 40th and 41st Avenues and between 45th
24 and 47th Avenues, and for the Inner Taraval Street Neighborhood Commercial District located
25

1 between 12th and 19th Avenues, as designated on Sectional Maps SU05 and SU06 of the
2 Zoning Map-.

3 (b) **Controls.** The following provisions shall apply within such Subdistrict:

4 (1) Restaurants and Limited-Restaurants are *principally* permitted ~~as Conditional Uses~~ on
5 the First Story and below.

6 (2) Restaurants and Limited-Restaurants also defined as Formula Retail, as defined in
7 Section 303.1 of this Code, shall not be permitted in this Subdistrict.

8 (3) The provisions of Sections 180 through 186.1 of this Code shall govern Restaurants
9 and Limited-Restaurants also defined as Formula Retail, which existed lawfully at the effective
10 date of this Code in this subdistrict.

11 **SEC. 781.5. MISSION STREET FORMULA RETAIL RESTAURANT SUBDISTRICT.**

12 * * * *

13 (b) **Controls.** The following provisions shall apply within such Subdistrict:

14 (1) A Limited-Restaurant use or a Restaurant use that are also Formula Retail
15 uses, as defined in Planning Code Section 303.1, may be permitted as a Conditional Use on the
16 Ground Floor in this Subdistrict pursuant to Sections 303 and 303.1(d).~~shall be permitted in this~~
17 ~~Subdistrict.~~

18 (2) The provisions of Sections 180 through 186.1 of this Code shall govern
19 Formula Retail Limited-Restaurants and Restaurants which existed lawfully at the effective
20 date of this Code in this Subdistrict.

21 **SEC. 781.6. NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL SERVICE, AND**
22 **BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT.**

23 (a) **Purpose.** In order to preserve the unique mixture of local, citywide and regional
24 sales and services in the North Beach area, there shall be a North Beach Financial Service,
25 Limited Financial Service, and Business or Professional Service Subdistrict, generally

1 applicable for the portion of the North Beach Neighborhood Commercial District south of
2 Greenwich Street, excluding Powell Street south of Union Street, as designated on Sectional
3 Map SU01 of the Zoning Map-.

4 (b) **Controls.** The following provisions shall apply within such Subdistrict:

5 (1) A Financial Service or a Limited Financial Service shall not be permitted in this
6 Subdistrict.

7 (2) A Retail or Professional Service, ~~Design Professional~~ and Trade Office shall not
8 be permitted in this Subdistrict on the First Story.

9 (3) A Design Professional use may be permitted as a Conditional Use on the Ground
10 Floor in this Subdistrict pursuant to Section 303.

11 ~~(4)~~ The provisions of Sections 180 through 186.1 of this Code shall govern
12 Financial Services, Limited Financial Services, Retail Professional Services, ~~Design~~
13 ~~Professional~~ and Trade Offices that existed lawfully at the effective date of this Code in this
14 Subdistrict.

15 **SEC. 781.7. CHESTNUT STREET FINANCIAL SERVICE SUBDISTRICT.**

16 (a) **Purpose.** In order to preserve the unique mixture of sales and services in the
17 Chestnut Street area, there shall be a Chestnut Street Financial Service Subdistrict, generally
18 applicable for the NC-2-zoned portion of Chestnut Street, including NC-2-zoned portions of
19 cross streets, between Webster and Broderick Streets, as designated on Sectional Map 2SU
20 of the Zoning Map .

21 (b) **Controls.** The following provisions shall apply within such Subdistrict:

22 (1) A Financial Service or a Limited Financial Service shall ~~not~~ be conditionally
23 permitted in this Subdistrict pursuant to Sections 303 and 303.1(d).

1 (2) The provisions of Sections 180 through 186.2 of the Code shall govern
2 Financial Services and Limited Financial Services which existed lawfully at the effective date
3 of this Code in this Subdistrict.

4 **SEC. 781.9. HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT.**

5 * * * *

6 (c) **Controls.**

7 (1) **Definitions.**

8 (A) A “liquor establishment” shall mean any enterprise selling alcoholic beverages, as
9 defined by California Business and Professions Code Section 23004 and 23025, pursuant to
10 a California Alcoholic Beverage Control Board license.

11 (B) An “on-sale liquor establishment” shall mean any liquor establishment which has
12 obtained Alcoholic Beverage Control Board License type 40 (on-sale beer), type 41 (on-sale
13 beer and wine eating place), type 42 (on-sale beer and wine public premises), type 47 (on-
14 sale general eating place), type 48 (on-sale general-public premises) or type 57 (special on-
15 sale general) selling alcoholic beverages for consumption on the premises. Typical on-sale
16 establishments may include but are not limited to Bars and Restaurants serving alcoholic
17 beverages. It shall not include types 51, 52, 59, 60, 61, 64, 67, 70, ~~75~~, or 90.

18 (C) An “off-sale liquor establishment” shall mean a Liquor Store use.

19 (D) An “~~unpermitted~~*prohibited* liquor establishment” shall mean any establishment selling
20 alcoholic beverages lawfully existing prior to the effective date of the establishment of the
21 Haight Street Alcohol RUSD and licensed by the State of California for the retail sale of
22 alcoholic beverages for on or off-site consumption, so long as otherwise lawful.

23 (E) An “eligible movie theater” shall be a Movie Theater use that contains only a single
24 screen and auditorium, has seating for 150 or fewer persons, and is not a Formula Retail Use
25 as defined in Code Section 303.1.

1 (2) **Limitation~~Prohibition~~ on new Liquor Establishments.** ~~No new~~New on-sale or off-sale
2 liquor establishment~~s~~ shall be permitted in the Haight Street RUSD as a Conditional Use, ~~except~~
3 ~~for up to four additional Restaurants in accordance with the zoning controls set forth in Section 719.~~

4 (3) ~~Exemptions.~~ *The limitation prohibition on liquor establishments shall not be interpreted to*
5 *prohibit the following:*

6 (A) ~~Temporary uses, as described in Planning Code Section 205.1 or 205.3; or~~

7 (B) ~~Establishment of a liquor establishment if application for such liquor establishment is on file~~
8 ~~with the California Department of Alcoholic Beverage Control prior to the effective date of legislation~~
9 ~~establishing the Haight Street Alcohol RUSD.~~

10 (C) ~~Establishment of a liquor establishment if:~~

11 (i) ~~such use is an eligible movie theater,~~

12 (ii) ~~only beer and wine are offered for consumption, and~~

13 (iii) ~~such beer and wine are:~~

14 a. ~~only consumed on the premises and primarily in the main theater auditorium,~~

15 b. ~~only sold to and consumed by ticketholders and only immediately before and during~~
16 ~~performances, and~~

17 e. ~~only offered in conjunction with the screening of films and not as an independent element~~
18 ~~of the establishment that is unrelated to the viewing of films.~~

19 (34) **Continuation of existing Unpermitted~~Prohibited~~ Liquor Establishments.** In the
20 Haight Street Alcohol RUSD, any unpermitted~~prohibited~~ liquor establishment may continue in
21 accordance with Sections 180 through 186.2 of this Code, subject to the following provisions:

22 (A) An unpermitted~~prohibited~~ liquor liquor establishment lawfully existing and selling
23 alcoholic beverages as licensed by the State of California prior to the effective date of this
24 legislation, or subsequent legislation prohibiting that type of liquor establishment, so long as

1 otherwise lawful, may continue to operate only under the following conditions, as provided by
2 California Business and Professions Code Section 23790:

3 (i) Except as provided by subsection (B) below, the premises shall retain the same
4 type of retail liquor license within a license classification; and

5 (ii) Except as provided by subsection (B) below, the licensed premises shall be
6 operated continuously, without substantial change in mode or character of operation.

7 (B) A break in continuous operation shall not be interpreted to include the following,
8 provided that the location of the establishment does not change, the square footage used for
9 the sale of alcoholic beverages does not increase, and the type of California Department of
10 Alcoholic Beverage Control Liquor License (“ABC License”) does not change except as
11 indicated:

12 (i) A change in ownership of a prohibited liquor establishment or an owner-to-owner
13 transfer of an ABC License; or

14 (ii) Re-establishment, restoration or repair of an existing prohibited liquor
15 establishment on the same lot after total or partial destruction or damage due to fire, riot,
16 insurrection, toxic accident or act of God; or

17 (iii) Temporary closure of an existing ~~unpermitted~~~~prohibited~~ liquor establishment for not
18 more than ninety (90) days for repair, renovation or remodeling;

19 (iv) Relocation of an existing ~~unpermitted~~~~prohibited~~ liquor liquor establishment in the
20 Haight Street Alcohol RUSD to another location within the same Haight Street Alcohol RUSD
21 with Conditional Use authorization from the Planning Commission, provided that the original
22 premises shall not be occupied by an ~~unpermitted~~~~prohibited~~ liquor liquor establishment, unless
23 by another ~~unpermitted~~~~prohibited~~ liquor liquor establishment that is also relocating from within
24 the Haight Street Alcohol RUSD.
25

1 (v) A change from a Type 21 (off-sale general) to a Type 20 (off-sale beer and wine)
 2 license.

3 (vi) A change from an existing ABC license to a Type 64 or Type 90 license.

4 * * * *

5 **SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

6 * * * *

7 **Table 810**

8 **CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

9 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<u>PNP</u>	NP	NP
* * * *				
Restaurant	§ 102	<u>PC(1)(3)</u>	C(1)(3)	C(1)(3)
Retail Workspace	§ 102	<u>CNP</u>	NP	NP
* * * *				
<u>Services, Professional</u>	<u>§ 102</u>	<u>P</u>	<u>P</u>	<u>P</u>
* * * *				
<u>Services, Non-Retail Professional</u>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>P</u>
* * * *				

23 * * * *

24 (1) C for Use Size is not required for Restaurants larger than 5000 sq. ft., but C to
 25 establish the Use is required as indicated.

* * * *

(3) Formula Retail Restaurants and Limited Restaurants are NP in all Chinatown MUDs.

* * * *

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

* * * *

**Table 811
CHINATOWN VISITOR RETAIL DISTRICT
ZONING CONTROL TABLE**

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Flexible Retail	§§ 102, 202.9	<u>PNP</u>	NP	NP
Gym	§ 102	<u>PNP</u>	P	NP
* * * *				
Restaurant	§ 102	<u>PC(1)</u>	C(1)	NP
Retail Workspace	§ 102	<u>CNP</u>	NP	NP
Services, Financial	§ 102	<u>CNP</u>	NP	NP
* * * *				
Services, Health	§ 102	<u>CNP</u>	P	NP
* * * *				
Services, Personal	§ 102	<u>CNP</u>	P	NP
Services, <i>Retail</i> Professional	§ 102	<u>PNP</u>	P	NP

* * * *

* * * *

(1) C for Use Size is not required for Restaurants larger than 2,500 sq. ft., but C to establish the Use is required as indicated.

* * * *

SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 812

**CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	NP	NP
* * * *				
Flexible Retail	§§ 102, 202.9	<u>PNP</u>	NP	NP
* * * *				
Restaurant	§ 102	<u>PC(2)</u>	NP	NP
Retail Workspace	§ 102	<u>CNP</u>	NP	NP
* * * *				

<i>Services, Professional</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
* * * *				

* * * *

(2) Formula Retail Restaurants and Limited Restaurants are NP in all Chinatown MUDs.

* * * *

Section 3. Article 7 of the Planning Code is hereby amended by revising the Zoning Control Tables in each of the Sections listed below to 1) add Section 202.9 to the “§ References” column for the Flexible Retail row, 2) delete “Retail” from the term “Services, Retail Professional,” and 3) delete the entire row for “Service, Non-Retail Professional,” as shown in the following sample Zoning Control Table:

Zoning Category	§ References	Controls		
* * * *		Controls by Story		
* * * *		1st	2nd	3rd+
Flexible Retail	<u>§§ 102, 202.9</u>	* * * *	* * * *	* * * *
* * * *				
Services, <i>Retail</i> Professional	* * * *	* * * *	* * * *	* * * *
* * * *				
<i>Services, Non-Retail Professional</i>	<u>* * * *</u>	<u>* * * *</u>	<u>* * * *</u>	<u>* * * *</u>
* * * *				

- Sec. 717. Outer Clement Street Neighborhood Commercial District.
- Sec. 721. Japantown Neighborhood Commercial District.
- Sec. 731. Noriega Street Neighborhood Commercial District.

- 1 Sec. 732. Irving Street Neighborhood Commercial District
- 2 Sec. 733. Taraval Street Neighborhood Commercial District
- 3 Sec. 735. Inner Balboa Street Neighborhood Commercial District.
- 4 Sec. 736. Outer Balboa Street Neighborhood Commercial District.
- 5 Sec. 737. Bayview Neighborhood Commercial District.
- 6 Sec. 742. Cole Valley Neighborhood Commercial Districts.
- 7 Sec. 743. Lower Haight Street Neighborhood Commercial District.
- 8 Sec. 745. Inner Taraval Street Neighborhood Commercial District.
- 9 Sec. 759. Divisadero Street Neighborhood Commercial Transit District.
- 10 Sec. 760. Fillmore Street Neighborhood Commercial Transit District.
- 11 Sec. 761. Hayes-Gough Neighborhood Commercial Transit District.

12

13 Section 4. Effective Date. This ordinance shall become effective 30 days after

14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board

16 of Supervisors overrides the Mayor’s veto of the ordinance.

17 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors

18 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,

19 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

20 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

21 additions, and Board amendment deletions in accordance with the “Note” that appears under

22 the official title of the ordinance.

23

24 APPROVED AS TO FORM:

25 DAVID CHIU, City Attorney

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By: /s/ HEATHER GOODMAN
HEATHER GOODMAN
Deputy City Attorney

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