

LEGISLATIVE DIGEST

[Planning Code - Corrections and Clarifications]

Ordinance amending the Planning Code to make various clarifying and typographical changes, and prohibit massage establishments and massage sole practitioner uses as accessory uses to residential uses; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302

Existing Law

This ordinance amends multiple sections of the Planning Code.

Amendments to Current Law

The ordinance makes the following amendments:

Section 102.

- Revises Nighttime Entertainment to remove reference to Section 202.11, which has been repealed.
- Amends the unit of measurement for General Grocery, Specialty Grocery, and Liquor Store to be "Gross Floor Area" for consistency with other definitions.
- Updates the reference to "Mayor's Office of Housing" within the definition of Planning Department to "Mayor's Office of Housing and Community Development."

Sections 106, 306.6, and 970. Updates "City Planning Commission" and "City Planning Code" to "Planning Commission" and "Planning Code" respectively.

Sections 121.1, 121.2, and 201. Adds recently created Named Neighborhoods Commercial Districts (NCDs) that were previously missing to relevant Code sections. When these newer Named NCDs were created, they were not properly reflected in other relevant Code sections.

Sections 121.2 and 784. Adds or revises subsection titles for clarity.

Section 121.6. Amends the Large Retail CUA requirements to exempt General Grocery, which meets the intent of supporting General Grocery.

Sections 134 and 726. Deletes reference to Pacific Avenue NCD from 134 and corrects the rear yard requirements within Table 726, which was a drafting error.

Section 138. Removes the reference to Section 309 as the process has changed and amends the Code so that POPOS may be approved at the staff level.

Sections 147, 270.2, and 607.2. Removes reference to the “South of Market Mixed Use” district as this group of districts was consolidated into the Eastern Neighborhoods Mixed Use Districts.

Section 155.2. Fixes an error in the number of required bicycle parking spaces.

Section 202.12. Deletes this section as it has expired.

Sections 204.1 and 890.60. Prohibits Massage Establishments or Sole Practitioners as an Accessory Use to a Dwelling Unit for better alignment with the Department of Public Health’s practices.

Section 210.3. Deletes a duplicate listing of Parcel Delivery Services as a prior Ordinance accidentally listed this use out twice in the Zoning Control Table.

Section 249.5. Deletes an outdated Code section reference.

Section 249.31. Clarifies that the CUA requirement for Use Size and mergers applies to Non-Residential Uses, as this Zoning District does not allow Residential Uses. Also deletes the outdated noticing requirement.

Section 270. Deletes an outdated Code section reference and repealed height setback requirement.

Section 303.1. Reorganizes the section for better clarity and updates outdated Code section references.

Section 305.1 and 306.2. Deletes reference to outdated processes.

Section 318. Removes an outdated reporting requirement.

Section 401. Revises the definition of “Owned Unit” to properly reflect language that was added in a previous Ordinance, but into the wrong section.

Section 412. Corrects a typographical error.

Section 608.16, 721, 970, and 973. Corrects outdated Code section references and instead lists Section 602, which now lists all definitions for Signs.

Section 711. Removes footnote 4 related to the Taraval Street Restaurant Subdistrict. This portion of this Subdistrict has since been rezoned and no longer part of the NC-2 Zoning District.

Sections 714, 718, 731, 732, 733, and 734. Clarifies existing footnotes to explicitly state that Formula Retail is not permitted for Restaurants and Limited Restaurants.

Sections 731, 732, 733, and 734. Clarifies the existing footnote to explicitly state that Trade Shops are subject to Formula Retail controls.

Sections 780 and 781. Removes outdated references to Sectional Maps.

Section 784.

- Updates reference to the Small-Scale NCD as the area described has been rezoned to the Lower Haight Street NCD.
- Simplifies “off-sale alcoholic beverage establishment” to Liquor Store as it is now defined in the Code. The definition of “off sale liquor establishment is also deleted.
- Amends subsection to explicitly note the effective date of the Ordinance establishing the Lower Haight Street Alcohol Restricted Use District.
- Also eliminates the definition of a “prohibited liquor establishment” to say “lawfully existing Liquor Store”.

Section 838. Adds a missing footnote which was a drafting error.

Section 890. Amends outdated Use definitions and references.

Background Information

The Planning Code is amended frequently. Although the Planning Department and the City Attorney’s Office review individual ordinances, errors in grammar and syntax, mistakes in cross-references, and accidental additions and deletions of text occur due to the sheer number of legislative actions and the complexity of the Code. The Department and the City Attorney’s Office collect the Code errors and the Publisher also notes many of them in Codification Notes at the end of the section to which they apply. While many of these errors can be – and are – corrected in subsequent legislation, those errors that have not been corrected or code text clarified through subsequent legislation are recommended to the Board by the Planning Commission in an annual Code Corrections Ordinance.

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