

File No. 211263 Committee Item No. 4
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
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Committee: Land Use and Transportation Committee Date February 14, 2022

Board of Supervisors Meeting Date _____

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Completed by: Erica Major Date February 10, 2022
Completed by: Erica Major Date _____

1 [Planning Code - Massage Establishment Zoning Controls]

2

3 **Ordinance amending the Planning Code to revise Massage Establishment zoning**
 4 **controls, including, among other things, to 1) add Sole Practitioner Massage**
 5 **Establishments to the definition of Health Services in Articles 71 and 8 and remove it**
 6 **from the definition of Massage Establishments; 2) regulate Massage Establishments**
 7 **generally consistent with Health Services, ~~except that where zoning for Health Services~~**
 8 **~~is more permissive, Massage Establishments shall require conditional use~~**
 9 **~~authorization on the second floor and are not permitted on the third floor and above~~**
 10 **~~unless located within a Hotel~~with some exceptions; 3) eliminate the three-month period**
 11 **to establish abandonment of certain nonconforming Massage Establishment uses; 4)**
 12 **prohibit Personal Services uses for three years at any location where a Massage**
 13 **Establishment use was closed due to a violation of the Planning Code or Health Code;**
 14 **5) eliminate the exception from the conditional use authorization requirement for**
 15 **massage uses accessory to a dwelling unit; 6) rename Medical Services to Health**
 16 **Services in Article 8 and make other conforming amendments; and ~~67)~~ delete related**
 17 **provisions that have expired through the passage of time; affirming the Planning**
 18 **Department's determination under the California Environmental Quality Act; and**
 19 **making findings of consistency with the General Plan and the eight priority policies of**
 20 **Planning Code, Section 101.1, and public necessity, convenience, and general welfare**
 21 **findings 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~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Land Use and Environmental Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 211263 and is incorporated herein by reference. The Board affirms this determination.

(b) On February 3, 2022, the Planning Commission, in Resolution No. 21066, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 211263, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 21066, recommending approval of the proposed designation, which is incorporated herein by reference.

Section 2. General Findings.

Pursuant to this ordinance, Massage Establishments, except for Sole Practitioner Massage Establishments, that are proposed to be located on the first or second floor in certain commercial districts are subject to a Conditional Use Authorization requirement, as set forth in Planning Code Section 303. Conditional Use Authorization serves a number of purposes, including the assurance that a proposed activity will be neighborhood-serving and will not be detrimental to the health, safety, convenience or general welfare of persons

1 residing or working in the vicinity. A Massage Establishment seeking a Conditional Use
2 Authorization may be eligible to participate in the Community Business Priority Processing
3 Program, pursuant to Planning Code Section 303.2. This Program provides for priority
4 processing of eligible Conditional Use Authorization applications and a reduced application
5 fee.

6

7 Section 3. The Planning Code is hereby amended by revising Section 102 in Article 1;
8 Section 145.4 in Article 1.2; Section 183 in Article 1.7; Sections 202.2, 210.1, 210.2 and 210.3
9 in Article 2; Sections 303, 311, and 342.1 in Article 3; Sections 710-745 and 750-764 in Article
10 7; and Sections 811, 812, 827, 829, 840, 841, 848, 890.28, 890.60 and 890.114 in Article 8, to
11 read as follows:

12

13 **SEC. 102. DEFINITIONS.**

14 * * * *

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

23 * * * *

24 ***Massage Establishment.*** A Retail Sales and Service Use defined by Section 29.5 of
25 the Health Code. For purposes of the Planning Code only, "Massage Establishment" shall

1 include ~~both~~ a "Massage Establishment" ~~and~~ but shall not include a "Sole Practitioner Massage
 2 Establishment," as these terms are defined in Section 29.5 of the Health Code. The Massage
 3 Establishment shall first obtain a permit from the Department of Public Health pursuant to
 4 Section 29.25 of the Health Code, or a letter from the Director of the Department of Public
 5 Health certifying that the establishment is exempt from such a permit under Section 29.25 of
 6 the Health Code.

7 * * * *

8 **Service, Health.** A Retail Sales and Service Use that provides medical and allied
 9 health services to the individual by physicians, surgeons, dentists, podiatrists, psychologists,
 10 psychiatrists, acupuncturists, chiropractors, Sole Practitioner massage therapists as defined in
 11 Section 29.5 of the Health Code, or any other health-care professionals when licensed by a
 12 State-sanctioned Board overseeing the provision of medically oriented services. It includes,
 13 without limitation, a clinic, primarily providing outpatient care in medical, psychiatric, or other
 14 health services, and not part of a Hospital or medical center, as defined by this Section of the
 15 Code, and Sole Practitioner Massage Establishments as defined in Section 29.5 of the Health Code,
 16 but does not include other Massage Establishments, which are defined elsewhere in this Code.

17 * * * *

18
 19 **SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES**

20 * * * *

21 **Table 145.4**

Reference for Commercial, Neighborhood Commercial, and	Reference for Mixed Use Districts	Use

1	Residential- Commercial		
2	Districts		
3	* * * *	* * * *	* * * *
4	N/A	890.114	Service, Medical Health
5	* * * *	* * * *	* * * *

6 * * * *

7

8 **SEC. 183. NONCONFORMING USES: DISCONTINUANCE AND ABANDONMENT.**

9 (a) ***Discontinuance and Abandonment of a Nonconforming Use, Generally.***

10 Whenever a nonconforming use has been changed to a conforming use, or discontinued for a

11 continuous period of three years, or whenever there is otherwise evident a clear intent on the

12 part of the owner to abandon a nonconforming use, such use shall not after being so

13 changed, discontinued, or abandoned be reestablished, and the use of the property thereafter

14 shall be in conformity with the use limitations of this Code for the district in which the property

15 is located. Where no enclosed building is involved, discontinuance of a nonconforming use for

16 a period of six months shall constitute abandonment. *Where a Massage Establishment is*

17 *nonconforming for the reason that it is within 1,000 feet of another such establishment or because it is*

18 *no longer permitted within the district, discontinuance for a continuous period of three months or*

19 *change to a conforming use shall constitute abandonment.*

20 * * * *

21

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

23 (a) **Retail Sales and Service Uses.** The Retail Sales and Service Uses listed below

24 shall be subject to the corresponding conditions:

25 * * * *

(4) **Massage Establishments.** Any Massage Establishment found to be operating, conducted, or maintained contrary to this Code or Health Code Article 29 shall be found to be in violation of this Code and will be subject to enforcement as provided in Section 176 of the Planning Code. For three years following closure of a Massage Establishment for violations of this Code or the Health Code no new Massage Establishment *or Personal Service* shall be approved at the site where the former Massage Establishment was closed.

* * * *

SEC. 210.1. C-2 DISTRICTS: COMMUNITY BUSINESS.

* * * *

**Table 210.1
ZONING CONTROL TABLE FOR C-2 DISTRICTS**

Zoning Category	§ References	C-2
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *	* * * *	* * * *
Sales and Service Category		
Retail Sales and Service Uses*	§§ 102, 202(a)	P
* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204	<i>CP(7)</i>
* * * *	* * * *	* * * *

* * * *

(7) C on the 2nd floor and NP on the 3rd floor and above, except that a Massage Establishment located on the 2nd floor or above with accessory to a Hotel, or Personal Service or Health Service is P.

1 **SEC. 210.2. C-3 DISTRICTS: DOWNTOWN COMMERCIAL.**

2 * * * *

3 **Table 210.2**

4 **ZONING CONTROL TABLE FOR C-3 DISTRICTS**

Zoning Category	§ References	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S
NON-RESIDENTIAL STANDARDS AND USES						
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Category						
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P	P	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ <u>102, 204</u>	<u>CP(9)</u>	<u>CP(9)</u>	<u>CP(9)</u>	<u>CP(9)</u>	<u>CP(9)</u>
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

17 *(9) C on the 2nd floor and NP on the 3rd floor and above, except that a Massage Establishment*
 18 *located on the 2nd floor or above ~~with~~ accessory to a Hotel, or Personal Service or Health*
 19 *Service is P.*

20 * * * *

1
2 **SEC. 210.3. PDR DISTRICTS.**

3 * * * *

4 **Table 210.3**

5 **ZONING CONTROL TABLE FOR PDR DISTRICTS**

6

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
* * * *					
NON-RESIDENTIAL STANDARDS AND USES					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Category					
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P(1)	P(10)	P(9)	P(1)
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204	<i>NPP(23)</i>	<i>NPP(23)</i>	<i>NPP(23)</i>	<i>NPP(23)</i>
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P (3)	P (8)	P (8)	P (5)
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

19 *(23) C on the 2nd floor and NP on the 3rd floor and above, except that a Massage*
 20 *Establishment located on the 2nd floor or above within accessory to a Hotel, or Personal Service*
 21 *or Health Service is P.*

23 **~~SEC. 249.36. LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT.~~**

24 * * * *

1 (c) ~~Controls. All provisions of the Planning Code currently applicable shall continue to~~
2 ~~apply, except as otherwise provided in this Section 249.36:~~

3 ~~—— (1) MedicalHealth Services. MedicalHealth services, including medical offices~~
4 ~~and clinics, as defined in Section 890.114, are a Principally Permitted Use and are exempted~~
5 ~~from use size limitations, PDR replacement requirements (Sec. 202.7), and vertical (floor-by-~~
6 ~~floor) zoning controls (Sec. 803.9(f)). For the purposes of this Section, a medicalhealth service~~
7 ~~use may be affiliated with a hospital or medical center as defined in 890.44.~~

8 * * * *

9
10 **SEC. 303. CONDITIONAL USES.**

11 * * * *

12 (n) **Massage Establishments.** With respect to Massage Establishments that are
13 subject to Conditional Use authorization, in addition to the criteria set forth in subsection (c)
14 above, the Commission shall make the following findings:

15 ~~(1) Whether the applicant has obtained, and maintains in good standing, a permit for a~~
16 ~~Massage Establishment from the Department of Public Health pursuant to Section 29.10 of the Health~~
17 ~~Code;~~

18 (2) Whether the use's façade is transparent and open to the public.

19 Permanent transparency and openness are preferable. Elements that lend openness and
20 transparency to a façade include:

21 (A) active street frontage of at least 25 feet in length where 75% of that
22 length is devoted to entrances to commercially used space or windows at the pedestrian eye-
23 level;

24 (B) windows that use clear, untinted glass, except for decorative or
25 architectural accent;

1 (C) any decorative railings or decorative grille work, other than wire
2 mesh, which is placed in front of or behind such windows, should be at least 75% open to
3 perpendicular view and no more than six feet in height above grade;

4 (32) Whether the use includes pedestrian-oriented lighting. Well lit
5 establishments where lighting is installed and maintained along all public rights-of-way
6 adjacent to the building with the massage use during the post-sunset hours of the massage
7 use are encouraged:

8 (43) Whether the use is reasonably oriented to facilitate public access. Barriers
9 that make entrance to the use more difficult than to an average service-provider in the area
10 are to be strongly discouraged. These include (but are not limited to) foyers equipped with
11 double doors that can be opened only from the inside and security cameras.

12 **Exceptions.** A Massage Establishment shall not require a Conditional Use
13 authorization if the Massage Establishment satisfies one or more of the following conditions:

14 (1) The massage use is accessory to a Principal Use, if the massage use is accessed
15 by the Principal Use and

16 ~~—— (A) the Principal Use is a Dwelling Unit and the massage use conforms to the~~
17 ~~requirements of Section 204.1, for Accessory Uses for Dwelling Units in All Districts; or~~

18 ~~—— (B) the Principal Use is a *Tourist* Hotel, not including a Residential Hotel; a~~
19 ~~Personal Service; a Health Service; that contains 100 or more rooms or an Institutional Use as~~
20 defined in this Code.

21 (2) The only massage service provided is ~~e~~Chair/Foot mMassage, such service is
22 visible to the public, and customers are fully clothed at all times.

23 ~~(3) It is a Sole Practitioner Massage Establishment, as defined in Section 29.5 of the~~
24 ~~Health Code.~~

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SEC. 311. PERMIT REVIEW PROCEDURES.

* * * *

(b) **Applicability.** Except as indicated herein, all building permit applications in Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for a change of use; establishment of a Micro Wireless Telecommunications Services Facility; establishment of a Formula Retail Use; demolition, new construction, or alteration of buildings, and the removal of an authorized or unauthorized residential unit shall be subject to the notification and review procedures required by this Section 311. In addition, all building permit applications that would establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district, shall be subject to the review procedures required by this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a Child Care Facility, as defined in Section 102, shall not be subject to the review requirements of this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, building permit applications to construct an Accessory Dwelling Unit pursuant to Section 207(c)(6) shall not be subject to the notification or review requirements of this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a principally permitted use in an NC or NCT District, or in a limited commercial use or a limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be subject to the review or notice requirements of this Section 311.

(1) **Change of Use.** For *the* purposes of this Section 311, a change of use is defined as follows:

(A) **Residential, NC, and NCT Districts.** For all Residential, NC, and NCT Districts, a change of use is defined as a change to, or the addition of, any of the following land uses as defined in Section 102 of this Code: Adult Business, Bar, Cannabis

1 Retail, General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Massage
 2 Establishment, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity Area,
 3 Post-Secondary Educational Institution, Private Community Facility, Public Community
 4 Facility, Religious Institution, Residential Care Facility, Restaurant, School, Tobacco
 5 Paraphernalia Establishment, Trade School, and Wireless Telecommunications Facility. A
 6 change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions
 7 of this Section 311. ~~Any accessory massage use in the Ocean Avenue Neighborhood Commercial~~
 8 ~~Transit District shall be subject to the provisions of this Section 311.~~ Any accessory massage use
 9 in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the
 10 provisions of this Section 311. A change of use to a principally permitted use in an NC or
 11 NCT District, or in a limited commercial use or a limited corner commercial use, as defined in
 12 Sections 186 and 231, respectively, shall not be subject to the provisions of this Section 311.

13 * * * *

14
 15 **SEC. 342.1. DEFINITIONS.**

16 As used in these Sections 342 to 342.10, "Medical Use" shall mean a use as defined
 17 in Section 890.114 or 890.44 of this Code or a Hospital or Health Service use as defined in
 18 Section 102 of this Code, excluding any housing operated by a medical provider ~~or any~~
 19 ~~massage use.~~

20
 21 **SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

22 * * * *

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

Zoning Category	§ References	Controls
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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(2)(3)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 703	<i>NPP</i>	<i>NP(12)</i>	<i>NP(12)</i>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(12) P if located within accessory to a Hotel, or Personal Service or Health Service.

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

* * * *

Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2

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	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	<i>C(13)P(9)</i>	<i>NPC(13)</i>	<i>NP(13)</i>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

1 (13) P if located within accessory to a Hotel, or Personal Service or Health Service,
 2 except C if accessory to a Hotel, Personal Service or Health Service within the boundaries
 3 described in note 9 to this Table.

4
 5 **SEC. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL**
 6 **DISTRICT.**

7 * * * *

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

Zoning Category	§ References	Controls		
* * * *		Controls by Story		
NON-RESIDENTIAL USES		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>204</u> , <u>303(en)</u> , <u>703</u>	<u>EP</u>	<u>C(12)</u>	<u>NP(12)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

18 * Not listed below

19 * * * *

20
 21 (12) P if located within accessory to a Hotel, or Personal Service or Health Service.

22
 23 **SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER**
 24 **DISTRICT.**

25 * * * *

Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S

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	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(en), 703	CP	C(9)	NP(9)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	P	NP(1)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(9) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *

Massage Establishment	§§ 102, 204, 303(n), 703	CP	C(9)	NP(9)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(9) P if located within accessory to a Hotel, or Personal Service or Health Service.

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		
		1 st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	CP	C(8)	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	P	C
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

(8) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1 st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	<u>CP</u>	<u>C(8)</u>	<u>NP(8)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 717. OUTER 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 703	<u>NPP</u>	<u>NP(7)</u>	<u>NP(7)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(7) P if located within accessory to a Hotel, or Personal Service or Health Service.

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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	<u>EP</u>	<u>NPC(8)</u>	<u>NP(8)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**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+
* * * *	* * * *	* * * *	* * * *	* * * *
			*	
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P	C	NP
* * * *	* * * *	* * * *	* * *	* * * *
			*	
Massage Establishment	§§ 102, 204, 303(n), 703	ENPC(10)	NPC(10)	NP(10)
* * * *	* * * *	* * * *	* * *	* * * *
			*	
Services, Health	§ 102	NP	C	NP
* * * *	* * * *	* * * *	* * *	* * * *
			*	

* Not listed below

* * * *

(10) P if located within accessory to a Hotel, or Personal Service or Health Service.

1
2
3
4 **SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL**
5 **DISTRICT.**

6 * * * *

7 **Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL**
8 **DISTRICT**
9 **ZONING CONTROL TABLE**

10 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Grocery, General	§§ 102, 202.3	P(1)	P(1)	P(1)
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>204</u> , <u>303(n)</u> , <u>703</u>	<u>CP</u>	<u>C(6)</u>	<u>NP(6)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

20 * Not listed below

21 * * * *

22 (6) P if located within accessory to a Hotel, or Personal Service or Health Service.

24 **SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.**

* * * *

**Table 721. JAPANTOWN 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	C
* * * *	* * * *	* * * *	* * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	C(6)	C(6)	ENP(6)
* * * *	* * * *	* * * *	* * *	* * * *
Services, Health	§ 102	C	P	P
* * * *	* * * *	* * * *	* * *	* * * *

* Not listed below

* * * *

(6) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 722. NORTH BEACH 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P(10)	P(10)	NP
* * * *	* * * *	* * * *	* * * *	* * * *
			*	
Massage Establishment	§§ 102, <u>204</u> , 303(n), <u>703</u>	<u>CNPC(14)</u>	<u>NPC(14)</u>	NP(14)
* * * *	* * * *	* * * *	* * * *	* * * *
			*	
Services, Health	§ 102	NP	C	C
* * * *	* * * *	* * * *	* * * *	* * * *
			*	

* Not listed below

* * * *

(14) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES (7)				
* * * *	* * * *	* * * *		

		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	NP(9)	NPC(9)	NP(9)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	NP	C	C
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(9) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	NPC(4) (7)	NPC(7)	NP(7)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	C(4)	P	P

* * * *	* * * *	* * * *	* * * *	* * * *
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* Not listed below

* * * *

(4) A Health Service Use and ~~Massage Establishment Use~~ requires a Conditional Use authorization on the ground story whether it is Principal or Accessory.

* * * *

(7) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2 (a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>204</u> , <u>303(n)</u> , <u>703</u>	C(1) P	C(1) <u>(7)</u>	NP <u>(7)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	P	C
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

(1) Any Massage Establishment that has continually operated without the benefit of a building permit within the Union Street NCD since prior to December 31, 2017 shall not require a Conditional Use authorization to legally establish the Massage Establishment. However, such establishments must file a building permit application by May 1, 2020 to legally establish the Massage Establishment use, and such building permit application will be subject to neighborhood notification pursuant to Planning Code Section 311.

* * * *

(7) P if located within accessory to a Hotel, or Personal Service or Health Service.

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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 204, 303(n), 703</u>	NP(8)	NPC(8)	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	NP	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 727. LAKESIDE VILLAGE 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 703	<u>NPP</u>	<u>NP(3)</u>	<u>NP(3)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) P if located within accessory to a Hotel, or Personal Service or Health Service.

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				
* * * *	* * * *	* * * *		
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	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
		*		
Massage Establishment	§§ 102, <u>204</u> , <u>303(n)</u> , <u>703</u>	<u>C(8)</u>	<u>APC(8)</u>	<u>NP(8)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
		*		
Services, Health	§ 102	C	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
		*		

* Not listed below

* * * *

(8) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
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NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
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	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	<u>NPP</u>	<u>NPC(6)</u>	NP(6)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(6) P if located within accessory to a Hotel, or Personal Service or Health Service.

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+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	<u>C(6)</u>	<u>NPC(6)</u>	NP(6)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	C	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(6) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 731. NORIEGA 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.53	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	CP	NPC(7)	NP(7)
* * *	* * *	* * *	* * *	* * *

* Not listed below

* * * *

(7) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 732. IRVING 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>204</u> , <u>303(n)</u> , <u>703</u>	<u>CP</u>	<u>NPC(7)</u>	NP(7)
* * *	* * *	* * *	* * *	* * *

* Not listed below

* * * *

(7) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 733. TARAVAL 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *

1	Massage Establishment	§§ 102, <u>204</u> , <u>303(n)</u> , <u>703</u>	<u>CP</u>	<u>NPC(7)</u>	NP <u>(7)</u>
2	* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(7) P if located within accessory to a Hotel, or Personal Service or Health Service.

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				
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§ 102, 202.2(a), <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>204</u> , <u>303(n)</u> , <u>703</u>	<u>CP</u>	<u>NPC(7)</u>	NP <u>(7)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(7) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

1 **Table 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 2 **ZONING CONTROL TABLE**

3 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
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	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	<u>CP</u>	<u>NPC(3)</u>	<u>NP(3)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

12 * Not listed below

13 * * * *

14 (3) P if located within accessory to a Hotel, or Personal Service or Health Service.

16 **SEC. 736. OUTER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

17 * * * *

18 **Table 736. OUTER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 19 **ZONING CONTROL TABLE**

20 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
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	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	CP	NPC(3)	NP(3)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 737. BAYVIEW 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(en), 703	CP	C(5)	NP(5)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(5) P if located within accessory to a Hotel, or Personal Service or Health Service.

1 **SEC. 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 * * * *

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

5 * * * *

Zoning Category		§ References	Controls		
* * * *		* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES					
* * * *		* * * *	* * * *		
NON-RESIDENTIAL USES			Controls by Story		
			1st	2nd	3rd+
* * * *		* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category					
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP	
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 204, 303(n), 703</u>	<u>CP</u>	<u>NPC(3)</u>	<u>NP(3)</u>	
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

15 * Not listed below

16 * * * *

17 (3) P if located within accessory to a Hotel, or Personal Service or Health Service.

19 **SEC. 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT.**

20 * * * *

21 **Table 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT**
 22 **ZONING CONTROL TABLE**

23 * * * *

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS					

* * * *	* * * *	* * * *		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>204, 303(en)</u> , 703	<u>CP</u>	<u>C(8)</u>	<u>NP(8)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within accessory to a Hotel, or Personal Service or Health Service.

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				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>204, 303(en)</u> , 703	<u>CP</u>	<u>C(5)</u>	<u>NP(5)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(5) P if located within accessory to a Hotel, or Personal Service or Health Service.

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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 204, 303(n), 703</u>	<u>CP</u>	<u>NPC(3)</u>	<u>NP(3)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICTS.

* * * *

**Table 742. COLE VALLEY 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 703	<i>NP</i>	NP(3)	NP(3)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 743. LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 743. LOWER HAIGHT STREET 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	CP	NPC(3)	NP(3)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) P if located within accessory to a Hotel, or Personal Service or Health Service.

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 STANDARDS AND USES				
* * * *	* * * *	* * * *		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.32(a), 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(en), 703	CP	C(4)	NP(4)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(4) P if located within accessory to a Hotel, or Personal Service or Health Service.

1
2 **SEC. 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

3 * * * *

4 **Table 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
5 **ZONING CONTROL TABLE**

6 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>204</u> , <u>303(en)</u> , <u>703</u>	<u>CP</u>	<u>NPC(4)</u>	<u>NP(4)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

15 * Not listed below

16 * * * *

17
18 (4) P if located within accessory to a Hotel, or Personal Service or Health Service.

19
20 **SEC. 750. NCT-1 - NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER**
21 **DISTRICT.**

22 * * * *

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

25 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P(4)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 204, 303(n), 703</u>	<u>NPP</u>	<u>NP(10)</u>	<u>NP(10)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(10) P if located within accessory to a Hotel, or Personal Service or Health Service.

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

* * * *

Table 751. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

NCT-2

ZONING CONTROL TABLE

* * * *

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

1	* * * *	* * * *	* * * *
2			Controls by Story
3			1st 2nd 3rd+
4	* * * *	* * * *	* * * * * * * * * * * *
5	Sales and Service Use Category		
6	Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P P NP
7	* * * *	* * * *	* * * * * * * * * * * *
8	Massage Establishment	<u>§§ 102, 204, 303(n), 703</u>	<u>CP</u> <u>NPC(8)</u> <u>NP(8)</u>
9	* * * *	* * * *	* * * * * * * * * * * *

* Not listed below

* * * *

(8) P if located within accessory to a Hotel, or Personal Service or Health Service.

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

* * * *

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

* * * *

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

Massage Establishment	§§ 102, 204, 303(n), 703	EP	C(8)	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within accessory to a Hotel, or Personal Service or Health 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	EP	NPC(6)	NP(6)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(6) P if located within accessory to a Hotel, or Personal Service or Health Service.

1 **SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 2 **DISTRICT.**

3 * * * *

4 **Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 5 **DISTRICT**
 6 **ZONING CONTROL TABLE**

7 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	CP	C(9)	NP(9)
* * * *	* * * *	* * * *	* * * *	* * * *

16 * Not listed below

17 * * * *

18 (9) P if located within accessory to a Hotel, or Personal Service or Health Service.

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

21 * * * *

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

24 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 204, 303(n), 703</u>	<u>C(5)(7)</u>	<u>NPC(7)</u>	<u>NP(7)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	C(5)	P	P
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(5) A Health Service Use ~~and/or Massage Establishment Use~~ requires a Conditional Use authorization on the ground story whether it is Principal or Accessory.

* * * *

(7) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

**Table 756. GLEN PARK 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>204</u> , <u>303(n)</u> , <u>703</u>	<u>EP</u>	<u>NPC(7)</u>	<u>NP(7)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(7) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

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Table 757. FOLSOM 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP

* * * *	* * * *	* * * *	* * * *	* * * *
1 Massage Establishment	§§ 102, <u>204</u> , <u>303(n)</u> , <u>703</u>	<u>EP(7)(8)</u>	<u>CNP(11)</u> <u>C(11)</u>	NP(<u>11</u>)
* * * *	* * * *	* * * *	* * * *	* * * *
3 Services, Health	§ 102	P(7)(8)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

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

(8) P on first or second floor, but not both.

* * * *

(11) P if located within accessory to a Hotel, or Personal Service or Health Service.

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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>204</u> , <u>303(n)</u> , <u>703</u>	<u>EP(6)(7)</u>	<u>CNP(10)</u> <u>C(7)(10)</u>	NP(<u>7</u>)(<u>10</u>)

* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P(6)(7)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

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

(7) P on first or second floor, but not on both; P on all floors in Historic Buildings.

* * * *

(10) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

Table 759. DIVISADERO 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Grocery, General	§§ 102, 202.3	P(5)	P(5)	NP
Massage Establishment	§§ 102, 204, 303(n), 703	EP	NPC(9)	NP(9)

* * * *	* * * *	* * * *	* * * *	* * * *
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* Not listed below

* * * *

(9) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	<u>CP</u>	<u>C(5)</u>	<u>NP(5)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below.

* * * *

(5) P if located within accessory to a Hotel, or Personal Service or Health Service.

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

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**Table 761. HAYES-GOUGH 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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 204, 303(n), 703</u>	<u>C(7)</u>	<u>NPC(7)</u>	<u>NP(7)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	C	P	C
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(7) P if located within accessory to a Hotel, or Personal Service or Health Service.

**SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT.**

* * * *

**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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 204, 303(n), 703	<u>CP</u>	<u>C(8)</u>	<u>NP(8)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within accessory to a Hotel, or Personal Service or Health Service.

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

* * * *

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

* * * *

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

Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 204, 303(n), 703</u>	<u>CP</u>	<u>NPC(8)</u>	<u>NP(8)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within accessory to a Hotel, or Personal Service or Health Service.

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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 204, 303(n), 703</u>	<u>CP</u>	<u>C(10)</u>	<u>NP(10)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	<u>P(7)</u>	P	C

* * * *	* * * *	* * * *	* * * *	* * * *
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* Not listed below

* * * *

(7) Clinics licensed as community and free clinics as defined under California Health and Safety Code Section 1204(a)(1) and clinics exempt from licensing under California Health and Safety Code Section 1206(b) are Principally Permitted Uses. Other Health Service uses are subject to the provisions of Section 303.7 of this Code.

* * * *

(10) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.

* * * *

Table 810

CHINATOWN COMMUNITY BUSINESS 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*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 204, 303(n), 803</u>	C(4)	C(4)	GNP(4)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	NP	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

1 * * * *

2 (4) P if accessory to a Hotel, or Personal Service or Health Service.

3
4 **SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.**

5 The Chinatown Visitor Retail Neighborhood Commercial District extends along Grant
6 Avenue between California and Jackson Streets. This district contains a concentration of
7 shopping bazaars, art goods stores and restaurants which attract visitors and shoppers and
8 contribute to the City's visual and economic diversity. Grant Avenue provides an important link
9 between Downtown retail shopping and the Broadway, North Beach and Fisherman's Wharf
10 areas.

11 This district is intended to preserve the street's present character and scale and to
12 accommodate uses primarily appealing to visitors (e.g. tourist gifts shops, jewelry stores, art
13 goods, large restaurants). In order to promote continuous retail frontage, entertainment,
14 financial services, ~~medical~~health service, automotive, and drive-up uses are restricted. Most
15 commercial uses, except financial services are permitted on the first two stories.
16 Administrative services, (those not serving the public) are prohibited in order to prevent
17 encroachment from downtown office uses. There are also special controls on restaurants and
18 tourist hotels. Building standards protect and complement the existing small-scale
19 development and the historic character of the area.

20 The height limit applicable to the district will accommodate two floors of housing or
21 institutional use above two floors of retail use. Existing residential units are protected by
22 prohibition of upper-story conversions and limitation on demolition. Accessory dwelling units
23 are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

24 **Table 811**

1 CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

2 * * * *

Zoning Category		§ References	Controls		
NON-RESIDENTIAL USES			Controls by Story		
			1st	2nd	3rd+
* * * *			* * * *	* * * *	* * * *
Sales and Service Use Category					
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP	
* * * *	* * * *	* * * *	* * * *	* * * *	
Massage Establishment	<u>§§ 102, 204, 303(n), 803</u>	<u>ENPC(3)</u>	<u>C(3)</u>	<u>ENP(3)</u>	
* * * *	* * * *	* * * *	* * * *	* * * *	
Services, Health	<u>§ 102</u>	NP	P	NP	
* * * *	* * * *	* * * *	* * * *	* * * *	

11 * Not listed below

12 * * * *

13 (3) P if located within accessory to a Hotel, or Personal Service or Health Service.

14
15
16 **SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL**
17 **DISTRICT.**

18 * * * *

19 Table 812

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

22 * * * *

Zoning Category		§ References	Controls		
NON-RESIDENTIAL USES			Controls by Story		

		1st	2nd	3rd+
* * * *		* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 204, 803</u>	<u>CP</u>	<u>NP(3)</u>	<u>NP(3)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) P if located within accessory to a Hotel, or Personal Service or Health Service.

SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).

* * * *

Table 827

**RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT
ZONING CONTROL TABLE**

* * * *

No.	Zoning Category	§ References	Rincon Hill Downtown Residential Mixed Use District Zoning Controls
* * * *	* * * *	* * * *	* * * *
Non-Residential Standards and Uses			
* * * *	* * * *	* * * *	* * * *
.26	All Non-Residential Uses Permitted, except as described below. § 825(c)(1)(A)		
* * * *	* * * *	* * * *	* * * *

1 2 3 4 5 6 7 8 9 10	.35	Massage Establishment	§§ 890.60 102, 204, 303(n), 803, Art. 29 Health Code	<i>P on the 1st floor, C # on the 2nd floor, and NP on 3rd floor and above, except P on the 2nd floor and above all floors if within accessory to a Hotel, or Personal Service or Health Service.</i>
11	* * * *	* * * *	* * * *	* * * *

SPECIFIC PROVISIONS FOR

RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE

Section		Zoning Controls
15 16 17 18 19 20 21 22 23 24	§ 827.35 §§ 890.60 102, 204, 303(n), 803, Art. 29 Health Code	<p>MESSAGE ESTABLISHMENT</p> <p>Controls: <i>Message Establishments on the 2nd floor</i> shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in Section 303(n). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the</p>

		criteria listed in Section 303(c), the criteria described in Section 303(n) and 890.60(b).
* * * *	* * * *	* * * *

SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (SB-DTR).

* * * *

Table 829

SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE

* * * *

No.	Zoning Category	§ References	South Beach Downtown Residential Mixed Use District Zoning Controls
* * * *	* * * *	* * * *	* * * *
Non-Residential Standards and Uses			
* * * *	* * * *	* * * *	* * * *
.26	All Non-Residential Uses Permitted, except as described below, § 825(c)(1)(A)		
* * * *	* * * *	* * * *	* * * *
.35	Massage Establishment	§§ 890.60102, 204, <u>303(n), 803,</u> Art. 29 Health Code	<u>P on the 1st floor, C #</u> <u>on the 2nd floor, and</u> <u>NP on 3rd floor and</u> <u>above, except P on the</u> <u>2nd floor and</u>

			above all floors if within accessory to a Hotel, or Personal Service or Health Service.
* * * *	* * * *	* * * *	* * * *

**SPECIFIC PROVISIONS FOR
SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT**

Section		Zoning Controls
§ 829.35	§§ 890.60102, 204, 303(n), <u>803,</u> Art. 29 Health Code	MASSAGE ESTABLISHMENT Controls: Massage <i>Establishments on the 2nd floor</i> shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in Section 303(n). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to

		the criteria listed in Section 303(c), the criteria described in Section 303(n) and 890.60(b).
* * * *	* * * *	* * * *

SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.

The Mixed Use-General (MUG) District is largely comprised of the low-scale, production, distribution, and repair (PDR) uses mixed with housing and small-scale retail. The MUG is designed to maintain and facilitate the growth and expansion of small-scale light manufacturing, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood.

Housing is encouraged over ground floor commercial and PDR uses. New residential or mixed use developments are encouraged to provide as much mixed-income family housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to nonresidential use by requiring conditional use review. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Nighttime entertainment, movie theaters, adult entertainment and heavy manufacturing uses are not permitted. Office is restricted to the upper floors of multiple story buildings.

Table 840 MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-General District Controls
* * *	* * * *	* * * *	* * * *

	*			
	Retail Sales and Services			
	* * *	* * * *	* * * *	* * * *
	*			
	<u>840.52A</u>	<u>Massage Establishment</u>	<u>§§ 102, 204, 303(n), 803</u>	<u>P on 1st floor, C on 2nd floor, and NP on 3rd floor and above, except P on all floors if accessory to a Hotel, Personal Service or Health Service.</u>
	Office			
	* * *	* * * *	* * * *	* * * *
	*			
	840.65A	Services, Professional; Services Financial; Services <i>MedicalHealth</i>	§§ 890.108, 890.110, 890.114	Subject to vertical control of Sec. 803.9(f). P on the ground floor when primarily open to the general public on a client-oriented basis.

* * * *

SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.

* * * *

Table 841

MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE

* * * *

No.	Zoning Category	§ References	Mixed Use-Residential District Controls
* * * *	* * * *	* * * *	* * * *
Assembly, Recreation, Arts and Entertainment			
* * * *	* * * *	* * * *	* * * *
841.59	Massage Establishment	<u>§§ 890.60102, 204, 303(n), 803</u>	<u>NPP on 1st floor, C on 2nd floor, and NP on</u>

			<i>3rd floor and above, except P on 2nd floor and above all floors if within accessory to a Hotel, or Personal Service or Health Service.</i>
* * * *	* * * *	* * * *	* * * *

SEC. 848. CMUO - CENTRAL SOMA MIXED-USE OFFICE DISTRICT.

* * * *

Table 848		
CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE		
Central SoMa Mixed Use-Office District Controls		
Zoning Category	§ References	Controls
* * * *		
NON-RESIDENTIAL STANDARDS & USES		
* * * *	* * * *	* * * *
Sales and Service Use Category		
Retail Sales and Service Uses*	§ 102	P(1)
* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>204</u> , <u>303(n)</u> , <u>803</u>	<i>NPP on 1st floor, C on 2nd floor, and NP on 3rd floor and above, except P on 2nd floor</i>

		and above <u>all floors if</u> <u>within accessory to a Hotel, or</u> <u>Personal Service or Health</u> <u>Service.</u>
* * * *	* * * *	* * * *

* Not Listed Below

(1) P up to 25,000 gross sq. ft. per lot; above 25,000 gross sq. ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1.

* * * *

SEC. 890.28. DESIGN PROFESSIONAL.

An office use which provides professional design services to the general public or to other businesses and includes architectural, landscape architectural, engineering, interior design and industrial design services. It does not include (1) the design services of graphic artists or other visual artists which are included in the definition of arts activities described in Section 102.2 of this Code; (2) the services of advertising agencies or other services which are included in the definition of professional service activities described in Section 890.108 of this Code or administrative services, financial services or ~~medical~~health service activities as identified in Sections 890.106, 890.110 or 890.114 of this Code.

SEC. 890.60. MESSAGE ESTABLISHMENT.

(a) **Definition.** Message Establishments are defined by Section 29.5 of the Health Code. For purposes of the Planning Code only, "Message Establishment" shall include ~~both~~ a "Message Establishment" and but not a "Sole Practitioner Massage Establishment," as these terms are defined in Section 29.5 of the Health Code. Any Massage Establishment shall have

1 first obtained a permit from the Department of Public Health pursuant to Section 29.25 of the
2 Health Code, or a letter from the Director of the Department of Public Health certifying that the
3 establishment is exempt from such a permit under Section 29.25.

4 (b) **Controls.** Massage Establishments shall be subject to Conditional Use
5 authorization. Certain exceptions to the Conditional Use for accessory use massage are
6 described in subsection (c) below. When considering an application for a conditional use
7 permit pursuant to this subsection, the Planning Commission shall consider, in addition to the
8 criteria listed in Section 303(c), the additional criteria described in Section 303(n).

9 (c) **Exceptions.** Certain exceptions would allow a massage use to be "permitted"
10 without a Conditional Use authorization including:

11 (1) Certain Accessory Use Massage and provided that the massage use is
12 accessory to a principal use; the massage use is accessed by the principal use; and the
13 principal use is:

14 (A) a dwelling unit and the massage use conforms to the requirements of
15 Section 204.1, for accessory uses for dwelling units in R or NC districts; or

16 (B) a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or
17 more rooms,

18 (C) a large institution as defined in Section 790.50 of this Code; or

19 (D) a hospital or medical center, as defined in Section 790.44 of this Code.

20 (2) **Chair Massage.** The only massage service provided is chair massage, such
21 service is visible to the public, and customers are fully-clothed at all times.

22 ~~(3) Sole Practitioner Massage Establishments, as defined in Section 29.5 of the~~
23 ~~Health Code.~~

24
25 **SEC. 890.114. SERVICE, ~~MEDICAL~~HEALTH.**

1 A use, generally an office use, which provides medical and allied health services to
2 the individual by physicians, surgeons, dentists, podiatrists, psychologists, psychiatrists,
3 acupuncturists, chiropractors, Sole Massage Practitioners, or any other health-care
4 professionals when licensed by a State-sanctioned Board overseeing the provision of
5 medically oriented services. It includes a clinic, primarily providing outpatient care in medical,
6 psychiatric or other health services, and not part of a hospital or medical center, as defined in
7 Section 890.44 of this Code.

8
9 Section 4. Effective Date. This ordinance shall become effective 30 days after
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
12 of Supervisors overrides the Mayor's veto of the ordinance.

13
14 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
15 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
16 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
17 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
18 additions, and Board amendment deletions in accordance with the "Note" that appears under
19 the official title of the ordinance.

20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: /s/ Victoria Wong
24 VICTORIA WONG
Deputy City Attorney

25 n:\legana\as2021\2000612\01581134.docx

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 2/7/2022)

[Planning Code - Massage Establishment Zoning Controls]

Ordinance amending the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Articles 1 and 8 and remove it from the definition of Massage Establishments; 2) regulate Massage Establishments generally consistent with Health Services, with some exceptions; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; 6) rename Medical Services to Health Services in Article 8 and make other conforming amendments; and 67) delete related provisions that have expired through the passage of time; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

Existing Law

Section 102 of the Planning Code¹ defines Sole Practitioner Massage Establishments as a type of Massage Establishment.

Section 202(a) provides that where a Massage Establishment is required to close as a result of a Planning Code or the Health Code violation, no new Massage Establishment may be approved at the site for three years.

Sections 102 and 145.4 refer to Medical Services.

Section 303(n) requires that when considering a conditional use authorization for a Massage Establishment, the Planning Commission shall consider whether the applicant has a permit from the Department of Public Health under Section 29.10 of the Health Code. Section 303 also excepts accessory use Massage Establishments located in “tourist hotels” with 100 or more rooms or located in accessory dwelling units from the conditional use authorization requirement.

Section 342.1 excludes massage uses from its definition of Medical Services.

Zoning tables in Articles 2, 7 and 8 generally require Massage Establishments to obtain conditional use authorization.

¹ All references to Code sections refer to the Planning Code unless otherwise stated.

Section 890.60 defines Solo Practitioner Massage Establishments as a type of Massage Establishment and exempts them from the conditional use requirement for Massage Establishments in Article 8 districts.

Section 890.114 defines the use category “Medical Service.”

Amendments to Current Law

The ordinance would amend Sections 102 and 890.60 to remove Sole Practitioner Massage Establishments from the definition of Massage Establishment, and would add them to the definition of Health Services.

The ordinance would also amend Sections 102 and 145.4 to replace outdated references to “Medical Services” with references to “Health Services.”

The ordinance would amend Section 202(a) to require that where a Massage Establishment is required to close as a result of a Planning Code or the Health Code violation, no new Massage Establishment or Personal Service may be approved at the site for three years.

The ordinance would amend Section 303(n) to delete whether a Massage Establishment holds a permit from the Department of Public Health under Section 29.10 of the Health Code from the factors for consideration of a conditional use authorization. It would also amend Section 303(n) to except Massage Establishments in all Hotels from otherwise an applicable conditional use authorization requirement, and would delete the exception from the conditional use authorization requirement for Massage Establishments in accessory dwelling units.

The ordinance would amend Section 342.1 to delete the provision excluding massage uses from its definition of Medical Services.

The ordinance would amend various zoning district controls in Articles 2, 7 and 8 to align zoning controls for Massage Establishments with existing zoning controls for Health Services in those districts, except that 1) Massage Establishments would be not permitted on the 3rd floor and above, and 2) Massage Establishments that are accessory to a Hotel, Personal Service or Health Service would be principally permitted on all floors. The ordinance would also amend Section 711 to make Massage Establishments subject to conditional use authorization on the second floor and above when accessory to a Hotel, Personal Service or Health Service, within certain geographic boundaries within the NC-2 zoning district.

The ordinance would amend Section 890.114 to rename Medical Service to Health Service, and would make a conforming amendment to Section 890.28.



February 4, 2022

Ms. Angela Calvillo, Clerk
Honorable Supervisor Mandelman
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2021-012566PCA:
Massage Establishments Zoning Ordinance
Board File No. 211263

Planning Commission Recommendation: Approval with modification

Dear Ms. Calvillo and Supervisor Mandelman,

On February 3, 2022, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, sponsored by Supervisor Mandelman that would amend the Planning Code to revise Massage Establishment zoning controls. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modification was as follows:

- Amend the NC-2 Zoning Control Table to make Massage Establishments Principally Permitted on the first floor.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aaron D. Starr
Manager of Legislative Affairs

cc: Victoria Wong, Deputy City Attorney
Jacob Bintliff, Aide to Supervisor Mandelman
Erica Major, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution
Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21066

Project Name: Massage Establishment Zoning Controls
Case Number: 2021-012566PCA [Board File No. 211263]
Initiated by: Supervisor Ronen / Introduced December 6, 2021
Staff Contact: Veronica Flores, Legislative Affairs
Veronica.Flores@sfgov.org, 628-652-7525
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REVISE MASSAGE ESTABLISHMENT ZONING CONTROLS, INCLUDING, AMONG OTHER THINGS, TO 1) ADD SOLE PRACTITIONER MASSAGE ESTABLISHMENTS TO THE DEFINITION OF HEALTH SERVICES IN ARTICLE 7; 2) REGULATE MASSAGE ESTABLISHMENTS CONSISTENT WITH HEALTH SERVICES, EXCEPT THAT WHERE ZONING FOR HEALTH SERVICES IS MORE PERMISSIVE, MASSAGE ESTABLISHMENTS SHALL REQUIRE CONDITIONAL USE AUTHORIZATION ON THE SECOND FLOOR AND ARE NOT PERMITTED ON THE THIRD FLOOR AND ABOVE UNLESS LOCATED WITHIN A HOTEL; 3) ELIMINATE THE THREE-MONTH PERIOD TO ESTABLISH ABANDONMENT OF CERTAIN NONCONFORMING MASSAGE ESTABLISHMENT USES; 4) PROHIBIT PERSONAL SERVICES USES FOR THREE YEARS AT ANY LOCATION WHERE A MASSAGE ESTABLISHMENT USE WAS CLOSED DUE TO A VIOLATION OF THE PLANNING CODE OR HEALTH CODE; 5) ELIMINATE THE EXCEPTION FROM THE CONDITIONAL USE AUTHORIZATION REQUIREMENT FOR MASSAGE USES ACCESSORY TO A DWELLING UNIT; AND 6) DELETE RELATED PROVISIONS THAT HAVE EXPIRED THROUGH THE PASSAGE OF TIME; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND PUBLIC NECESSITY, CONVENIENCE, AND GENERAL WELFARE FINDINGS PURSUANT TO PLANNING CODE, SECTION 302.

WHEREAS, on December 6, 2021 Supervisor Ronen introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 211263, which would amend the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Article 7; 2) regulate Massage Establishments consistent with Health Services, except that where zoning for Health Services is more permissive, Massage Establishments shall require conditional use authorization on the second floor and are not permitted on the third floor and

above unless located within a Hotel; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; and 6) delete related provisions that have expired through the passage of time;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on February 3, 2022; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modification** the proposed ordinance. The Commission’s proposed recommendations are as follows:

1. Amend the NC-2 Zoning Control Table to make Massage Establishments Principally Permitted on the first floor.

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The proposed Ordinance would allow Massage Establishments as an Accessory Use to Health Services.

General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.2

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The proposed Ordinance builds on Supervisor Ronen's recent ordinance further aligning Massage Establishments with other Health Services. The Department of Public Health (DPH) would continue to review the business operations and licensing of Massage Establishments. Under this Ordinance, the Planning Code would still review Massage Establishments based on their land use and allow them as accessory to Health Services.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATION the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 3, 2022.



Jonas P. Ionin
Commission Secretary

AYES: Chan, Diamond, Fung, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: None

ADOPTED: February 3, 2022



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: February 3, 2022

90-Day Deadline: March 8, 2022

Project Name: Massage Establishment Zoning Controls
Case Number: 2021-012566PCA [Board File No. 211263]
Initiated by: Supervisor Ronen / Introduced December 6, 2021
Staff Contact: Veronica Flores, Legislative Affairs
Veronica.Flores@sfgov.org, 628-652-7525
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

Recommendation: Approval

Planning Code Amendment

Amendments in the Duplicate Ordinance

The proposed Ordinance would amend the Planning Code to allow Massage Use as an Accessory Use to Health Services.

Amendments in the Original Ordinance¹

The proposed Ordinance would amend the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Articles 1 and 8 and remove it from the definition of Massage Establishments; 2) regulate Massage Establishments generally consistent with Health Services, with some exceptions; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; 6) rename Medical Services to Health Services in Article 8 and make other conforming amendments; and 7) delete related provisions that have expired through

¹ Board File 210381, which contains these amendments, became effective on January 21, 2022. The online Planning Code may not have been updated yet to reflect the changes made in that Ordinance.

the passage of time; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

The Way It Is Now:

Massage Establishments are permitted as an Accessory Use to Hotel, Personal Service, and Institutional Uses.

The Way It Would Be:

In addition to Hotels, Personal Service, and Institutional Uses, Massage Establishments would also be permitted as an Accessory Use to a Health Service use.

Background

On April 13, 2021, Supervisor Ronen introduced [Board File 210381](#) that amended Massage Establishment zoning controls and regulated them more similarly to Health Services such as dentists, psychiatrists, chiropractors, and other licensed health care professionals. The Ordinance appeared in front of the Planning Commission on June 3, 2021, during which time the Commission unanimously recommended approval with staff modification.² At the Land Use and Transportation Committee hearing on December 6, 2021, Supervisor Peskin, at the request of Supervisor Ronen, duplicated the original file and included an amendment that would allow Massage Use as an Accessory Use to Health Services. Because this amendment was not considered by the Planning Commission on June 3, 2021, the duplicated Board File required rereferral to the Planning Commission for review and recommendation. Since Planning Commission has already considered all the other amendments in the attached Ordinance, only the amendment that allows Massage Establishments as accessory to Health Services is under consideration at this time.

Issues and Considerations

Massage Establishments versus Sole Practitioners

Massage Establishments and Sole Practitioners both provide massage services, but one of the key differences is business ownership. Massage Establishments employ Massage Practitioners, but the business owner may or may not be a Massage Practitioner. Sole Practitioners are self-employed and operate independently of any relationship to a Massage Establishment. Another difference relates to the number of permitted Massage Practitioners at any given location, which is unlimited for Massage Establishments and only up to two for Sole Practitioners.

² The Executive Summary for the original Ordinance is included as Exhibit C of this report.

Massage Establishments as an Accessory Use

Supervisor Ronen's original Ordinance (effective January 21, 2022) permitted Massage Establishments as an Accessory Use to Hotels and Personal Services on all floors. This Ordinance proposes a similar exception to allow Massage Establishments as an Accessory Use to Health Services, subject to underlying class of districts provisions such as square footage maximums. Some Health Services uses, including chiropractor or acupuncture offices, often staff Massage Practitioners. Without the proposed Ordinance, only Sole Practitioners would be permitted where Health Services are allowed.

General Plan Compliance

The proposed Ordinance builds on Supervisor Ronen's recent ordinance further aligning Massage Establishments with other Health Services. The Department of Public Health (DPH) would continue to review the business operations and licensing of Massage Establishments. Under this Ordinance, the Planning Code would still review Massage Establishments based on their land use and allow them as accessory to Health Services.

Racial and Social Equity Analysis

The Planning Code amendments in the proposed Ordinance further align Massage Establishments with other Health Services, such as dentists, psychiatrists, and chiropractors. The original Ordinance allowed exceptions for Hotels and Personal Services, but did not consider Health Services. The duplicate Ordinance remedies this by also allowing Massage Establishments as Accessory Use to Health Services. This treats Massage Practitioners more equitably by allowing them to operate within more compatible uses. Future Ordinances should consider eliminating the Conditional Use Authorization requirement for Massage Establishments altogether to make them more on par with other Health Services.

Implementation

The Department has determined that this ordinance will not impact our current implementation procedures.

Recommendation

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Basis for Recommendation

The Department supports the overall goals of this Ordinance because it builds on previous efforts to make Massage Establishments more permissible throughout the city. This Ordinance would allow Massage Establishments as an Accessory Use to Health Services, such as dentists, psychiatrists, chiropractors, and other licensed health care professionals. This amendment is similar to how Massage Establishments are now permitted as Accessory Use to Hotels, Personal Services, and Institutional Uses.

Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15378 and 15060(c)(2) because they do not result in a physical change in the environment.

Public Comment

The Planning Department has received one letter of support from the Small Business Commission, sharing support for the amendment to allow Massage Establishments as an Accessory Use to Health Services.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 211263
- Exhibit C: Executive Summary for Case No. 2020-006112PCA, Board File No. 210381
- Exhibit D: Letter of Support

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

December 8, 2021

File No. 211263

Lisa Gibson
Environmental Review Officer
Planning Department
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Ms. Gibson:

On December 6, 2021, the Land Use and Transportation Committee Duplicated Board File No. 210381 and amended the Duplicate to be re-referred to the Commission:

File No. 211263

Ordinance amending the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Articles 1 and 8 and remove it from the definition of Massage Establishments; 2) regulate Massage Establishments generally consistent with Health Services, with some exceptions; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; 6) rename Medical Services to Health Services in Article 8 and make other conforming amendments; and 7) delete related provisions that have expired through the passage of time; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Angela Calvillo".

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

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

Not defined as a project under CEQA Guidelines
Sections 15378 and 15060(c)(2) because it would
not result in a direct or indirect physical change in
the environment.

12/23/2021

Joy Navarrete

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

April 21, 2021

File No. 210381

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On April 13, 2021, Supervisor Ronen submitted the following legislation:

File No. 210381

Ordinance amending the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Article 7; 2) regulate Massage Establishments consistent with Health Services, except that where zoning for Health Services is more permissive, Massage Establishments shall require conditional use authorization on the second floor and are not permitted on the third floor and above unless located within a Hotel; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; and 6) delete related provisions that have expired through the passage of time; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

Angela Calvillo, Clerk of the Board

Handwritten signature of Erica Major in cursive.

5/13/2021 *Joy Navarrete*

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

Attachment



CITY AND COUNTY OF SAN FRANCISCO
LONDON BREED, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

December 16, 2021

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 211263 – Planning Code – Massage Establishment Zoning Controls

Small Business Commission Recommendation to the Board of Supervisors: **Support.**

Dear Ms. Calvillo,

On December 13, 2021, the Small Business Commission (SBC or Commission) heard BOS File No. 211263 – Planning Code – Massage Establishment Zoning Controls. Amy Beinart, Legislative Aide to Supervisor Ronen, provided the Commission with an update on the original legislation, BOS. File No. 210381, and reviewed the set of amendments going back to the Planning Commission for review in BOS. File No. 211263. The SBC voted (7-0) to recommend that the Board of Supervisors support the new amended legislation.

The Commission has been actively engaged in addressing the challenges that massage practitioners and establishments face within the current planning code. The Commission previously supported BOS. File No. 210381 which addressed many of these challenges, including classifying massage uses as compatible with personal services. The Commission is in support of BOS. File 211263 which would clarify and permit massage uses alongside health services. These amendments will help to codify massage services with personal services (salons, cosmetic services, health spas) and health services (chiropractic care, acupuncture).

The Commission is appreciative of the offices of Supervisor Ronen and Supervisor Mandelman for these proposals which support small businesses in the City and County of San Francisco.

Thank you for considering the Commission's recommendation. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Regina Dick-Endrizzi".

Regina Dick-Endrizzi
Director, Office of Small Business

cc: Hillary Ronen, Member of the Board of Supervisors
Tom Paulino, Mayor's Liaison to the Board of Supervisors
Rich Hillis, Director, Planning Department
Joel Koppel, President, Planning Commission
Patrick Fosdahl, Environmental Health Branch-Director, DPH
Lisa Pagan, Office of Economic and Workforce Development
Veronica Flores, Planning Department
Erica Major, Land Use and Transportation, Clerk



CITY AND COUNTY OF SAN FRANCISCO
LONDON BREED, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

June 17, 2021

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 210381 - Planning Code - Massage Establishment Zoning Controls

Small Business Commission Recommendation: **Approval**

This motion passed 6 to 0, with 1 absent.

Dear Ms. Calvillo,

On May 24, 2021, the Small Business Commission (SBC) conducted a duly noticed public hearing at a regularly scheduled meeting for BOS File No. 210381 - Planning Code - Massage Establishment Zoning Controls introduced by Supervisor Ronen and co-sponsored by Supervisor Mandelman.

These amendments to the Planning Code now properly align Massage Therapy with Health Services as it has become an integral part of today's delivery of healthcare. In addition to pain management and premier athletes utilizing massage to maintain peak performance, massage has also become a critical part of neonatal and cancer recovery care. Many Chiropractic and Acupuncture clinics include massage to increase the recovery and health of their patients.

In 2019, the Office of Small Business issued the [Massage Regulatory Topic Paper](#) to provide the background and justification for needed to revise Massage Establishment zoning controls and to align the classification of Massage Establishment with Health Services.

In 2014, the California legislature passed AB-1147 which fully returned land use controls to local jurisdictions regarding massage establishments. This was responsive to many localities reporting that they were not able to effectively regulate the massage establishments in their respective areas. BOS Ordinance Nos. 73-15 and 72-15 were subsequently passed in 2015 that established the current regulatory structure and amended the Planning Code to significantly restrict the number of zoning districts both General Massage Establishments and Sole Practitioner Establishments could legally operation or approximately ~40% of Commercial Zoning Districts.¹ Of the 91, 62 are on the first story only. All General Massage Establishments must also apply for a permit to operate through the Conditional Use Authorization application process. All Sole Practitioner massage establishments are principally permitted in the same zoning districts where General Massage Establishments are allowed to operate in however, they required to engage in the Neighborhood Notification Process.

The American Massage Therapy Association (AMTA) estimates in 2021 that nationally, massage therapists are mostly female at an estimated 86% and 81% of massage therapists describe themselves as

¹ [Opening and Operating Massage Establishments in San Francisco: Issues, Considerations, and Policy Options](#)
(page 11)

sole practitioners.² This is supported by a 2017 report on the Diversity of Healthcare Occupations from the Department of Health and Human Services (HHS), which states that nationally, 82% of all massage therapists are estimated to be female³.

The federal Bureau of Labor Statistics (BLS) estimated in May of 2020 that 1370 massage therapists were employed in the San Francisco, Oakland, Hayward metro area⁴. Using that information, we can estimate that ~1,230 female massage therapists are employed in the San Francisco, Oakland, Hayward metro area. BLS also reported that in 2020, massage therapists earned a yearly median income of \$59,400 in the San Francisco, Oakland, Hayward metropolitan area²⁰. Importantly, according to a 2020 report from the Department of Housing and Urban Development, an annual salary of \$97,600 would put a single adult in the low-income bracket⁵.

Noting the demographic make-up of these small businesses, the Small Business Commission determines amending the Planning Code for Massage Therapy is aligned with the goal of Prop H and Save our Small Business ordinance which is to reduce the barriers in opening a business for this industry and this industry is as equally important as the retail, and restaurants industry.

The Small Business Commission expresses its great appreciation to Supervisor Ronen, her aide Paul Monge, Planning staff, Veronica Flores and Aaron Starr, Jennifer Callewaert, Department of Public Health and Victoria Wong, City Attorney.

Thank you for considering the Commission's recommendation. Please feel free to contact me should you have any questions.

Sincerely,



Regina Dick-Endrizzi
Director, Office of Small Business

cc: Hilary Ronen, Member, Board of Supervisors,
Sophia Kittler, Mayor's Liaison to the Board of Supervisors
Lisa Pagan, Office of Economic and Workforce Development
Erica Major, Clerk of the Land Use and Transportation Committee

² <https://www.amtamassage.org/publications/massage-industry-fact-sheet/>

³ <https://bhw.hrsa.gov/sites/default/files/bureau-health-workforce/data-research/diversity-us-health-occupations.pdf>

⁴ <https://data.bls.gov/oes/#/occGeo/One%20occupation%20for%20multiple%20geographical%20areas>

⁵ <https://www.huduser.gov/portal/datasets/il/il2020/2020summary.odn>



June 22, 2021

Ms. Angela Calvillo, Clerk
Honorable Supervisors Ronen and Mandleman
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2020-006112PCA:
Massage Establishments Zoning Controls
Board File No. 210381

Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Supervisors Ronen and Mandleman,

On April 12, 2021, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisors Ronen and Mandleman that would amend the Planning Code to revise Massage Establishment zoning controls. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

1. Allow an exception for Massage Establishments on any floor within a Personal Service.
2. In zoning districts where Health Services are currently not permitted but Massage Establishments are, retain the existing more permissive Massage Establishment controls.
3. Clerical amendment to copy the Hotel exception footnote reference to all applicable floors within Zoning Control Tables.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15378 and 15060(c)(2) because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aaron D. Starr

Manager of Legislative Affairs

cc: Victoria Wong, Deputy City Attorney
Paul Monge, Aide to Supervisor Ronen
Erica Major, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution

Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 20926

HEARING DATE: June 3, 2021

Project Name: Massage Establishment Zoning Controls
Case Number: 2020-006112PCA [Board File No. 210381]
Initiated by: Supervisors Ronen and Mandelman / Introduced April 12, 2021
Staff Contact: Veronica Flores, Legislative Affairs
Veronica.Flores@sfgov.org, 628-652-7525
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REVISE MASSAGE ESTABLISHMENT ZONING CONTROLS, INCLUDING, AMONG OTHER THINGS, TO 1) ADD SOLE PRACTITIONER MASSAGE ESTABLISHMENTS TO THE DEFINITION OF HEALTH SERVICES IN ARTICLE 7; 2) REGULATE MASSAGE ESTABLISHMENTS CONSISTENT WITH HEALTH SERVICES, EXCEPT THAT WHERE ZONING FOR HEALTH SERVICES IS MORE PERMISSIVE, MASSAGE ESTABLISHMENTS SHALL REQUIRE CONDITIONAL USE AUTHORIZATION ON THE SECOND FLOOR AND ARE NOT PERMITTED ON THE THIRD FLOOR AND ABOVE UNLESS LOCATED WITHIN A HOTEL; 3) ELIMINATE THE THREE-MONTH PERIOD TO ESTABLISH ABANDONMENT OF CERTAIN NONCONFORMING MASSAGE ESTABLISHMENT USES; 4) PROHIBIT PERSONAL SERVICES USES FOR THREE YEARS AT ANY LOCATION WHERE A MASSAGE ESTABLISHMENT USE WAS CLOSED DUE TO A VIOLATION OF THE PLANNING CODE OR HEALTH CODE; 5) ELIMINATE THE EXCEPTION FROM THE CONDITIONAL USE AUTHORIZATION REQUIREMENT FOR MASSAGE USES ACCESSORY TO A DWELLING UNIT; AND 6) DELETE RELATED PROVISIONS THAT HAVE EXPIRED THROUGH THE PASSAGE OF TIME; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND PUBLIC NECESSITY, CONVENIENCE, AND GENERAL WELFARE FINDINGS PURSUANT TO PLANNING CODE, SECTION 302.

WHEREAS, on April 12, 2021 Supervisors Ronen and Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 210381, which would amend the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner

Massage Establishments to the definition of Health Services in Article 7; 2) regulate Massage Establishments consistent with Health Services, except that where zoning for Health Services is more permissive, Massage Establishments shall require conditional use authorization on the second floor and are not permitted on the third floor and above unless located within a Hotel; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; and 6) delete related provisions that have expired through the passage of time;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 3, 2021; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission’s proposed recommendations are as follows:

1. Allow an exception for Massage Establishments on any floor within a Personal Service.
2. In zoning districts where Health Services are currently not permitted but Massage Establishments are, retain the existing more permissive Massage Establishment controls.
3. Clerical amendment to copy the Hotel exception footnote reference to all applicable floors within Zoning Control Tables.

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The proposed Ordinance would review Massage Establishments more similarly to Health Services.

The proposed Ordinance will make review of Massage Establishments more consistent throughout the city.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modification are consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.2

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The proposed Ordinance aligns Massage Establishments with other Health Services, thereby making the former more permissible throughout the city. The Department of Public Health (DPH) would continue to review the business operations and licensing of Massage Establishments. Under this Ordinance, the Planning Code would review Massage Establishments based on their land use and leave review of their merits to the experts at DPH.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 3, 2021.



Jonas P Ionin Digitally signed by Jonas P Ionin
Date: 2021.06.17 16:40:54 -07'00'

Jonas P. Ionin
Commission Secretary

AYES: Tanner, Chan, Diamond, Fung, Imperial, Moore, Koppel

NOES: None

ABSENT: None

ADOPTED: June 3, 2021

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EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: June 3, 2021

90-Day Deadline: July 20, 2021

Project Name: Massage Establishment Zoning Controls
Case Number: 2020-006112PCA [Board File No. 210381]
Initiated by: Supervisors Ronen and Mandelman / Introduced April 12, 2021
Staff Contact: Veronica Flores, Legislative Affairs
Veronica.Flores@sfgov.org, 628-652-7525
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

Recommendation: Approval with Modifications

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Article 7; 2) regulate Massage Establishments consistent with Health Services, except that where zoning for Health Services is more permissive, Massage Establishments shall require conditional use authorization on the second floor and are not permitted on the third floor and above unless located within a Hotel; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; and 6) delete related provisions that have expired through the passage of time.

The Way It Is Now:	The Way It Would Be:
The recent Planning Code reorganization effort changed the name of Medical Service to Health Services. In some places, the Planning Code still references “Medical Service”.	All remaining references to “Medical Service” would be replaced with “Health Service”.

<p>Sole Practitioners are included as part of the definition of Massage Establishments.</p>	<p>Sole Practitioners would now be included as part of the definition of Health Services.</p>
<p>Massage Establishment Zoning Control Table permissions vary per floor according to each Zoning District.</p>	<p>Massage Establishments would be regulated like Health Services, generally as follows:</p> <ul style="list-style-type: none"> • Principally permitted on the first floor • Conditionally permitted on the second floor • Not permitted on the third floor and above <p>However, in the cases where Health Services are more permissive than what is listed above for the second floor or higher, Massage Establishments would still require Conditional Use Authorization on the second floor and would not be permitted on the third floor or above.</p> <p>The only exception to the above restrictions is that Massage Establishments would be principally permitted on all floors for Hotels.</p>
<p>Nonconforming Massage Establishments that are discontinued for one of the reasons listed below would be considered an abandonment if they are discontinued for a period of three months. Such scenarios include:</p> <ul style="list-style-type: none"> • nonconforming for being located within 1,000 feet of another Massage Establishment, or • no longer permitted in that Zoning District. 	<p>This three-month abandonment period for certain nonconforming Massage Establishments would be eliminated. As a result, nonconforming Massage Establishments would have the same abandonment provisions as all other land uses.</p>
<p>No new Massage Establishments are permitted for at least three years at any location where a previous Massage Establishment was closed due to a violation of the Planning or Health Codes.</p>	<p>New Personal Services would also not be permitted for at least three years at any location where a Massage Establishment use was closed due to a violation of the Planning or Health Codes.</p>
<p>The Conditional Use Authorization findings for Massage Establishments includes a finding as to whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health.</p>	<p>This specific Conditional Use Authorization finding would be eliminated.</p>
<p>Massage Establishments do not require Conditional Use Authorization in certain circumstances, including, but not limited to, the following:</p> <ul style="list-style-type: none"> • If the Massage Establishment is an Accessory Use to a dwelling unit • If the Massage Establishment is an Accessory Use to a Tourist Hotel with at least 100 rooms 	<p>The Conditional Use Authorization exception for Massage Establishments accessory to a dwelling unit would be eliminated. The Conditional Use Authorization exception for Massage Establishments accessory to a Tourist Hotel would be amended to exempt all Hotels, regardless of the number of hotel rooms.</p>
<p>Accessory Massage Establishments located within the Ocean Avenue Neighborhood Commercial District are</p>	<p>This notification requirement for accessory Massage Establishments located within the Ocean Avenue</p>

subject to the notification requirements of Planning Code Section 311.	Neighborhood Commercial District would be eliminated.
The Code includes outdated references and typographical errors.	The Ordinance would update references and correct typographical errors.

Background

The regulatory landscape of Massage Establishments has evolved for the past two decades in response to changing State requirements, the stigma associated with Massage Establishments, and the desire to regulate Massage Establishments more consistently. In 2003, the Board of Supervisors passed an Ordinance to move the licensing and regulation of Massage Practitioners from the Police Code to the Health Code. This was the first significant move in aligning massage therapy with other Health Services. In 2006, the Board of Supervisors then legislated for Massage Establishments to require Conditional Use Authorizations in most Commercial Districts. This was primarily in response to the challenges of Massage Establishments regulated differently in various Zoning Districts. Around this time, there was also a rise in both legitimate and illegitimate Massage Establishments opening throughout the city. The Conditional Use Authorization requirement was intended to address the illegitimate massage establishments.

In 2015, the Board of Supervisors passed an Ordinance that defined Massage Establishment as its own unique land use,¹ potentially adding to the stigma of Massage Establishments since they were called out separately from other uses. Additionally, that same Ordinance restricted where Massage Establishments would be permitted. A companion Ordinance also amended Article 29 of the Health Code to strengthen review of Massage Establishments, to establish licensing and reporting requirements, and to incorporate State human trafficking information posting requirements into local law for enforcement purposes. All these efforts were to help ensure there were no illegal activities at Massage Establishments. The Department of Public Health (DPH) has since created a robust Massage Program and been more involved in recent years, actively revoking licenses from businesses where such illicit activity is found. This results in less of this type of bad behavior within Massage Establishments, making it an appropriate time to revisit stringent review of Massage Establishments in the past. The proposed Ordinance would revise land use regulations by treating Massage Establishments more similarly to other Health Services.

Issues and Considerations

Massage Establishments versus Sole Practitioners

Massage Establishments and Sole Practitioners both provide massage services, but one of the key differences is business ownership. Massage Establishments employ Massage Practitioners, but the business owner may or may not be a Massage Practitioner. Sole Practitioners are self-employed and operate independently of any relationship to a Massage Establishment. Another difference relates to the number of permitted Massage Practitioners at any given location, which is unlimited for Massage Establishments and only up to two for Sole

¹ [Board File 141303. Ordinance 73-15](#)

Practitioners. The proposed Ordinance would amend the Planning Code to provide more flexibility for both Massage Establishments and Sole Practitioners alike.

Historically, Massage Establishments were regulated by the Police Code due to concerns over illicit activities at some Massage Establishments. In 2014, licensing and regulation of Massage Establishments was transferred to the DPH marking the first significant moves in associating Massage Establishments with other Health Services.² Beginning in 2006, new Massage Establishments proposed in Commercial Districts required Conditional Use Authorization. Because of its complicated history, Massage Establishments would continue to have a greater lens of scrutiny compared to other Health Services to ensure no human trafficking or illicit activities occur. However, regulating Massage Establishments more restrictively still suggests that these are different than other Health Services.

Consistent Review with Other Health Services

For ground floor locations, the proposed Ordinance would regulate Massage Establishments the same as Health Services by principally permitting them on the ground floor when Health Services are principally permitted; however, Massage Establishments would require Conditional Use Authorization on the second floor and be prohibited on the third floor and above regardless of Health Service controls. Exception to this rule occurs when a Health Service is conditionally permitted or not permitted on the first or ground floor, in which case Massage Establishments would have similar controls. Another exception to Conditional Use requirements on the second floor for Massage Establishments is when the use is located within a Hotel. In those instances, the Massage Establishment is principally permitted on all floors. To address lingering concerns about illicit activities, the proposed Ordinance would maintain separate use definitions for Massage Establishment and Health Service. Having two definitions would limit Massage Establishments from being located on upper floors.

This methodology has produced some unintended consequences. There are a handful of zoning districts where Health Services are currently not permitted. As proposed, the Ordinance would no longer permit Massage Establishments where they are currently conditionally permitted in a few zoning districts such as the Chinatown Visitor Retail District or the Haight Street Neighborhood Commercial Zoning District. The Department is aware of at least one proposal, located at 811 Clay Street, that would directly be impacted by this Ordinance. The project submitted their application in September 2020 seeking to change from their existing Chair/Foot Massage land use to a Massage Establishment. The project has yet to appear in front of the Planning Commission. If enacted, the proposed change to Massage Establishment at this property would no longer be allowed.

Eliminate Conditional Use Authorizations in the Future

Overall, the Ordinance does make Massage Establishments more permissive throughout the city; however, the Ordinance still requires Conditional Use Authorizations for Massage Establishments when Health Services are principally permitted on the second floor. The Department understands the hesitancy in fully integrating Massage Establishments as part of the definition of Health Services due to past violations related illicit activity or human trafficking within Massage Establishments; however, land use regulations are not the best tool in combatting illicit activity. Further, DPH's new Massage Program and increased involvement has resulted in less of

² [Board File 030995. Ordinance 268-03](#)

this type of bad behavior within Massage Establishments. As the City has become more comfortable with the new relaxed land use controls for massage uses, the Department recommends revisiting them again to see if both massage types could be included under the Health Services definition.

Licensing and Review

The State of California established the California Massage Therapy Council (CAMTC) in 2008 and authorized it to implement a statewide massage certification program. At the time, the State also limited the local land use controls, which made it difficult for the City to regulate Massage Establishments effectively. The State regulated Massage Establishments until 2014 when Massage Establishment review and regulations were returned to the local level. Since that time, DPH has regulated the review of Massage Establishments and required all Massage Practitioners to have one of the following licenses to operate in San Francisco:

- A license issued by the CAMTC
- A Massage Practitioner Permit issued by the Director of Public Health

DPH no longer issues new Massage Practitioner Permits and requires all Massage Practitioners to have an active license from the CAMTC. However, previously issued Massage Practitioner Permits are still recognized and honored.

DPH has an extensive Massage Establishment application and review process. The application includes background checks and information for all Massage Practitioners and their respective CAMTC license or DPH Massage Practitioner Permit status. This makes the Conditional Use Authorization finding related to whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from DPH redundant. Removing this requirement allows the Planning Department to rightfully focus on the land use aspect and leave the business operations and licensing review to DPH.

Massage Establishments Accessory to Dwelling Units

Once the State returned review and regulation of Massage Establishments back to the City, additional legislation was passed to help DPH more effectively regulate Massage Establishments. Part of these efforts included new operating requirements for all Massage Establishments and Sole Practitioners.³ One of these new operating requirements restricted Massage Establishments from operating within a residence. The Planning Code still includes a Conditional Use Authorization exception for Massage Establishments that are accessory to a Dwelling Unit, which is misleading for the public and prospective Massage Practitioners. The Ordinance removes this specific Conditional Use Authorization exception to be more consistent with the Health Code.

Massage Establishments and Hotels

The hospitality industry had previously been associated with attracting illicit activities and conducting human trafficking.⁴ To combat this, the Hotel Council has worked to proactively to end human trafficking. Some recent and ongoing efforts include:

- partnering with the Department on the Status of Women, including work on the topic of how to spot

³ [Board File 141302, Ordinance 72-15](#)

⁴ [Office of Small Business, Massage Regulatory Topic Paper](#)

- Human Trafficking,
- implementing mandatory training programs for all Hotel members on how to spot human trafficking and how to respond safely and appropriately, and
- building long-term working relationships with the Police Department on the prevention of human trafficking.

According to the Hotel Council, all these efforts help prevent illicit activities and human trafficking to the point that they do not really see this type of behavior in Hotels.

Tourist Hotels with 100 rooms or more are currently exempt from Conditional Use Authorizations. The hotel industry has changed since this Conditional Use Authorization exemption was first introduced. Whereas spas and Massage Establishments were previously only found in larger Hotels, now there are also smaller, boutique-like Hotels that also offer spas and Massage Establishments as part of their amenities. The Conditional Use Authorization exemption as written is overly restrictive and should be expanded to all Hotels in response to recent changes in the hotel industry.

Further, Hotels usually do not have their spas or Massage Establishments on the first or second floors, which is primarily dedicated to the lobby space, conference rooms, or restaurants. Not permitting Massage Establishments on the third floor or above may inadvertently penalize existing Hotels who are interested in expanding their spas and Massage Establishments. The proposed Ordinance also prevents any new Hotels from including Massage Establishments on the third floor and above. Given the square footage allocation limitation and the Hotel Council's proactive approach in preventing illicit activities and human trafficking as described above, providing Hotels with more flexibility with respect to what floor Massage Establishments are allowed is appropriate.

General Plan Compliance

The proposed Ordinance aligns Massage Establishments with other Health Services, thereby making the former more permissible throughout the city. DPH would continue to review the business operations and licensing of Massage Establishments. Under this Ordinance, the Planning Code would review Massage Establishments based on their land use and leave review of their merits to the experts at DPH.

Racial and Social Equity Analysis

Understanding the benefits, burdens, and opportunities to advance racial and social equity that proposed Planning Code amendments provide is part of the Department's Racial and Social Equity Initiative. This is also consistent with the Mayor's Citywide Strategic Initiatives for equity and accountability and with the forthcoming Office of Racial Equity, which will require all Departments to conduct this analysis.

The Planning Code amendments in the proposed Ordinance to align Massage Establishments with other Health Services, such as dentists, psychiatrists, and chiropractors treats Massage Establishments more equitably. Firstly, the Ordinance would regulate Massage Establishments more consistently throughout the city rather than varying controls from one zoning district to the next. Secondly, in the past, Massage Establishments were regulated differently than other health-related services in hopes of combatting and preventing illicit activity or human trafficking. Oftentimes, this inequitable practice added to the stigma of Massage Establishments since they were

reviewed and treated differently by the City. This practice also unintentionally punished the majority of Massage Establishments that were not participating in the illegal activities. However, regulating Massage Establishments as its own land use was not always effective as seen through the number of Health and Planning Code violations in the past. The number of such violations diminished after DPH established their Massage Program, which was created after the State relinquished controls back to the local level. This additional oversight at the City level abated and prevented many potential violations. As such, this is now the prime opportunity to regulate Massage Establishments more similarly to other Health Services, rather than treating Massage Establishments as its own separate land use. The proposed Ordinance takes a step in this direction but still includes a higher level of scrutiny for Massage Establishments compared to Health Services. Future Ordinances should consider eliminating the Conditional Use Authorization requirement for Massage Establishments altogether to make them more on par with other Health Services. Until that is the case, Massage Establishments may continue to be thought of as only tangentially related to Health Services and not fully integrated into this land use category.

The Ordinance especially benefits Sole Practitioners since these would now be classified under Health Services and would be more permissible throughout the city. Sole Practitioners were previously classified under Massage Establishments and were either not permitted or required Conditional Use Authorization in many zoning districts. This change is extra impactful for these small business Sole Practitioners who would now have more locational opportunities under this Ordinance. Further, the flexibility of what floors Sole Practitioners are allowed removes the barrier of securing a first-floor commercial space that is often too large and too expensive for the Sole Practitioners. Collectively, the Ordinance makes way for more equitable review of Massage Establishments and Sole Practitioners.

Implementation

The Department has determined that this Ordinance will impact our current implementation procedures in the following ways:

- The Ordinance would increase the number of zoning districts where Massage Establishments would be allowed and make them principally permitted on the first floor. This change may potentially result in fewer hearings overall since Massage Establishments would not require a Conditional Use Authorization if proposed on the first floor.
- The Ordinance would require Conditional Use Authorizations for Massage Establishments that are proposed on the second floor (in uses other than Hotels). However, Massage Establishments may qualify for the Community Business Priority Processing Program (CB3P). If eligible, such Conditional Use Authorization review would be streamlined and appear in front of the Planning Commission within 90 days of filing and placed on the consent calendar.

The above implementation impacts may generally offset each other, but collectively would be implemented without increasing permit costs or review time since it is anticipated the majority of Massage Establishments would generally be located on the first floor.

Recommendation

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Allow an exception for Massage Establishments on any floor within a Personal Service.
2. In zoning districts where Health Services are currently not permitted but Massage Establishments are, retain the existing more permissive Massage Establishment controls.
3. Clerical amendment to copy the Hotel exception footnote reference to all applicable floors within Zoning Control Tables.

Basis for Recommendation

The Department supports the overall goals of this Ordinance because it would treat Massage Establishments more similarly to other Health Services such as dentists, psychiatrists, chiropractors, and other licensed health care professionals. Further, the Ordinance would regulate Massage Establishments more consistently throughout the city. However, the additional policy recommendations could further support Massage Establishments in the city.

Recommendation 1: Allow an exception for Massage Establishments on any floor within a Personal Service.

As written, the Ordinance would prevent full-service gyms (such as The Equinox or The Bay Club) from including new Massage Establishments as part of their amenities. Like Hotels, gyms historically have not had any Massage Establishment violations. Therefore, the same exception for Hotels should also be extended to gyms. The gym definition is being eliminated and will be housed under Personal Service per the Mayor's Small Business Recovery Act, which is currently pending at the Board of Supervisors.⁵ Therefore, the proposed modification lists "Personal Service" which includes an array of land uses such as salons, cosmetic services, and tattoo parlors. The Ordinance currently includes a three-year prohibition of new Personal Services at sites where there are any Health or Planning Code violations. The proposed modification, in conjunction with this prohibition, would be a safeguard against any non-gym Personal Services that are found to be in violation with the Health or Planning Codes. A preview of this proposed modification is included in Exhibit C.

Recommendation 2: In zoning districts where Health Services are currently not permitted but Massage Establishments are, retain the existing more permissive Massage Establishment controls.

There are a handful of zoning districts where Health Services are not permitted on the first floor for varying reasons related to each specific district. In some of these zoning districts, Massage Establishments are either permitted or conditionally permitted on certain floors. The general approach of applying existing Health Service controls to Massage Establishments creates unintended consequences in zoning districts that currently allow Massage Establishments on some floors. Specifically, this includes:

- Haight Street Neighborhood Commercial District, first floor,
- North Beach Neighborhood Commercial District, first floor,
- Folsom Street Neighborhood Commercial District, second floor,
- Regional Commercial District, second floor, and
- Chinatown Visitor Retail District, first floor and third floor and above.

⁵ [Board File 210285](#)

As written, the Ordinance results in a few zoning districts that would be more restrictive for Massage Establishments. The Department is aware of at least one proposal that would be directly impacted by the Ordinance if enacted. The Ordinance should instead ensure that all changes are either the same or less restrictive than the current Massage Establishment controls.

Recommendation 3: Clerical amendment to copy the Hotel exception footnote reference to all applicable floors within Zoning Control Tables.

The drafted Ordinance includes a footnote reference for Massage Establishments for the third floor and above noting that a Massage Establishment is principally permitted on any floor if located within a Hotel. This footnote in the proposed Ordinance should also be included on the first and second floors where Massage Establishments are conditionally permitted. (Note: the draft in Exhibit C assumes that the first recommendation related to also extending an exception to Personal Services is also taken.) Despite Section 303 already listing the Conditional Use exception for Massage Establishments located within Hotels, the Zoning Control Table may be misleading for general members of the public if viewed alone. This clerical amendment would avert potential confusion and be more consistent with our footnote practice in the Planning Code.

Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15378 and 15060(c)(2) because they do not result in a physical change in the environment.

Public Comment

As of the date of this report, the Planning Department has received three public comments in support of the proposed Ordinance, including from DPH, the Hotel Council, and the Massage Council. The Massage Council commended the Ordinance's overall efforts to support Massage Establishments opening and operating in San Francisco. Both DPH and the Hotel Council also noted support of the exception for Hotels, stating that having Massage Establishments on the second floor and above for Hotels is a hotel industry standard. Further, the Hotel Council emphasized they have worked extensively with their members to train all Hotel employees on how to safely identify human trafficking and appropriately respond.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 210381
- Exhibit C: Draft Planning Code amendment language for recommended modifications
- Exhibit D: Letters of Support

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PLANNING COMMISSION DRAFT RESOLUTION

HEARING DATE: June 3, 2021

Project Name: Massage Establishment Zoning Controls
Case Number: 2020-006112PCA [Board File No. 210381]
Initiated by: Supervisors Ronen and Mandelman / Introduced April 12, 2021
Staff Contact: Veronica Flores, Legislative Affairs
Veronica.Flores@sfgov.org, 628-652-7525
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO REVISE MASSAGE ESTABLISHMENT ZONING CONTROLS, INCLUDING, AMONG OTHER THINGS, TO 1) ADD SOLE PRACTITIONER MASSAGE ESTABLISHMENTS TO THE DEFINITION OF HEALTH SERVICES IN ARTICLE 7; 2) REGULATE MASSAGE ESTABLISHMENTS CONSISTENT WITH HEALTH SERVICES, EXCEPT THAT WHERE ZONING FOR HEALTH SERVICES IS MORE PERMISSIVE, MASSAGE ESTABLISHMENTS SHALL REQUIRE CONDITIONAL USE AUTHORIZATION ON THE SECOND FLOOR AND ARE NOT PERMITTED ON THE THIRD FLOOR AND ABOVE UNLESS LOCATED WITHIN A HOTEL; 3) ELIMINATE THE THREE-MONTH PERIOD TO ESTABLISH ABANDONMENT OF CERTAIN NONCONFORMING MASSAGE ESTABLISHMENT USES; 4) PROHIBIT PERSONAL SERVICES USES FOR THREE YEARS AT ANY LOCATION WHERE A MASSAGE ESTABLISHMENT USE WAS CLOSED DUE TO A VIOLATION OF THE PLANNING CODE OR HEALTH CODE; 5) ELIMINATE THE EXCEPTION FROM THE CONDITIONAL USE AUTHORIZATION REQUIREMENT FOR MASSAGE USES ACCESSORY TO A DWELLING UNIT; AND 6) DELETE RELATED PROVISIONS THAT HAVE EXPIRED THROUGH THE PASSAGE OF TIME; AFFIRMING THE PLANNING DEPARTMENT’S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1, AND PUBLIC NECESSITY, CONVENIENCE, AND GENERAL WELFARE FINDINGS PURSUANT TO PLANNING CODE, SECTION 302.

WHEREAS, on April 12, 2021 Supervisors Ronen and Mandelman introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 210381, which would amend the Planning Code to

revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Article 7; 2) regulate Massage Establishments consistent with Health Services, except that where zoning for Health Services is more permissive, Massage Establishments shall require conditional use authorization on the second floor and are not permitted on the third floor and above unless located within a Hotel; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; and 6) delete related provisions that have expired through the passage of time;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 3, 2021; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission’s proposed recommendations are as follows:

1. Allow an exception for Massage Establishments on any floor within a Personal Service.
2. In zoning districts where Health Services are currently not permitted but Massage Establishments are, retain the existing more permissive Massage Establishment controls.
3. Clerical amendment to copy the Hotel exception footnote reference to all applicable floors within Zoning Control Tables.

Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The proposed Ordinance would review Massage Establishments more similarly to Health Services.

The proposed Ordinance will make review of Massage Establishments more consistent throughout the city.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modification are consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.2

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The proposed Ordinance aligns Massage Establishments with other Health Services, thereby making the former more permissible throughout the city. The Department of Public Health (DPH) would continue to review the business operations and licensing of Massage Establishments. Under this Ordinance, the Planning Code would review Massage Establishments based on their land use and leave review of their merits to the experts at DPH.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic

buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 3, 2021.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: June 3, 2021

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1 [Planning Code - Massage Establishment Zoning Controls]

2

3 **Ordinance amending the Planning Code to revise Massage Establishment zoning**
 4 **controls, including, among other things, to 1) add Sole Practitioner Massage**
 5 **Establishments to the definition of Health Services in Article 7; 2) regulate Massage**
 6 **Establishments consistent with Health Services, except that where zoning for Health**
 7 **Services is more permissive, Massage Establishments shall require conditional use**
 8 **authorization on the second floor and are not permitted on the third floor and above**
 9 **unless located within a Hotel; 3) eliminate the three-month period to establish**
 10 **abandonment of certain nonconforming Massage Establishment uses; 4) prohibit**
 11 **Personal Services uses for three years at any location where a Massage Establishment**
 12 **use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the**
 13 **exception from the conditional use authorization requirement for massage uses**
 14 **accessory to a dwelling unit; and 6) delete related provisions that have expired through**
 15 **the passage of time; affirming the Planning Department's determination under the**
 16 **California Environmental Quality Act; and making findings of consistency with the**
 17 **General Plan, and the eight priority policies of Planning Code, Section 101.1, and public**
 18 **necessity, convenience, and general welfare findings pursuant to Planning Code,**
 19 **Section 302.**

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

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

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Section 1. Land Use and Environmental Findings.

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

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

(c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. _____, recommending approval of the proposed designation, which is incorporated herein by reference.

Section 2. General Findings.

Pursuant to this ordinance, Massage Establishments, except for Sole Practitioner Massage Establishments, that are proposed to be located on the first or second floor in certain commercial districts are subject to a Conditional Use Authorization requirement, as set forth in Planning Code Section 303. Conditional Use Authorization serves a number of purposes, including the assurance that a proposed activity will be neighborhood-serving and will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. A Massage Establishment seeking a Conditional Use

1 Authorization may be eligible to participate in the Community Business Priority Processing
2 Program, pursuant to Planning Code Section 303.2. This Program provides for priority
3 processing of eligible Conditional Use Authorization applications and a reduced application
4 fee.

5
6 Section 3. The Planning Code is hereby amended by revising Section 102 in Article 1;
7 Section 145.4 in Article 1.2; Section 183 in Article 1.7; Sections 202.2, 210.1, 210.2, 210.3,
8 and 249.36 in Article 2; Sections 303 311, and 342.1 in Article 3; Sections 710-745 and 750-
9 764 in Article 7; and Sections 811, 812, 827, 829, 840, 841, 848, 890.28, and 890.114 in
10 Article 8, to read as follows:

11
12 **SEC. 102. DEFINITIONS.**

13 * * * *

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

22 * * * *

23 ***Massage Establishment.*** A Retail Sales and Service Use defined by Section 29.5 of
24 the Health Code. For purposes of the Planning Code only, "Massage Establishment" shall
25 include ~~both~~ a "Massage Establishment" ~~and~~ but shall not include a "Sole Practitioner Massage

1 Establishment," as these terms are defined in Section 29.5 of the Health Code. The Massage
2 Establishment shall first obtain a permit from the Department of Public Health pursuant to
3 Section 29.25 of the Health Code, or a letter from the Director of the Department of Public
4 Health certifying that the establishment is exempt from such a permit under Section 29.25 of
5 the Health Code.

6 * * * *

7 **Service, Health.** A Retail Sales and Service Use that provides medical and allied
8 health services to the individual by physicians, surgeons, dentists, podiatrists, psychologists,
9 psychiatrists, acupuncturists, chiropractors, Sole Practitioner massage therapists as defined in
10 Section 29.5 of the Health Code, or any other health-care professionals when licensed by a
11 State-sanctioned Board overseeing the provision of medically oriented services. It includes,
12 without limitation, a clinic, primarily providing outpatient care in medical, psychiatric, or other
13 health services, and not part of a Hospital or medical center, as defined by this Section of the
14 Code, and Sole Practitioner Massage Establishments as defined in Section 29.5 of the Health Code,
15 but does not include other Massage Establishments, which are defined elsewhere in this Code.

16 .

17 * * * *

18 **SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES**

19 * * * *

20 **Table 145.4**

Reference for Commercial, Neighborhood Commercial, and	Reference for Mixed Use Districts	Use
---	--	------------

1	Residential- Commercial		
2	Districts		
3	* * * *	* * * *	* * * *
4	N/A	890.114	Service, Medical Health
5	* * * *	* * * *	* * * *

6 * * * *

7

8 **SEC. 183. NONCONFORMING USES: DISCONTINUANCE AND ABANDONMENT.**

9 (a) ***Discontinuance and Abandonment of a Nonconforming Use, Generally.***

10 Whenever a nonconforming use has been changed to a conforming use, or discontinued for a

11 continuous period of three years, or whenever there is otherwise evident a clear intent on the

12 part of the owner to abandon a nonconforming use, such use shall not after being so

13 changed, discontinued, or abandoned be reestablished, and the use of the property thereafter

14 shall be in conformity with the use limitations of this Code for the district in which the property

15 is located. Where no enclosed building is involved, discontinuance of a nonconforming use for

16 a period of six months shall constitute abandonment. ~~Where a Massage Establishment is~~

17 ~~nonconforming for the reason that it is within 1,000 feet of another such establishment or because it is~~

18 ~~no longer permitted within the district, discontinuance for a continuous period of three months or~~

19 ~~change to a conforming use shall constitute abandonment.~~

20 * * * *

21

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

23 (a) **Retail Sales and Service Uses.** The Retail Sales and Service Uses listed below

24 shall be subject to the corresponding conditions:

25 * * * *

(4) **Massage Establishments.** Any Massage Establishment found to be operating, conducted, or maintained contrary to this Code or Health Code Article 29 shall be found to be in violation of this Code and will be subject to enforcement as provided in Section 176 of the Planning Code. For three years following closure of a Massage Establishment for violations of this Code or the Health Code no new Massage Establishment *or Personal Service* shall be approved at the site where the former Massage Establishment was closed.

* * * *

SEC. 210.1. C-2 DISTRICTS: COMMUNITY BUSINESS.

* * * *

**Table 210.1
ZONING CONTROL TABLE FOR C-2 DISTRICTS**

Zoning Category	§ References	C-2
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *	* * * *	* * * *
Sales and Service Category		
Retail Sales and Service Uses*	§§ 102, 202(a)	P
* * * *	* * * *	* * * *
Massage Establishment	§ 102	<u>CP(7)</u>
* * * *	* * * *	* * * *

* * * *

(7) C on the 2nd floor and NP on the 3rd floor and above, except that a Massage Establishment located on the 2nd floor or above within a Hotel is P.

SEC. 210.2. C-3 DISTRICTS: DOWNTOWN COMMERCIAL.

* * * *

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

Zoning Category	§ References	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S
NON-RESIDENTIAL STANDARDS AND USES						
* * * *	* * * *	* * * *	* * * *	* * * *	* * * * *	* * * * *
Sales and Service Category						
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P	P	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *	* * * * *	* * * * *
Massage Establishment	§ 102	CP(9)	CP(9)	CP(9)	CP(9)	CP(9)
* * * *	* * * *	* * * *	* * * *	* * * *	* * * * *	* * * * *

(9) C on the 2nd floor and NP on the 3rd floor and above, except that a Massage Establishment located on the 2nd floor or above within a Hotel is P.

* * * *

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					
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P(1)	P(10)	P(9)	P(1)
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§ 102	<i>NPP(23)</i>	<i>NPP(23)</i>	<i>NPP(23)</i>	<i>NPP(23)</i>
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P (3)	P (8)	P (8)	P (5)
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

(23) C on the 2nd floor and NP on the 3rd floor and above, except that a Massage Establishment located on the 2nd floor or above within a Hotel is P.

SEC. 249.36. LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT.

* * * *

(c) **Controls.** All provisions of the Planning Code currently applicable shall continue to apply, except as otherwise provided in this Section 249.36:

(1) **MedicalHealth Services.** MedicalHealth services, including medical offices and clinics, as defined in Section 890.114, are a Principally Permitted Use and are exempted from use size limitations, PDR replacement requirements (Sec. 202.7), and vertical (floor-by-floor) zoning controls (Sec. 803.9(f)). For the purposes of this Section, a medicalhealth service use may be affiliated with a hospital or medical center as defined in 890.44.

* * * *

1
2 **SEC. 303. CONDITIONAL USES.**

3 * * * *

4 (n) **Massage Establishments.** With respect to Massage Establishments that are
5 subject to Conditional Use authorization, in addition to the criteria set forth in subsection (c)
6 above, the Commission shall make the following findings:

7 ~~(1) Whether the applicant has obtained, and maintains in good standing, a permit for a~~
8 ~~Massage Establishment from the Department of Public Health pursuant to Section 29.10 of the Health~~
9 ~~Code;~~

10 (21) Whether the use's façade is transparent and open to the public.
11 Permanent transparency and openness are preferable. Elements that lend openness and
12 transparency to a façade include:

13 (A) active street frontage of at least 25 feet in length where 75% of that
14 length is devoted to entrances to commercially used space or windows at the pedestrian eye-
15 level;

16 (B) windows that use clear, untinted glass, except for decorative or
17 architectural accent;

18 (C) any decorative railings or decorative grille work, other than wire
19 mesh, which is placed in front of or behind such windows, should be at least 75% open to
20 perpendicular view and no more than six feet in height above grade;

21 (32) Whether the use includes pedestrian-oriented lighting. Well lit
22 establishments where lighting is installed and maintained along all public rights-of-way
23 adjacent to the building with the massage use during the post-sunset hours of the massage
24 use are encouraged:

1 (43) Whether the use is reasonably oriented to facilitate public access. Barriers
2 that make entrance to the use more difficult than to an average service-provider in the area
3 are to be strongly discouraged. These include (but are not limited to) foyers equipped with
4 double doors that can be opened only from the inside and security cameras.

5 **Exceptions.** A Massage Establishment shall not require a Conditional Use
6 authorization if the Massage Establishment satisfies one or more of the following conditions:

7 (1) The massage use is accessory to a Principal Use, if the massage use is accessed
8 by the Principal Use and

9 ——— ~~(A) the Principal Use is a Dwelling Unit and the massage use conforms to the~~
10 ~~requirements of Section 204.1, for Accessory Uses for Dwelling Units in All Districts; or~~

11 ——— ~~(B) the Principal Use is a Tourist Hotel that contains 100 or more rooms or an~~
12 Institutional Use as defined in this Code.

13 (2) The only massage service provided is ~~e~~Chair/Foot mMassage, such service is
14 visible to the public, and customers are fully clothed at all times.

15 (3) It is a Sole Practitioner Massage Establishment, as defined in Section 29.5 of
16 the Health Code.

17 * * * *

18
19 **SEC. 311. PERMIT REVIEW PROCEDURES.**

20 * * * *

21 (b) **Applicability.** Except as indicated herein, all building permit applications in
22 Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for a change of use;
23 establishment of a Micro Wireless Telecommunications Services Facility; establishment of a
24 Formula Retail Use; demolition, new construction, or alteration of buildings, and the removal
25 of an authorized or unauthorized residential unit shall be subject to the notification and review

1 procedures required by this Section 311. In addition, all building permit applications that would
2 establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district,
3 shall be subject to the review procedures required by this Section 311. Notwithstanding the
4 foregoing or any other requirement of this Section 311, a change of use to a Child Care
5 Facility, as defined in Section 102, shall not be subject to the review requirements of this
6 Section 311. Notwithstanding the foregoing or any other requirement of this Section 311,
7 building permit applications to construct an Accessory Dwelling Unit pursuant to Section
8 207(c)(6) shall not be subject to the notification or review requirements of this Section 311.
9 Notwithstanding the foregoing or any other requirement of this Section 311, a change of use
10 to a principally permitted use in an NC or NCT District, or in a limited commercial use or a
11 limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be
12 subject to the review or notice requirements of this Section 311.

13 (1) **Change of Use.** For *the* purposes of this Section 311, a change of use is
14 defined as follows:

15 (A) **Residential, NC, and NCT Districts.** For all Residential, NC, and
16 NCT Districts, a change of use is defined as a change to, or the addition of, any of the
17 following land uses as defined in Section 102 of this Code: Adult Business, Bar, Cannabis
18 Retail, General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Massage
19 Establishment, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity Area,
20 Post-Secondary Educational Institution, Private Community Facility, Public Community
21 Facility, Religious Institution, Residential Care Facility, Restaurant, School, Tobacco
22 Paraphernalia Establishment, Trade School, and Wireless Telecommunications Facility. A
23 change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions
24 of this Section 311. ~~Any accessory massage use in the Ocean Avenue Neighborhood Commercial~~
25 ~~Transit District shall be subject to the provisions of this Section 311.~~ A change of use to a

1 principally permitted use in an NC or NCT District, or in a limited commercial use or a limited
 2 corner commercial use, as defined in Sections 186 and 231, respectively, shall not be subject
 3 to the provisions of this Section 311.

4 * * * *

5
 6 **SEC. 342.1. DEFINITIONS.**

7 As used in these Sections 342 to 342.10, "Medical Use" shall mean a use as defined
 8 in Section 890.114 or 890.44 of this Code or a Hospital or Health Service use as defined in
 9 Section 102 of this Code, excluding any housing operated by a medical provider ~~or any~~
 10 *massage use.*

11
 12 **SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

13 * * * *

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

Zoning Category		§ References	Controls		
* * * *			Controls by Story		
NON-RESIDENTIAL USES			1st	2nd	3rd+
* * * *	* * * *		* * * *	* * * *	* * * *
Sales and Service Use Category					
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , <u>202.3</u>	P(2)(3)	NP	NP	
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§ 102	<u>NPP</u>	<u>NP(12)</u>	<u>NP(12)</u>	
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	NP	NP	
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

24 * Not listed below

* * * *

(12) P if located within a Hotel.

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

* * * *

Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2

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, <u>202.2(a)</u> , <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(n)</u>	C	<u>NPC</u>	<u>NP(13)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(13) P if located within a Hotel.

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 USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§ 102, 303(<u>en</u>)	<u>CP</u>	C	NP(<u>12</u>)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(12) P if located within a Hotel.

SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER

DISTRICT.

* * * *

**Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S
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, <u>202.2(a)</u> , <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(<u>en</u>)	<u>CP</u>	C	NP(<u>9</u>)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	P	NP(<u>1</u>)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(9) P if located within a Hotel.

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 714. BROADWAY 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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>CP</u>	C	NP(9)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(9) P if located within a Hotel.

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 Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>CP</u>	C	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	P	P	C
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

(8) P if located within a Hotel.

SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>CP</u>	C	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within a Hotel.

SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL

DISTRICT.

* * * *

Table 717. OUTER 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§ 102	<u>NPP</u>	<u>NP(7)</u>	<u>NP(7)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(7) P if located within a Hotel.

1 **SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL**
 2 **DISTRICT.**

3 * * * *

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

7 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	EP	NPC	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *

16 * Not listed below

17 * * * *

18 (8) P if located within a Hotel.

21 **SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

22 * * * *

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

25 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a)</u>	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<i>ENP</i>	<i>NPC</i>	<i>NP(10)</i>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	NP	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(10) P if located within a Hotel.

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+
* * * *	* * * *	* * * *	* * * *	* * * *

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Grocery, General	§§ 102, 202.3	P(1)	P(1)	P(1)
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	C	NP(6)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(6) P if located within a Hotel.

SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 721. JAPANTOWN 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	C
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	C	C	CP(6)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	C	P	P
* * * *	* * * *	* * * *	* * * *	* * * *

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* Not listed below

* * * *

(6) P if located within a Hotel.

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 722. NORTH BEACH 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P(10)	P(10)	NP
* * * *	* * * *	* * * *	* * *	* * * *
			*	
Massage Establishment	§§ 102, 303(n)	<u>ENP</u>	<u>NPC</u>	<u>NP(14)</u>
* * * *	* * * *	* * * *	* * *	* * * *
			*	
Services, Health	§ 102	NP	C	C
* * * *	* * * *	* * * *	* * *	* * * *
			*	

* Not listed below

* * * *

(14) P if located within a Hotel.

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

2 * * * *

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

5 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES (7)				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	NP	NP	NP(9)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	NP	C	C
* * * *	* * * *	* * * *	* * * *	* * * *

16 * Not listed below

17 * * * *

18 (9) P if located within a Hotel.

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

21 * * * *

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

24 * * * *

Zoning Category	§ References	Controls		
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* * * *	* * * *	* * * *			
NON-RESIDENTIAL STANDARDS AND USES					
* * * *	* * * *	* * * *			
		Controls by Story			
		1st	2nd	3rd+	
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category					
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	C	NP	
* * * *	* * * *	* * * *	* * * *	* * * *	
Massage Establishment	§§ 102, 303(n)	<u>NPC(4)</u>	<u>NPC</u>	<u>NP(7)</u>	
* * * *	* * * *	* * * *	* * * *	* * * *	
Services, Health	§ 102	C(4)	P	P	
* * * *	* * * *	* * * *	* * * *	* * * *	

* Not listed below

* * * *

(4) A Health Service Use *and Massage Establishment Use* requires a Conditional Use authorization on the ground story whether it is Principal or Accessory.

* * * *

(7) P if located within a Hotel.

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2 (a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	C(1) P	C(1)	NP(7)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	P	C
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

(1) Any Massage Establishment that has continually operated without the benefit of a building permit within the Union Street NCD since prior to December 31, 2017 shall not require a Conditional Use authorization to legally establish the Massage Establishment. However, such establishments must file a building permit application by May 1, 2020 to legally establish the Massage Establishment use, and such building permit application will be subject to neighborhood notification pursuant to Planning Code Section 311.

* * * *

(7) P if located within a Hotel.

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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	NP	<u>NP_C</u>	<u>NP₍₈₎</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	NP	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within a Hotel.

SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 727. LAKESIDE VILLAGE 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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§ 102</u>	<u>NP_P</u>	<u>NP₍₃₎</u>	<u>NP₍₃₎</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	P	NP	NP

* * * *	* * * *	* * * *	* * * *	* * * *
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* Not listed below

* * * *

(3) P if located within a Hotel.

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				
* * * *	* * * *	* * * *		
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	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Message Establishment	§§ 102, 303(n)	C	APC	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	C	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
		*		

* Not listed below

* * * *

(8) P if located within a Hotel.

1 **SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 * * * *

3 **Table 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**
4 **ZONING CONTROL TABLE**

5 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
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	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	<i>NPP</i>	<i>NPC</i>	NP(6)
* * * *	* * * *	* * * *	* * * *	* * * *

14 * Not listed below

15 * * * *

16 (6) P if located within a Hotel.

18 **SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.**

19 * * * *

20 **Table 730. INNER SUNSET 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), <u>202.3</u>	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(n)</u>	C	<u>NPC</u>	NP <u>(6)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	C	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(6) P if located within a Hotel.

SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 731. NORIEGA 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), <u>202.53</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(n)</u>	<u>CP</u>	<u>NPC</u>	NP <u>(7)</u>
* * *	* * *	* * *	* * *	* * *

* Not listed below

* * * *

1 (7) P if located within a Hotel.

2
3 **SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

4 * * * *

5 **Table 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
6 **ZONING CONTROL TABLE**

7 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(n)</u>	<u>CP</u>	<u>NPC</u>	NP(7)
* * *	* * *	* * *	* * *	* * *

16 * Not listed below

17 * * * *

18 (7) P if located within a Hotel.

19
20 **SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

21 * * * *

22 **Table 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
23 **ZONING CONTROL TABLE**

24 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(n)</u>	<u>CP</u>	<u>NPC</u>	NP <u>(7)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(7) P if located within a Hotel.

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				
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§ 102, 202.2(a), <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(n)</u>	<u>CP</u>	<u>NPC</u>	NP <u>(7)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(7) P if located within a Hotel.

1 **SEC. 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 * * * *

3 **Table 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

4 **ZONING CONTROL TABLE**

5 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * *	* * *	* * *
		*	*	*
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>CP</u>	<u>NPC</u>	<u>NP(3)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

14 * Not listed below

15 * * * *

16 (3) P if located within a Hotel.

19 **SEC. 736. OUTER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

20 * * * *

21 **Table 736. OUTER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

22 **ZONING CONTROL TABLE**

23 * * * *

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

* * * *	* * * *	* * * *		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(n)</u>	<u>CP</u>	<u>NPC</u>	NP <u>(3)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) P if located within a Hotel.

SEC. 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 737. BAYVIEW 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				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(øn)</u>	<u>CP</u>	C	NP <u>(5)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(5) *P if located within a Hotel.*

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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	EP	NPC	NP(3)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) *P if located within a Hotel.*

SEC. 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 739. GEARY BOULEVARD 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				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(<u>en</u>)	<u>CP</u>	C	NP(<u>8</u>)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within a Hotel.

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				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(<u>en</u>)	<u>CP</u>	C	NP(<u>5</u>)

* * * *	* * * *	* * * *	* * * *	* * * *
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* Not listed below
* * * *

(5) P if located within a Hotel.

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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<i>CP</i>	<i>NPC</i>	NP(3)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below
* * * *

(3) P if located within a Hotel.

SEC. 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.
* * * *

1 **Table 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**
 2 **CONTROL TABLE**

3 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
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
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§ 102	<i>NPP</i>	NP(3)	NP(3)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

13 * Not listed below

14 * * * *

15 *(3) P if located within a Hotel.*

17 **SEC. 743. LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 * * * *

19 **Table 743. LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 20 **ZONING CONTROL TABLE**

21 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
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	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	NPC	NP(3)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) P if located within a Hotel.

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 STANDARDS <i>AND USES</i>				
* * * *	* * * *	* * * *		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.32(a), 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	C	NP(4)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(4) P if located within a Hotel.

1 SEC. 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

2 * * * *

3 Table 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 4 ZONING CONTROL TABLE

5 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(en)</u>	<u>CP</u>	<u>NPC</u>	NP(4)
* * * *	* * * *	* * * *	* * * *	* * * *

14 * Not listed below

15 * * * *

16 (4) P if located within a Hotel.

18 SEC. 750. NCT-1 - NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER
 19 DISTRICT.

20 * * * *

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

23 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		

NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P(4)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	<i>NPP</i>	NP(10)	NP(10)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(10) P if located within a Hotel.

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

DISTRICT.

* * * *

Table 751. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

NCT-2

ZONING CONTROL TABLE

* * * *

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

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	NPC	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within a Hotel.

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

* * * *

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

* * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	C	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) *P if located within a Hotel.*

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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>EP</u>	<u>NPC</u>	<u>NP(6)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(6) *P if located within a Hotel.*

**SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT.**

* * * *

**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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), <u>202.3</u>	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ <u>102</u> , <u>303(n)</u>	<u>CP</u>	C	NP(9)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(9) P if located within a Hotel.

SEC. 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

Table 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

* * * *

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

Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	C(5)	NPC	NP(7)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	C(5)	P	P
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(5) A Health Service Use *and Massage Establishment Use* requires a Conditional Use authorization on the ground story whether it is Principal or Accessory.

* * * *

(7) P if located within a Hotel.

SEC. 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

**Table 756. GLEN PARK 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	NPC	NP(7)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(7) *P if located within a Hotel.*

SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT.

* * * *

Table 757. FOLSOM 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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<i>EP(7)(8)</i>	<i>ENP(11)</i>	<i>NP(11)</i>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P(7)(8)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

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

(8) P on first or second floor, but not both.

* * * *

(11) P if located within a Hotel.

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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>EP(6)(7)</u>	<u>ENP(10)</u>	<u>NP(10)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	P(6)(7)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

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

(7) P on first or second floor, but not on both; P on all floors in Historic Buildings.

* * * *

(10) P if located within a Hotel.

ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), <u>202.3</u>	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ <u>102</u> , <u>303(n)</u>	<u>CP</u>	C	NP(<u>5</u>)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below.

* * * *

(5) P if located within a Hotel.

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

* * * *

Table 761. HAYES-GOUGH 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				

Retail Sales and Service Uses*	§§ 102, 202.2(a), <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(n)</u>	C	<u>NPC</u>	NP(7)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	C	P	C
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(7) P if located within a Hotel.

SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT.

* * * *

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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), <u>202.3</u>	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(n)</u>	<u>CP</u>	C	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) *P if located within a Hotel.*

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

* * * *

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

* * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<i>EP</i>	<i>NPC</i>	<i>NP(8)</i>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) *P if located within a Hotel.*

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

The Chinatown Visitor Retail Neighborhood Commercial District extends along Grant Avenue between California and Jackson Streets. This district contains a concentration of shopping bazaars, art goods stores and restaurants which attract visitors and shoppers and contribute to the City's visual and economic diversity. Grant Avenue provides an important link between Downtown retail shopping and the Broadway, North Beach and Fisherman's Wharf areas.

This district is intended to preserve the street's present character and scale and to accommodate uses primarily appealing to visitors (e.g. tourist gifts shops, jewelry stores, art goods, large restaurants). In order to promote continuous retail frontage, entertainment, financial services, ~~medica~~health service, automotive, and drive-up uses are restricted. Most commercial uses, except financial services are permitted on the first two stories. Administrative services, (those not serving the public) are prohibited in order to prevent encroachment from downtown office uses. There are also special controls on restaurants and tourist hotels. Building standards protect and complement the existing small-scale development and the historic character of the area.

The height limit applicable to the district will accommodate two floors of housing or institutional use above two floors of retail use. Existing residential units are protected by prohibition of upper-story conversions and limitation on demolition. Accessory dwelling units are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>ENP</u>	C	<u>ENP(3)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	NP	P	NP

* Not listed below

* * * *

(3) P if located within a Hotel.

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*	<u>§§ 102, 202.2(a), 202.3</u>	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§ 102	<u>EP</u>	<u>NP(3)</u>	<u>NP(3)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) P if located within a Hotel.

SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).

* * * *

Table 827

**RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT
ZONING CONTROL TABLE**

* * * *

No.	Zoning Category	§ References	Rincon Hill Downtown Residential Mixed Use District Zoning Controls
* * * *	* * * *	* * * *	* * * *
Non-Residential Standards and Uses			
* * * *	* * * *	* * * *	* * * *
.26	All Non-Residential Uses Permitted, except as described below. § 825(c)(1)(A)		
* * * *	* * * *	* * * *	* * * *
.35	Massage Establishment	§§ 890.60 102, 303(n), Art. 29 Health Code	<u>P on the 1st floor, C # on the 2nd floor, and NP on 3rd floor and above, except P on the 2nd floor and above if within a Hotel.</u>

* * * *	* * * *	* * * *	* * * *
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**SPECIFIC PROVISIONS FOR
RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE**

<i>Section</i>		<i>Zoning Controls</i>
§ 827.35	§§ 890.60 102, 303(n), Art. 29 Health Code	<p>MESSAGE ESTABLISHMENT</p> <p>Controls: Massage <i>Establishments on the 2nd floor</i> shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in Section 303(n). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in Section 303(n) and 890.60(b).</p>
* * * *	* * * *	* * * *

**SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT
(SB-DTR).**

* * * *

Table 829

**SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING
CONTROL TABLE**

* * * *

No.	Zoning Category	§ References	South Beach Downtown Residential Mixed Use District Zoning Controls
* * * *	* * * *	* * * *	* * * *
Non-Residential Standards and Uses			
* * * *	* * * *	* * * *	* * * *
.26	All Non-Residential Uses Permitted, except as described below, § 825(c)(1)(A)		
* * * *	* * * *	* * * *	* * * *
.35	Massage Establishment	§§ 890.60 102, 303(n), Art. 29 Health Code	<i>P on the 1st floor, C # on the 2nd floor, and NP on 3rd floor and above, except P on the 2nd floor and above if within a Hotel.</i>
* * * *	* * * *	* * * *	* * * *

**SPECIFIC PROVISIONS FOR
SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT**

Section		Zoning Controls
§ 829.35	§§ 890.60 102, 303(n), Art. 29 Health Code	MESSAGE ESTABLISHMENT Controls: Massage <i>Establishments on the 2nd floor</i> shall generally be subject to

1
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		<p>Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in Section 303(n). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in Section 303(n) and 890.60(b).</p>
* * * *	* * * *	* * * *

SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.

The Mixed Use-General (MUG) District is largely comprised of the low-scale, production, distribution, and repair (PDR) uses mixed with housing and small-scale retail. The MUG is designed to maintain and facilitate the growth and expansion of small-scale light manufacturing, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood.

Housing is encouraged over ground floor commercial and PDR uses. New residential or mixed use developments are encouraged to provide as much mixed-income family housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to nonresidential use by requiring conditional use review. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Nighttime entertainment, movie theaters, adult entertainment and heavy manufacturing uses are not permitted. Office is restricted to the upper floors of multiple story buildings.

Table 840 MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-General District Controls
* * *	* * * *	* * * *	* * * *
Office			
* * *	* * * *	* * * *	* * * *
840.65A	Services, Professional; Services Financial; Services <i>MedicalHealth</i>	§§ 890.108, 890.110, 890.114	Subject to vertical control of Sec. 803.9(f). P on the ground floor when primarily open to the general public on a client-oriented basis.

* * * *

SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.

* * * * **Table 841**

MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE

* * * *

No.	Zoning Category	§ References	Mixed Use- Residential District Controls
* * * *	* * * *	* * * *	* * * *
Assembly, Recreation, Arts and Entertainment			
* * * *	* * * *	* * * *	* * * *
841.59	Massage Establishment	§§ 890.60 102, 303(n)	<i>NPP on 1st floor, C on 2nd floor, and NP on 3rd floor and above, except P on 2nd floor and above if within a Hotel.</i>
* * * *	* * * *	* * * *	* * * *

SEC. 848. CMUO - CENTRAL SOMA MIXED-USE OFFICE DISTRICT.

* * * *

Table 848		
CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE		
Central SoMa Mixed Use-Office District Controls		
Zoning Category	§ References	Controls
* * * *		
NON-RESIDENTIAL STANDARDS & USES		
* * * *	* * * *	* * * *
Sales and Service Use Category		
Retail Sales and Service Uses*	§ 102	P(1)

1	* * * *	* * * *	* * * *
2	Massage Establishment	§§ 102, 303(n)	<i><u>NPP on 1st floor, C on 2nd</u></i>
3			<i><u>floor, and NP on 3rd floor and</u></i>
4			<i><u>above, except P on 2nd floor</u></i>
5			<i><u>and above if within a Hotel.</u></i>
6	* * * *	* * * *	* * * *

7 * Not Listed Below

8 (1) P up to 25,000 gross sq. ft. per lot; above 25,000 gross sq. ft. per lot permitted
9 only if the ratio of other permitted uses to retail is at least 3:1.

10 * * * *

11
12 **SEC. 890.28. DESIGN PROFESSIONAL.**

13 An office use which provides professional design services to the general public or to
14 other businesses and includes architectural, landscape architectural, engineering, interior
15 design and industrial design services. It does not include (1) the design services of graphic
16 artists or other visual artists which are included in the definition of arts activities described in
17 Section 102.2 of this Code; (2) the services of advertising agencies or other services which
18 are included in the definition of professional service activities described in Section 890.108 of
19 this Code or administrative services, financial services or *medicalhealth* service activities as
20 identified in Sections 890.106, 890.110 or 890.114 of this Code.

21
22 **SEC. 890.114. SERVICE, MEDICALHEALTH.**

23 * * * *

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

5
6 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: /s/ Victoria Wong
16 VICTORIA WONG
Deputy City Attorney

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1 [Planning Code - Massage Establishment Zoning Controls]

2

3 **Ordinance amending the Planning Code to revise Massage Establishment zoning**
 4 **controls, including, among other things, to 1) add Sole Practitioner Massage**
 5 **Establishments to the definition of Health Services in Article 7; 2) regulate Massage**
 6 **Establishments generally consistent with Health Services, except that where zoning for**
 7 **Health Services is more permissive, Massage Establishments shall require conditional**
 8 **use authorization on the second floor and are not permitted on the third floor and**
 9 **above unless located within a Hotel with some exceptions; 3) eliminate the three-month**
 10 **period to establish abandonment of certain nonconforming Massage Establishment**
 11 **uses; 4) prohibit Personal Services uses for three years at any location where a**
 12 **Massage Establishment use was closed due to a violation of the Planning Code or**
 13 **Health Code; 5) eliminate the exception from the conditional use authorization**
 14 **requirement for massage uses accessory to a dwelling unit; and 6) delete related**
 15 **provisions that have expired through the passage of time; affirming the Planning**
 16 **Department's determination under the California Environmental Quality Act; and**
 17 **making findings of consistency with the General Plan and the eight priority policies of**
 18 **Planning Code, Section 101.1, and public necessity, convenience, and general welfare**
 19 **findings pursuant to Planning Code, Section 302.**

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

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

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Section 1. Land Use and Environmental Findings.

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

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

(c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. _____, recommending approval of the proposed designation, which is incorporated herein by reference.

Section 2. General Findings.

Pursuant to this ordinance, Massage Establishments, except for Sole Practitioner Massage Establishments, that are proposed to be located on the first or second floor in certain commercial districts are subject to a Conditional Use Authorization requirement, as set forth in Planning Code Section 303. Conditional Use Authorization serves a number of purposes, including the assurance that a proposed activity will be neighborhood-serving and will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. A Massage Establishment seeking a Conditional Use

1 Authorization may be eligible to participate in the Community Business Priority Processing
2 Program, pursuant to Planning Code Section 303.2. This Program provides for priority
3 processing of eligible Conditional Use Authorization applications and a reduced application
4 fee.

5
6 Section 3. The Planning Code is hereby amended by revising Section 102 in Article 1;
7 Section 145.4 in Article 1.2; Section 183 in Article 1.7; Sections 202.2, 210.1, 210.2, 210.3,
8 and 249.36 in Article 2; Sections 303 311, and 342.1 in Article 3; Sections 710-745 and 750-
9 764 in Article 7; and Sections 811, 812, 827, 829, 840, 841, 848, 890.28, and 890.114 in
10 Article 8, to read as follows:

11
12 **SEC. 102. DEFINITIONS.**

13 * * * *

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

22 * * * *

23 ***Massage Establishment.*** A Retail Sales and Service Use defined by Section 29.5 of
24 the Health Code. For purposes of the Planning Code only, "Massage Establishment" shall
25 include ~~both~~ a "Massage Establishment" ~~and~~ but shall not include a "Sole Practitioner Massage

Establishment," as these terms are defined in Section 29.5 of the Health Code. The Massage Establishment shall first obtain a permit from the Department of Public Health pursuant to Section 29.25 of the Health Code, or a letter from the Director of the Department of Public Health certifying that the establishment is exempt from such a permit under Section 29.25 of the Health Code.

* * * *

Service, Health. A Retail Sales and Service Use that provides medical and allied health services to the individual by physicians, surgeons, dentists, podiatrists, psychologists, psychiatrists, acupuncturists, chiropractors, Sole Practitioner massage therapists as defined in Section 29.5 of the Health Code, or any other health-care professionals when licensed by a State-sanctioned Board overseeing the provision of medically oriented services. It includes, without limitation, a clinic, primarily providing outpatient care in medical, psychiatric, or other health services, and not part of a Hospital or medical center, as defined by this Section of the Code, and Sole Practitioner Massage Establishments as defined in Section 29.5 of the Health Code, but does not include other Massage Establishments, which are defined elsewhere in this Code.

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* * * *

SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES

* * * *

Table 145.4

Reference for Commercial, Neighborhood Commercial, and	Reference for Mixed Use Districts	Use
---	--	------------

1	Residential- Commercial		
2	Districts		
3	* * * *	* * * *	* * * *
4	N/A	890.114	Service, Medical Health
5	* * * *	* * * *	* * * *

6 * * * *

7

8 **SEC. 183. NONCONFORMING USES: DISCONTINUANCE AND ABANDONMENT.**

9 (a) ***Discontinuance and Abandonment of a Nonconforming Use, Generally.***

10 Whenever a nonconforming use has been changed to a conforming use, or discontinued for a

11 continuous period of three years, or whenever there is otherwise evident a clear intent on the

12 part of the owner to abandon a nonconforming use, such use shall not after being so

13 changed, discontinued, or abandoned be reestablished, and the use of the property thereafter

14 shall be in conformity with the use limitations of this Code for the district in which the property

15 is located. Where no enclosed building is involved, discontinuance of a nonconforming use for

16 a period of six months shall constitute abandonment. *Where a Massage Establishment is*

17 *nonconforming for the reason that it is within 1,000 feet of another such establishment or because it is*

18 *no longer permitted within the district, discontinuance for a continuous period of three months or*

19 *change to a conforming use shall constitute abandonment.*

20 * * * *

21

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

23 (a) **Retail Sales and Service Uses.** The Retail Sales and Service Uses listed below

24 shall be subject to the corresponding conditions:

25 * * * *

(4) **Massage Establishments.** Any Massage Establishment found to be operating, conducted, or maintained contrary to this Code or Health Code Article 29 shall be found to be in violation of this Code and will be subject to enforcement as provided in Section 176 of the Planning Code. For three years following closure of a Massage Establishment for violations of this Code or the Health Code no new Massage Establishment *or Personal Service* shall be approved at the site where the former Massage Establishment was closed.

* * * *

SEC. 210.1. C-2 DISTRICTS: COMMUNITY BUSINESS.

* * * *

**Table 210.1
ZONING CONTROL TABLE FOR C-2 DISTRICTS**

Zoning Category	§ References	C-2
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
* * * *	* * * *	* * * *
Sales and Service Category		
Retail Sales and Service Uses*	§§ 102, 202(a)	P
* * * *	* * * *	* * * *
Massage Establishment	§ 102	<i>CP(7)</i>
* * * *	* * * *	* * * *

* * * *

*(7) C on the 2nd floor and NP on the 3rd floor and above, except that a Massage Establishment located on the 2nd floor or above within a Hotel **or Personal Service** is P.*

SEC. 210.2. C-3 DISTRICTS: DOWNTOWN COMMERCIAL.

* * * *

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

Zoning Category	§ References	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S
NON-RESIDENTIAL STANDARDS AND USES						
* * * *	* * * *	* * *	* * *	* * *	* * * *	* * * *
Sales and Service Category						
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P	P	P	P	P
* * * *	* * * *	* * *	* * *	* * *	* * * *	* * * *
Massage Establishment	§ 102	<u>CP(9)</u>	<u>CP(9)</u>	<u>CP(9)</u>	<u>CP(9)</u>	<u>CP(9)</u>
* * * *	* * * *	* * *	* * *	* * *	* * * *	* * * *

(9) C on the 2nd floor and NP on the 3rd floor and above, except that a Massage Establishment located on the 2nd floor or above within a Hotel or Personal Service is P.

* * * *

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					
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P(1)	P(10)	P(9)	P(1)
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§ 102	<i>NPP(23)</i>	<i>NPP(23)</i>	<i>NPP(23)</i>	<i>NPP(23)</i>
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P (3)	P (8)	P (8)	P (5)
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

(23) C on the 2nd floor and NP on the 3rd floor and above, except that a Massage Establishment located on the 2nd floor or above within a Hotel **or Personal Service** is P.

SEC. 249.36. LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT.

* * * *

(c) **Controls.** All provisions of the Planning Code currently applicable shall continue to apply, except as otherwise provided in this Section 249.36:

(1) **MedicalHealth Services.** ~~MedicalHealth~~ services, including medical offices and clinics, as defined in Section 890.114, are a Principally Permitted Use and are exempted from use size limitations, PDR replacement requirements (Sec. 202.7), and vertical (floor-by-floor) zoning controls (Sec. 803.9(f)). For the purposes of this Section, a ~~medicalhealth~~ service use may be affiliated with a hospital or medical center as defined in 890.44.

* * * *

1
2 **SEC. 303. CONDITIONAL USES.**

3 * * * *

4 **(n) Massage Establishments.** With respect to Massage Establishments that are
5 subject to Conditional Use authorization, in addition to the criteria set forth in subsection (c)
6 above, the Commission shall make the following findings:

7 ~~(1) Whether the applicant has obtained, and maintains in good standing, a permit for a~~
8 ~~Massage Establishment from the Department of Public Health pursuant to Section 29.10 of the Health~~
9 ~~Code;~~

10 (2) Whether the use's façade is transparent and open to the public.
11 Permanent transparency and openness are preferable. Elements that lend openness and
12 transparency to a façade include:

13 (A) active street frontage of at least 25 feet in length where 75% of that
14 length is devoted to entrances to commercially used space or windows at the pedestrian eye-
15 level;

16 (B) windows that use clear, untinted glass, except for decorative or
17 architectural accent;

18 (C) any decorative railings or decorative grille work, other than wire
19 mesh, which is placed in front of or behind such windows, should be at least 75% open to
20 perpendicular view and no more than six feet in height above grade;

21 (3) Whether the use includes pedestrian-oriented lighting. Well lit
22 establishments where lighting is installed and maintained along all public rights-of-way
23 adjacent to the building with the massage use during the post-sunset hours of the massage
24 use are encouraged:

1 (43) Whether the use is reasonably oriented to facilitate public access. Barriers
2 that make entrance to the use more difficult than to an average service-provider in the area
3 are to be strongly discouraged. These include (but are not limited to) foyers equipped with
4 double doors that can be opened only from the inside and security cameras.

5 **Exceptions.** A Massage Establishment shall not require a Conditional Use
6 authorization if the Massage Establishment satisfies one or more of the following conditions:

7 (1) The massage use is accessory to a Principal Use, if the massage use is accessed
8 by the Principal Use and

9 ——— ~~(A) the Principal Use is a Dwelling Unit and the massage use conforms to the~~
10 ~~requirements of Section 204.1, for Accessory Uses for Dwelling Units in All Districts; or~~

11 ——— ~~(B) the Principal Use is a Tourist Hotel, Personal Service that contains 100 or~~
12 ~~more rooms~~ or an Institutional Use as defined in this Code.

13 (2) The only massage service provided is ~~e~~Chair/~~m~~Foot ~~m~~Massage, such service is
14 visible to the public, and customers are fully clothed at all times.

15 (3) It is a Sole Practitioner Massage Establishment, as defined in Section 29.5 of
16 the Health Code.

17 * * * *

18
19 **SEC. 311. PERMIT REVIEW PROCEDURES.**

20 * * * *

21 (b) **Applicability.** Except as indicated herein, all building permit applications in
22 Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for a change of use;
23 establishment of a Micro Wireless Telecommunications Services Facility; establishment of a
24 Formula Retail Use; demolition, new construction, or alteration of buildings, and the removal
25 of an authorized or unauthorized residential unit shall be subject to the notification and review

1 procedures required by this Section 311. In addition, all building permit applications that would
2 establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district,
3 shall be subject to the review procedures required by this Section 311. Notwithstanding the
4 foregoing or any other requirement of this Section 311, a change of use to a Child Care
5 Facility, as defined in Section 102, shall not be subject to the review requirements of this
6 Section 311. Notwithstanding the foregoing or any other requirement of this Section 311,
7 building permit applications to construct an Accessory Dwelling Unit pursuant to Section
8 207(c)(6) shall not be subject to the notification or review requirements of this Section 311.
9 Notwithstanding the foregoing or any other requirement of this Section 311, a change of use
10 to a principally permitted use in an NC or NCT District, or in a limited commercial use or a
11 limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be
12 subject to the review or notice requirements of this Section 311.

13 (1) **Change of Use.** For *the* purposes of this Section 311, a change of use is
14 defined as follows:

15 (A) **Residential, NC, and NCT Districts.** For all Residential, NC, and
16 NCT Districts, a change of use is defined as a change to, or the addition of, any of the
17 following land uses as defined in Section 102 of this Code: Adult Business, Bar, Cannabis
18 Retail, General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Massage
19 Establishment, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity Area,
20 Post-Secondary Educational Institution, Private Community Facility, Public Community
21 Facility, Religious Institution, Residential Care Facility, Restaurant, School, Tobacco
22 Paraphernalia Establishment, Trade School, and Wireless Telecommunications Facility. A
23 change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions
24 of this Section 311. ~~Any accessory massage use in the Ocean Avenue Neighborhood Commercial~~
25 ~~Transit District shall be subject to the provisions of this Section 311.~~ A change of use to a

1 principally permitted use in an NC or NCT District, or in a limited commercial use or a limited
 2 corner commercial use, as defined in Sections 186 and 231, respectively, shall not be subject
 3 to the provisions of this Section 311.

4 * * * *

5
 6 **SEC. 342.1. DEFINITIONS.**

7 As used in these Sections 342 to 342.10, "Medical Use" shall mean a use as defined
 8 in Section 890.114 or 890.44 of this Code or a Hospital or Health Service use as defined in
 9 Section 102 of this Code, excluding any housing operated by a medical provider ~~or any~~
 10 *massage use.*

11
 12 **SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

13 * * * *

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

Zoning Category		§ References	Controls		
* * * *			Controls by Story		
NON-RESIDENTIAL USES			1st	2nd	3rd+
* * * *		* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category					
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , <u>202.3</u>	P(2)(3)	NP	NP	
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§ 102	<u>NPP</u>	<u>NP(12)</u>	<u>NP(12)</u>	
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	NP	NP	
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

24 * Not listed below

* * * *

(12) P if located within a Hotel or Personal Service.

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

* * * *

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

Zoning Category	§ References	Controls		
		1st	2nd	3rd+
NON-RESIDENTIAL USES				
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
Massage Establishment	§§ 102, 303(n)	C(13)	NPC(13)	NP(13)

* Not listed below

* * * *

(13) P if located within a Hotel or Personal Service.

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 USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§ 102, 303(<u>en</u>)	<u>CP</u>	C(12)	NP(12)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(12) P if located within a Hotel or Personal Service.

SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER

DISTRICT.

* * * *

Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S 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, <u>202.2(a)</u> , 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(<u>en</u>)	<u>CP</u>	C(9)	NP(9)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	P	NP(1)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(9) P if located within a Hotel or Personal Service.

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 714. BROADWAY 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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>CP</u>	<u>C(9)</u>	<u>NP(9)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(9) P if located within a Hotel or Personal Service.

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 Service Use Category		
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P P NP
* * * *	* * * *	* * * * * * * * * * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>CP</u> C(8) NP(8)
* * * *	* * * *	* * * * * * * * * * * *
Services, Health	<u>§ 102</u>	P P C
* * * *	* * * *	* * * * * * * * * * * *

* Not listed below

(8) P if located within a Hotel or Personal Service.

SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	C	NP
* * * *	* * * *	* * * * * * * * * * * *		
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>CP</u>	C(8)	NP(8)
* * * *	* * * *	* * * * * * * * * * * *		

1 * Not listed below

2 * * * *

3 (8) P if located within a Hotel or Personal Service.

4
5 **SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL**

6 **DISTRICT.**

7 * * * *

8 **Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL**

9 **DISTRICT**

10 **ZONING CONTROL TABLE**

11 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND 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
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§ 102	NP	NP(7)	NP(7)
* * * *	* * * *	* * * *	* * * *	* * * *

21 * Not listed below

22 * * * *

23 (7) P if located within a Hotel or Personal Service.

1 **SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL**
 2 **DISTRICT.**

3 * * * *

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

7 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	NPC(8)	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *

16 * Not listed below

17 * * * *

18 (8) P if located within a Hotel or Personal Service.

21 **SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

22 * * * *

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

25 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * *	* * * *
			*	
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P	C	NP
* * * *	* * * *	* * * *	* * *	* * * *
			*	
Massage Establishment	§§ 102, 303(n)	CNP(10)	NP(10)	NP(10)
* * * *	* * * *	* * * *	* * *	* * * *
			*	
Services, Health	§ 102	NP	C	NP
* * * *	* * * *	* * * *	* * *	* * * *
			*	

* Not listed below

* * * *

(10) P if located within a Hotel or Personal Service.

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+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Grocery, General	§§ 102, 202.3	P(1)	P(1)	P(1)
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	C(6)	NP(6)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(6) P if located within a Hotel or Personal Service.

SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 721. JAPANTOWN 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	C
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	C(6)	C(6)	NP(6)
			*	

* * * *	* * * *	* * * *	* * *	* * * *
Services, Health	§ 102	C	P	P
* * * *	* * * *	* * * *	* * *	* * * *

* Not listed below

* * * *

(6) P if located within a Hotel or Personal Service.

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 722. NORTH BEACH 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P(10)	P(10)	NP
* * * *	* * * *	* * * *	* * *	* * * *
Massage Establishment	§§ 102, 303(n)	C NP(14)	NP C(14)	NP(14)
* * * *	* * * *	* * * *	* * *	* * * *
Services, Health	§ 102	NP	C	C
* * * *	* * * *	* * * *	* * *	* * * *

* Not listed below

* * * *

1 (14) P if located within a Hotel or Personal Service.

2
3 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

4 * * * *

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

7 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES (7)				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	NP(9)	NPC(9)	NP(9)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	NP	C	C
* * * *	* * * *	* * * *	* * * *	* * * *

17 * Not listed below

18 * * * *

19 (9) P if located within a Hotel or Personal Service.

20
21
22 **SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

23 * * * *

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

* * * *

Zoning Category		§ References		Controls		
* * * *		* * * *		* * * *		
NON-RESIDENTIAL STANDARDS AND USES						
* * * *		* * * *		* * * *		
				Controls by Story		
				1st	2nd	3rd+
* * * *		* * * *		* * * *	* * * *	* * * *
Sales and Service Use Category						
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	C	NP		
* * * *	* * * *	* * * *	* * * *	* * * *		
Massage Establishment	§§ 102, 303(n)	<u>NPC(4)</u> <u>(7)</u>	<u>NPC(7)</u>	NP(7)		
* * * *	* * * *	* * * *	* * * *	* * * *		
Services, Health	§ 102	C(4)	P	P		
* * * *	* * * *	* * * *	* * * *	* * * *		

* Not listed below

* * * *

(4) A Health Service Use *and Massage Establishment Use* requires a Conditional Use authorization on the ground story whether it is Principal or Accessory.

* * * *

(7) P if located within a Hotel or Personal Service.

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category		§ References		Controls		
NON-RESIDENTIAL STANDARDS AND USES						

* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2 (a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	C(1)P	C(1)(7)	NP(7)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	P	C
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

(1) Any Massage Establishment that has continually operated without the benefit of a building permit within the Union Street NCD since prior to December 31, 2017 shall not require a Conditional Use authorization to legally establish the Massage Establishment. However, such establishments must file a building permit application by May 1, 2020 to legally establish the Massage Establishment use, and such building permit application will be subject to neighborhood notification pursuant to Planning Code Section 311.

* * * *

(7) P if located within a Hotel or Personal Service.

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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	NP(8)	NPC(8)	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	NP	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within a Hotel or Personal Service.

SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 727. LAKESIDE VILLAGE 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	NP	NP

* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§ 102	<i>NPP</i>	NP(3)	NP(3)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) P if located within a Hotel or Personal Service.

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				
* * * *	* * * *	* * * *		
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	C	NP
* * * *	* * * *	* * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	C(8)	APC(8)	NP(8)
* * * *	* * * *	* * *	* * * *	* * * *
Services, Health	§ 102	C	P	NP
* * * *	* * * *	* * *	* * * *	* * * *
		*		

1 * Not listed below

2 * * * *

3 (8) P if located within a Hotel or Personal Service.

5 **SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

6 * * * *

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

9 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
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	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	<u>NPP</u>	<u>NPC(6)</u>	<u>NP(6)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

18 * Not listed below

19 * * * *

20 (6) P if located within a Hotel or Personal Service.

22 **SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.**

23 * * * *

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

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	C(6)	NP(6)	NP(6)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	C	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(6) P if located within a Hotel or Personal Service.

SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 731. NORIEGA 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.53	P	P	NP

* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	NPC(7)	NP(7)
* * *	* * *	* * *	* * *	* * *

* Not listed below

* * * *

(7) P if located within a Hotel or Personal Service.

SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 732. IRVING 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	NPC(7)	NP(7)
* * *	* * *	* * *	* * *	* * *

* Not listed below

* * * *

(7) P if located within a Hotel or Personal Service.

SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

1 **Table 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 2 **ZONING CONTROL TABLE**

3 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	NPC(7)	NP(7)
* * * *	* * * *	* * * *	* * * *	* * * *

11 * Not listed below

12 * * * *

13 (7) P if located within a Hotel or Personal Service.

16 **SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

17 * * * *

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

20 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *

1	Massage Establishment	§§ 102, 303(n)	CP	NPC(7)	NP(7)
	* * * *	* * * *	* * * *	* * * *	* * * *

2 * Not listed below

3 * * * *

4 (7) P if located within a Hotel or Personal Service.

7 **SEC. 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

8 * * * *

9 **Table 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

10 **ZONING CONTROL TABLE**

11 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
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	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	NPC(3)	NP(3)
* * * *	* * * *	* * * *	* * * *	* * * *

20 * Not listed below

21 * * * *

22 (3) P if located within a Hotel or Personal Service.

25 **SEC. 736. OUTER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

* * * *

**Table 736. OUTER BALBOA STREET 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	NPC(3)	NP(3)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) P if located within a Hotel or Personal Service.

SEC. 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 737. BAYVIEW 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				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(<u>en</u>)	<u>CP</u>	C(5)	NP(5)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(5) P if located within a Hotel or Personal Service.

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				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(<u>n</u>)	<u>CP</u>	<u>NPC(3)</u>	NP(3)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) P if located within a Hotel or Personal Service.

1
2 **SEC. 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT.**

3 * * * *

4 **Table 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT**
5 **ZONING CONTROL TABLE**

6 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *	* * * *	* * * *		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(<u>en</u>)	<u>CP</u>	<u>C(8)</u>	<u>NP(8)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

15 * Not listed below

16 * * * *

17 (8) P if located within a Hotel or Personal Service.

18
19 **SEC. 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT.**

20 * * * *

21 **Table 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT**
22 **ZONING CONTROL TABLE**

23 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		

NON-RESIDENTIAL STANDARDS				
* * * *	* * * *	* * * *		
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	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(en)	CP	C(5)	NP(5)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(5) P if located within a Hotel or Personal Service.

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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	NPC(3)	NP(3)
* * * *	* * * *	* * * *	* * * *	* * * *

1 * Not listed below

2 * * * *

3 (3) P if located within a Hotel or Personal Service.

5 **SEC. 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.**

6 * * * *

7 **Table 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**
8 **CONTROL TABLE**

9 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
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
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§ 102	<u>NP</u>	<u>NP(3)</u>	<u>NP(3)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

19 * Not listed below

20 * * * *

21 (3) P if located within a Hotel or Personal Service.

23 **SEC. 743. LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

24 * * * *

1 **Table 743. LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 2 **ZONING CONTROL TABLE**

3 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>CP</u>	<u>NPC(3)</u>	<u>NP(3)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

12 * Not listed below

13 * * * *

14 (3) P if located within a Hotel or Personal Service.

17 **SEC. 744. LOWER POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 * * * *

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

21 * * * *

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

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.32(a), 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(en)	CP	C(4)	NP(4)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(4) P if located within a Hotel or Personal Service.

SEC. 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 745. INNER TARAVAL STREET 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(en)	CP	NPC(4)	NP(4)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(4) P if located within a Hotel or Personal Service.

1 **SEC. 750. NCT-1 - NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER**
 2 **DISTRICT.**

3 * * * *

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

6 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P(4)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>NPP</u>	<u>NP(10)</u>	<u>NP(10)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

17 * Not listed below

18 * * * *

19 (10) P if located within a Hotel or Personal Service.

21 **SEC. 751. NCT-2 - SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**
 22 **DISTRICT.**

23 * * * *

1 **Table 751. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

2 **NCT-2**

3 **ZONING CONTROL TABLE**

4 * * * *

Zoning Category		§ References	Controls		
* * * *		* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES					
* * * *		* * * *	* * * *		
			Controls by Story		
			1st	2nd	3rd+
* * * *		* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category					
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP	
* * * *	* * * *	* * * *	* * * *	* * * *	
Massage Establishment	§§ 102, 303(n)	CP	NPC(8)	NP(8)	
* * * *	* * * *	* * * *	* * * *	* * * *	

13 * Not listed below

14 * * * *

15 (8) P if located within a Hotel or Personal Service.

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

18 * * * *

19 **Table 752. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**

20 **DISTRICT NCT-3**

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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	C(8)	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within a Hotel or Personal 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	NPC(6)	NP(6)
* * * *	* * * *	* * * *	* * * *	* * * *

1 * Not listed below

2 * * * *

3 (6) P if located within a Hotel or Personal Service.

4
5 **SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**

6 **DISTRICT.**

7 * * * *

8 **Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**

9 **DISTRICT**

10 **ZONING CONTROL TABLE**

11 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	<u>CP</u>	<u>C(9)</u>	<u>NP(9)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

20 * Not listed below

21 * * * *

22 (9) P if located within a Hotel or Personal Service.

23
24 **SEC. 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

25 * * * *

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

3 * * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	C(5)(7)	NPC(7)	NP(7)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	C(5)	P	P
* * * *	* * * *	* * * *	* * * *	* * * *

13 * Not listed below

14 * * * *

15 (5) A Health Service Use **and/or** *Massage Establishment Use* requires a Conditional Use
 16 authorization on the ground story whether it is Principal or Accessory.

17 * * * *

18 (7) *P if located within a Hotel* **or Personal Service.**

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

21 * * * *

22 **Table 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 23 **ZONING CONTROL TABLE**

24 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	NP(7)	NP(7)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(7) P if located within a Hotel or Personal Service.

SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

Table 757. FOLSOM 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	EP(7)(8)	CNP(11) C(11)	NP(11)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P(7)(8)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

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

(8) P on first or second floor, but not both.

* * * *

(11) P if located within a Hotel or Personal Service.

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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP

* * * *	* * * *	* * * *	* * * *	* * * *
1 Massage Establishment	§§ 102, 303(n)	EP(6)(7)	CNP(10) C(7)(10)	NP(7)(10)
* * * *	* * * *	* * * *	* * * *	* * * *
3 Services, Health	§ 102	P(6)(7)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

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

(7) P on first or second floor, but not on both; P on all floors in Historic Buildings.

* * * *

(10) P if located within a Hotel or Personal Service.

SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT.

* * * *

Table 759. DIVISADERO 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Grocery, General	§§ 102, 202.3	P(5)	P(5)	NP

1	Massage Establishment	§§ 102, 303(n)	CP	NP(9)	NP(9)
	* * * *	* * * *	* * * *	* * * *	* * * *

2 * Not listed below

3 * * * *

4 (9) P if located within a Hotel or Personal Service.

5
6 **SEC. 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
7 **DISTRICT.**

8 * * * *

9 **Table 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
10 **DISTRICT**
11 **ZONING CONTROL TABLE**

12 * * * *

13 Zoning Category		§ References		14 Controls		
15 NON-RESIDENTIAL STANDARDS AND USES						
* * * *		* * * *		* * * *		
				16 Controls by Story		
				1st	2nd	3rd+
* * * *		* * * *		* * * *		
17 Sales and Service Use Category						
18 Retail Sales and Service Uses*		§§ 102, 202.2(a), 202.3		P	P	P
* * * *		* * * *		* * * *	* * * *	* * * *
20 Massage Establishment		§§ 102, 303(n)		CP	C(5)	NP(5)
* * * *		* * * *		* * * *	* * * *	* * * *

21 * Not listed below.

22 * * * *

23 (5) P if located within a Hotel or Personal Service.

1 SEC. 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

2 * * * *

3 Table 761. HAYES-GOUGH 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				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	C(7)	NPC(7)	NP(7)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	C	P	C
* * * *	* * * *	* * * *	* * * *	* * * *

16 * Not listed below

17 * * * *

18 (7) P if located within a Hotel or Personal Service.

20 SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT
21 DISTRICT.

22 * * * *

23 Table 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT
24 DISTRICT
25 ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	C(8)	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within a Hotel or Personal Service.

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

* * * *

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

ZONING CONTROL TABLE

* * * *

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

* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>CP</u>	<u>NPC(8)</u>	<u>NP(8)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within a Hotel or Personal Service.

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				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>CP</u>	<u>C(10)</u>	<u>NP(10)</u>

* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P(7)	P	C
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(7) Clinics licensed as community and free clinics as defined under California Health and Safety Code Section 1204(a)(1) and clinics exempt from licensing under California Health and Safety Code Section 1206(b) are Principally Permitted Uses. Other Health Service uses are subject to the provisions of Section 303.7 of this Code.

* * * *

(10) P if located within a Hotel or Personal Service.

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

The Chinatown Visitor Retail Neighborhood Commercial District extends along Grant Avenue between California and Jackson Streets. This district contains a concentration of shopping bazaars, art goods stores and restaurants which attract visitors and shoppers and contribute to the City's visual and economic diversity. Grant Avenue provides an important link between Downtown retail shopping and the Broadway, North Beach and Fisherman's Wharf areas.

This district is intended to preserve the street's present character and scale and to accommodate uses primarily appealing to visitors (e.g. tourist gifts shops, jewelry stores, art goods, large restaurants). In order to promote continuous retail frontage, entertainment, financial services, ~~medical~~health service, automotive, and drive-up uses are restricted. Most commercial uses, except financial services are permitted on the first two stories. Administrative services, (those not serving the public) are prohibited in order to prevent encroachment from downtown office uses. There are also special controls on restaurants and

1 tourist hotels. Building standards protect and complement the existing small-scale
 2 development and the historic character of the area.

3 The height limit applicable to the district will accommodate two floors of housing or
 4 institutional use above two floors of retail use. Existing residential units are protected by
 5 prohibition of upper-story conversions and limitation on demolition. Accessory dwelling units
 6 are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

7 **Table 811**

8 **CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE**

9 * * * *

Zoning Category		§ References	Controls		
NON-RESIDENTIAL USES			Controls by Story		
			1st	2nd	3rd+
* * * *			* * * *	* * * *	* * * *
Sales and Service Use Category					
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP	
* * * *	* * * *	* * * *	* * * *	* * * *	
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>ENPC(3)</u>	<u>C(3)</u>	<u>ENP(3)</u>	
* * * *	* * * *	* * * *	* * * *	* * * *	
Services, Health	§ 102	NP	P	NP	

17 * Not listed below

18 * * * *

19 (3) P if located within a Hotel or Personal Service.

22 **SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL**
 23 **DISTRICT.**

24 * * * *

25 **Table 812**

1 CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

2 ZONING CONTROL TABLE

3 * * * *

Zoning Category		§ References	Controls		
NON-RESIDENTIAL USES			Controls by Story		
			1st	2nd	3rd+
* * * *			* * * *	* * * *	* * * *
Sales and Service Use Category					
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>		P	NP	NP
* * * *	* * * *		* * * *	* * * *	* * * *
Massage Establishment	§ 102		<u>CP</u>	NP(3)	NP(3)
* * * *	* * * *		* * * *	* * * *	* * * *

11 * Not listed below

12 * * * *

13
14 (3) P if located within a Hotel or Personal Service.

15
16 **SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-**
17 **DTR).**

18 * * * *

19 Table 827

20 **RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT**

21 **ZONING CONTROL TABLE**

22 * * * *

No.	Zoning Category	§ References	Rincon Hill Downtown Residential Mixed Use District Zoning Controls
* * * *	* * * *	* * * *	* * * *

Non-Residential Standards and Uses			
* * * *	* * * *	* * * *	* * * *
.26	All Non-Residential Uses Permitted, except as described below. § 825(c)(1)(A)		
* * * *	* * * *	* * * *	* * * *
.35	Massage Establishment	§§ 890.60 102, 303(n), Art. 29 Health Code	<i>P on the 1st floor, C # on the 2nd floor, and NP on 3rd floor and above, except P on the 2nd floor and above all floors if within a Hotel or Personal Service.</i>
* * * *	* * * *	* * * *	* * * *

**SPECIFIC PROVISIONS FOR
RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE**

Section		Zoning Controls
§ 827.35	§§ 890.60 102, 303(n), Art. 29 Health Code	<p>MASSAGE ESTABLISHMENT</p> <p>Controls: Massage <i>Establishments on the 2nd floor</i> shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in Section 303(n). When considering an application for a conditional use permit</p>

		pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in Section 303(n) and 890.60(b).
* * * *	* * * *	* * * *

SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (SB-DTR).

* * * *

Table 829

SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE

* * * *

No.	Zoning Category	§ References	South Beach Downtown Residential Mixed Use District Zoning Controls
* * * *	* * * *	* * * *	* * * *
Non-Residential Standards and Uses			
* * * *	* * * *	* * * *	* * * *
.26	All Non-Residential Uses Permitted, except as described below, § 825(c)(1)(A)		
* * * *	* * * *	* * * *	* * * *
.35	Massage Establishment	§§ 890.60 102, 303(n), Art. 29 Health Code	<i>P on the 1st floor, C # on the 2nd floor, and NP on 3rd floor and</i>

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			<i>above, except P on the 2nd floor and above all floors if within a Hotel or Personal Service.</i>
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**SPECIFIC PROVISIONS FOR
SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT**

Section		Zoning Controls
§ 829.35	§§ 890.60102, 303(n), Art. 29 Health Code	MASSAGE ESTABLISHMENT Controls: Massage <u>Establishments on the 2nd floor</u> shall generally be subject to Conditional Use authorization. Certain exceptions to the Conditional Use requirement for massage are described in Section 303(n). When considering an application for a conditional use permit pursuant to this subsection, the Planning Commission

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		shall consider, in addition to the criteria listed in Section 303(c), the criteria described in Section 303(n) and 890.60(b).
* * * *	* * * *	* * * *

SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.

The Mixed Use-General (MUG) District is largely comprised of the low-scale, production, distribution, and repair (PDR) uses mixed with housing and small-scale retail. The MUG is designed to maintain and facilitate the growth and expansion of small-scale light manufacturing, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood.

Housing is encouraged over ground floor commercial and PDR uses. New residential or mixed use developments are encouraged to provide as much mixed-income family housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to nonresidential use by requiring conditional use review. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Nighttime entertainment, movie theaters, adult entertainment and heavy manufacturing uses are not permitted. Office is restricted to the upper floors of multiple story buildings.

Table 840 MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-General District

			Controls
* * *	* * * *	* * * *	* * * *
*			
Office			
* * *	* * * *	* * * *	* * * *
*			
840.65A	Services, Professional; Services Financial; Services <i>MedicalHealth</i>	§§ 890.108, 890.110, 890.114	Subject to vertical control of Sec. 803.9(f). P on the ground floor when primarily open to the general public on a client- oriented basis.

* * * *

SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.

* * * * Table 841

MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE

* * * *

No.	Zoning Category	§ References	Mixed Use- Residential District Controls
* * * *	* * * *	* * * *	* * * *
Assembly, Recreation, Arts and Entertainment			
* * * *	* * * *	* * * *	* * * *
841.59	Massage Establishment	§§ 890.60 102, 303(n)	<i>NPP on 1st floor, C on 2nd floor, and NP on 3rd floor and above, except P on 2nd floor and above <u>all floors</u></i>

			<i>if within a Hotel or Personal Service.</i>
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SEC. 848. CMUO - CENTRAL SOMA MIXED-USE OFFICE DISTRICT.

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Table 848		
CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE		
Central SoMa Mixed Use-Office District Controls		
Zoning Category	§ References	Controls
* * * *		
NON-RESIDENTIAL STANDARDS & USES		
* * * *	* * * *	* * * *
Sales and Service Use Category		
Retail Sales and Service Uses*	§ 102	P(1)
* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	<i>NPP on 1st floor, C on 2nd floor, and NP on 3rd floor and above, except P on 2nd floor and above all floors if within a Hotel or Personal Service.</i>
* * * *	* * * *	* * * *

* Not Listed Below

1 (1) P up to 25,000 gross sq. ft. per lot; above 25,000 gross sq. ft. per lot permitted
2 only if the ratio of other permitted uses to retail is at least 3:1.

3 * * * *

4
5 **SEC. 890.28. DESIGN PROFESSIONAL.**

6 An office use which provides professional design services to the general public or to
7 other businesses and includes architectural, landscape architectural, engineering, interior
8 design and industrial design services. It does not include (1) the design services of graphic
9 artists or other visual artists which are included in the definition of arts activities described in
10 Section 102.2 of this Code; (2) the services of advertising agencies or other services which
11 are included in the definition of professional service activities described in Section 890.108 of
12 this Code or administrative services, financial services or medicalhealth service activities as
13 identified in Sections 890.106, 890.110 or 890.114 of this Code.

14
15 **SEC. 890.114. SERVICE, MEDICALHEALTH.**

16 * * * *

17
18 Section 4. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor’s veto of the ordinance.

22
23 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the “Note” that appears under
3 the official title of the ordinance.

4

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

7 By: /s/ Victoria Wong
8 VICTORIA WONG
9 Deputy City Attorney

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DRAFT

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March 31, 2021

San Francisco Planning Commissioners
San Francisco City Officials
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Re: Request for Tourist Hotel Exemption to 2nd Floor Massage Legislation

Dear Commissioners and City Officials,

On behalf of the Hotel Council of San Francisco and our Board of Directors, I am writing to ask for your support to include an exemption for tourist hotels in the current legislation being discussed to restrict massage establishments above the second floor of buildings. While we understand the intent behind the legislation, the restriction of establishments above the 2nd floor will have significant unintended consequences for our hotels who operate spas on higher floors.

We would like to thank Supervisor Ronen, Legislative Aide Paul Monge, Office of Small Business Director Regina Dick-Endrizzi, and San Francisco Planning Department Senior Planner Veronica Flores for meeting with us to discuss the legislation details and solicit feedback.

The Hotel Council has had a long-term relationship with the Department on the Status of Women including work on the topic of how to spot Human Trafficking. The Council was recognized by the Friends of the Commission on the Status of Women with a CEDAW Award for our work to end Human Trafficking. Our hotel members have implemented mandatory training programs and we have close long-term working relationships with the San Francisco Police Department on the prevention of Human Trafficking.

Most of our hotel companies have signed ECPAT-USA's "The Code". ECPAT-USA is the first U.S.-based nonprofit to work on the issue of commercial sexual exploitation of children. The Tourism Child-Protection Code of Conduct is the only voluntary set of business principles travel and tour companies can implement to prevent child sex tourism and trafficking of children. The Code is a joint venture between the tourism private sector and ECPAT. <https://www.ecpatusa.org/code-members>. Our hotels also have partnerships with the [Polaris Project](#) and [Vital Voices](#).

Our industry also has significant resources available for hotels including [No Room for Human Trafficking](#) and [Human Trafficking Tool-Kits](#).

Again, the Hotel Council requests an exemption for tourist hotels from the 2nd floor restriction currently being proposed. I am available at (415) 309-0666 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin Carroll".

Kevin Carroll
President & CEO

Cc: Supervisor Ronen, Paul Monge, Regina Dick-Endrizzi, Veronica Flores, Kelly Powers

Flores, Veronica (CPC)

To: Fleisher, Arielle (DPH)
Subject: RE: Follow up to my conversation with Jennifer

From: Fleisher, Arielle (DPH) <arielle.fleisher@sfdph.org>
Sent: Thursday, April 1, 2021 2:13 PM
To: Monge, Paul (BOS) <paul.monge@sfgov.org>; Callewaert, Jennifer (DPH) <jennifer.callewaert@sfdph.org>; Dick-Endrizzi, Regina (ECN) <regina.dick-endrizzi@sfgov.org>; Flores, Veronica (CPC) <Veronica.Flores@sfgov.org>
Cc: Fosdahl, Patrick (DPH) <Patrick.Fosdahl@sfdph.org>; WONG, VICTORIA (CAT) <Victoria.Wong@sfcityatty.org>
Subject: Re: Follow up to my conversation with Jennifer

Thanks for reaching back out Paul. Please see below for a statement from DPH. Please let me know if you have any additional questions.

DPH was consulted about this issue. Having massage business above the 2nd floor in hotels is a tourist hotel industry standard and therefore, DPH does not oppose this amendment.

Thank you,

Arielle

From: San Francisco Massage Community Council

To: The Planning Commission

May 19, 2021

To Whom it May Concern,

I am writing to you on behalf of the San Francisco Massage Community Council in support of Supervisor Ronen's proposed changes to the San Francisco Massage ordinance. We look forward to working with Supervisor Ronen and the Board of Supervisors in assuring that these new changes properly support massage businesses and practitioners in San Francisco.

As the background section of the ordinance overview makes clear, current massage business owners must "complete onerous permit applications and engage in cost-prohibitive conditional use and neighborhood notification processes", and that these costly requirements "lead many to choose work outside of the City, to leave the industry, or most troublingly, to work outside of current regulatory controls".

While this is clearly harmful to massage professionals, it is also harmful to the economic vitality of the city. And, we strongly agree that there is a clear opportunity to enable massage businesses to open and operate in San Francisco while simultaneously "ensuring the continued abatement of illicit sex work and human trafficking".

We look forward to working with Supervisor Ronen and the Board of Supervisors in improving San Francisco's massage ordinance and revitalizing San Francisco's post-pandemic economy.

Sincerely,

Candace Combs
President, San Francisco Massage Community Council

From: [Betsy Eddy](#)
To: [Major, Erica \(BOS\)](#)
Subject: Fwd: DHCA Support for Sierra Club Amendments for Street Tree Planting and Removal Article 16
Date: Sunday, December 5, 2021 5:22:50 PM
Attachments: [2021-11-19 Sierra Club - File No. 210836 Article 16 Amendments.pdf](#)
[DHCA Support Letter for Sierra Club Changes to Article 16 Submitted 12-5-21.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Ms. Major,

I am sorry I entered your email address incorrectly on my email message to Supervisors Melgar, Peskin and Preston. I hope our DHCA Support letter for amendments to Article 16 made by the Sierra Club can be provided to the Land Use and Transportation Committee members before the Committee Meeting tomorrow.

Thank you,

Betsy Eddy
DHCA C0-President
415-867-5774

----- Forwarded message -----

From: **Betsy Eddy** <betsy.eddy@gmail.com>
Date: Sun, Dec 5, 2021 at 5:06 PM
Subject: DHCA Support for Sierra Club Amendments for Street Tree Planting and Removal Article 16
To: <MelgarStaff@sfgov.org>, <Aaron.Peskin@sfgov.org>, <Dean.Preston@sfgov.org>
Cc: <ChanStaff@sfgov.org>, <matt.haney@sfgov.org>, <Gordon.Mar@sfgov.org>, <Hillary.Ronen@sfgov.org>, <Ahsha.Safai@sfgov.org>, <Catherine.Stefani@sfgov.org>, <Shamann.Walton@sfgov.org>, Rafael Mandelman <rafael.mandelman@sfgov.org>, Mandelman Staff <mandelmanstaff@sfgov.org>, <grace.major@sfgov.org>, Becky Evans <rebecae@earthlink.net>, joshua klipp <joshuaklipp@gmail.com>

Dear Supervisors Melgar, Peskin and Preston,

Our Diamond Heights Community Association (DHCA) Board voted to support the amendments to the Public Works Code for Street Tree Planting and Removal Code brought forth by the Sierra Club Program of San Francisco. Both the Sierra Club letter and our Board support letter are attached.

Thank you for working on amending the Code since it is so important to improve the protection and maintenance of street trees in San Francisco.

Gratefully,

Betsy Eddy

DHCA Co-President
415-867-5774



San Francisco Group, SF Bay Chapter

Serving San Francisco County

Date: November 19, 2021
To: San Francisco Board of Supervisors
Subject: File # 210836, Public Works Code - Street Tree Planting and Removal

Dear Supervisors,

The Sierra Club's San Francisco Group is concerned about the possible negative consequences of some of the proposed revisions to San Francisco's Public Works Code Street Tree Planting and Removal - Article 16. These revisions could have the unintended impacts of:

1. increased existing inequities in the distribution of San Francisco's street trees;
2. reduced civic engagement;
3. inadequate ability to penalize illegal tree removal and tree abuse; and
4. departmental overreach by allowing DPW to require the removal of trees on private property and not currently under their jurisdiction.

There is much that is good in this proposed legislation. Therefore, we suggest the following amendments to this legislation to strengthen its benefits for San Francisco's urban forest.

These include:

1. increase equity in replacing removed trees;
2. restore public involvement in decisions regarding removal of trees;
3. empower the Department of Public Works to enforce penalties; and
4. remove the expansion of DPW jurisdiction over trees on private property.

Background

1. Revision to Require Replacement of Removed Trees

This proposed revision requires Public Works to plant replacement Street Trees within 120 days of removal in the same location or nearby.

Positive Consequence

Currently, there is no timeline to replace a street tree that has been removed. Tree wells can sit empty for years or are sometimes paved over altogether. We support a mandatory timeline for replacing a tree that has been removed.

Negative Consequence

However, the Department of Public Works currently lacks the ability to keep up replanting to match the rate of removals.¹ Additionally, there is a disparate tree canopy distribution against the percentage of people of color in San Francisco.²

If the Department of Public Works is forced to prioritize planting only in neighborhoods where a tree is removed, this means that neighborhoods which are already green will continue to have trees, while those that do not have trees, will not be prioritized.

Recommended Amendments

Keep the 120-day replanting requirement. But for every tree replaced in a neighborhood that exceeds the City's average of 13.7% canopy, *also* require the planting of a tree of equal size in a disadvantaged neighborhood below this percentage.

2. Revision to Eliminate Administrative Objections

This proposed revision eliminates the public's right to file administrative objections to proposed removals of Hazard Street Trees. In other words, DPW would be allowed to declare a tree a hazard and remove it immediately, without the public's ability to bring their own expert testimony to bear on this decision.

Negative Consequences

- a. This revision is unnecessary. Trees that are an immediate danger to the public can already be taken down under the category of "Emergency Removal" with no public process. By entirely removing public process for "hazard" trees, DPW sets up the potential for future abuse by Departmental leadership. This is a serious concern given that our City's most recent Director of Public Works had a systematic program of removal of a species of tree that he did not favor.
- b. Additionally, some of the most innovative City projects are the result of civic engagement, *e.g.*, Mission Verde along the 24th Street Corridor. Reducing public process reduces the likelihood of community involvement and partnership at a time our City needs maximum civic engagement in its work toward climate resilience.

Recommendation

Strike this proposed revision as unnecessary.

3. Revisions Related to Development and Construction

There are two proposed revisions designed to target illegal removals and tree injury that currently are rampant and yet unpenalized. Unfortunately, the proposed changes do not adequately address this issue or empower Public Works to enforce penalties.

Recommended Amendments

- a. In construction projects, require developers to put up a bond several times the value of the tree on a pro rata basis (*e.g.*, 5x the value of the tree if a project is \$1mil or above; 2x the value of the tree if it is \$250k or less). If the tree is injured during construction, this bond is transferred into the City's Street Tree Planting Fund. By pro-rating, homeowners and small businesses are still encouraged to engage in development.
- b. Whether during construction or otherwise, if a tree is removed illegally, require the actor to replace it based on a biomass replacement formula, and authorize the Department of Public Works to enact a lien to ensure compliance.

¹ See

https://sfbos.org/sites/default/files/061421_PA_of_DPW_Street_Resurfacing_Prog_%26_StreetTreeSF%20Prog.pdf at p. 63.

² See <https://www.treeequityscore.org/reports/place/san-francisco-ca/>

4. Revision Related to Trees on Private Property

Although Article 16 deals with “street trees”, a proposed revision would give DPW the right to enter private property, determine that a privately-owned tree is a hazard tree, and require its removal with no right for appeal on the part of the private property owner.

Negative Consequence

It is concerning that a proposed revision impacting trees not along a public right of way would fall under the jurisdiction of Public Works. Further, because Public Works seeks to remove public process around the determination of hazard trees, the result is that the private property owner would have no choice but to comply and have the tree removed.

Recommendation

This provision should be struck, and considered as a separate, voter-approved, ballot measure.

Other amendments to consider

The legislation could further be strengthened by including:

- Reference to climate change and the need to be a climate resilient City;
- Reference to trees and tree canopy as an issue of environmental justice;
- The inadequacy of 1:1 tree replacement (i.e. replacing a mature tree with a sapling); and
- The enforcement of tree care for trees planted for construction projects; for example, often trees are planted but then not maintained and frequently die.

Why is it so important to protect and increase our urban tree canopy?

The Sierra Club believes that biodiversity, native vegetation, and green infrastructure like trees and shrubs are all critical components in our fight for climate resilience. At 13.7%, San Francisco’s is the smallest urban canopy of any major city in the United States, yet our City is failing to come close to the goals of our Urban Forest Plan - a plan that is expressly relied upon in our City’s climate action strategies.³ The above recommendations and additional proposed revisions are the bare minimum San Francisco must implement to begin to address our need for increased tree canopy as a matter of climate resilience and environmental justice.

We look forward to hearing your response to our recommendations and thank you for your attention to this matter.

Sincerely,

Becky Evans

Becky Evans

Chair, SF Group Executive Committee

³ "Budget and Legislative Analyst's report," June 14, 2021 “. . . the City’s 10-year average of 2,154 street trees planted annually is less than half of the 5,000 of street trees that need to be planted annually to ensure that the City’s street tree population does not shrink . . .”



Diamond Heights Community Association, PO Box 31529, San Francisco, CA 94131

Supervisors Myrna Melgar, Aaron Peskin, Dean Preston
Land Use and Transportation Committee
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, Ca. 94102

Date: December 4, 2021

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Board of Directors

Cliff Detz
Bob Dockendorff
Annette Lewis
Betty Peskin
Lee Ann Prifti

Re: Supervisors File # 210836, Public Works Code - Street Tree Planting and Removal

Dear Supervisors Melgar, Peskin and Preston,

Our Diamond Height Community Association (DHCA) Board requests that you and the Board of Supervisors support the Sierra Club San Francisco Group's recommended changes to the San Francisco's Public Works Code Street Tree Planting and Removal - Article 16.

The current changes under consideration are good but could go further to clarify the code. Our DHCA Board agrees with the changes recommended by the San Francisco Group of the Sierra Club stated in the attached letter. As indicated in the letter, the amendments would:

1. Increase equity in replacing removed trees
2. Restore public involvement in decisions regarding removal of trees
3. Empower the Department of Public Works to enforce penalties
4. Remove the expansion of DPW jurisdiction over trees on private property.

Thank you for considering the amendments brought forth by the San Francisco Group of the Sierra Club

Betsy Eddy
DHCA Co-President

Cc: Members of the Board of Supervisors,
Mandelmanstaff@sfgov.org, Erica Major, Becky Evans, Joshua Klipp

From: [Lauren Davidson](#)
To: [Major, Erica \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Peskin, Aaron \(BOS\)](#)
Cc: [Low, Jen \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Angulo, Sunny \(BOS\)](#); [Bintliff, Jacob \(BOS\)](#); [Temprano, Tom \(BOS\)](#); [Beinart, Amy \(BOS\)](#); [Dick-Endrizzi, Regina \(ECN\)](#)
Subject: support for amendments to the planning codes for Massage & Bodywork professionals
Date: Monday, November 29, 2021 10:06:11 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

My name is Lauren. I'm a California Certified Massage Therapist, with over 1,000 hour of training, who specializes in prenatal and postpartum bodywork. Hopefully this committee understands that CAMTC includes fingerprinting and Live Scan background check. I carry full professional liability insurance through ABMP, accept FSA payment, and provide coded superbills for health insurance reimbursement. I'm also a low-income, queer, solo parent to a 7 year old SFUSD student (receiving his second COVID vaccine at the time of this hearing). My practice has been serving the community for over 20 years. **Massage is health care**. Full stop. California and San Francisco's health departments both recognized this in prioritizing massage therapists as 1A health care providers for early COVID vaccine eligibility. It's time that we are treated as such. The legislation sponsored by Supervisors Ronen and Mandelman is a small step in that direction.

My practice has been closed since March 2020. It has been nearly impossible to find an affordable space in the District 8 community that I have lived and worked in for over 20 years that meets the overly restrictive regulations of the planning department. As one of the most established perinatal bodywork professionals in the area, my income has *never* exceeded 60% of the area median income. And over the past two years I have been living below the poverty level with my child struggling to reopen my integrative wellness practice. Our small businesses aid community health, often at a lower cost and in a more culturally competent way than traditional healthcare environments. We should honor this by providing equity in licensing that is fully in line with acupuncturists, chiropractors, and physical therapists.

Three amendments I would like to suggest:

- We need to prioritize the ability for massage establishments (both solo practitioners and those with a handful of employees) to operate in spaces with adequate ventilation. Ground floor spaces tend not to have any operable windows, while second and third floor neighborhood offices have multiple windows. Ventilation is key to our ability to work safely. Please do not make it more arduous for us to serve our community in safety.
- The conditional use authorization process for larger massage establishments needs to be added to the expedited process list. Waiting three to six months while paying rent on a space is simply not at all realistic for most of us as we seek to expand our very small businesses.
- The fee structure needs to be amended to reflect the financial reality of our profession. Even those of us who have been fortunate enough to expand our practices with a handful of staff to meet community needs rarely make *anywhere* near the AMI. Yet we are being asked to pay more in annual licensing fees than a lawyer does.

I urge this committee to support the proposed revisions as soon as possible. Please allow those

of us who have been dedicated to community health and wellness to operate in a fair, equitable, and safe way. Please help us reopen our practices, restart our local neighborhood economies, and attain self-sufficiency through this healing work as soon as possible. Thank you for your attention to this important work.

Lauren Elaine Davidson

Owner, [Noe Valley Integrative Bodywork](#)

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

December 8, 2021

File No. 211263

Lisa Gibson
Environmental Review Officer
Planning Department
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Ms. Gibson:

On December 6, 2021, the Land Use and Transportation Committee Duplicated Board File No. 210381 and amended the Duplicate to be re-referred to the Commission:

File No. 211263

Ordinance amending the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Articles 1 and 8 and remove it from the definition of Massage Establishments; 2) regulate Massage Establishments generally consistent with Health Services, with some exceptions; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; 6) rename Medical Services to Health Services in Article 8 and make other conforming amendments; and 7) delete related provisions that have expired through the passage of time; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Angela Calvillo".

Board of Supervisors
Land Use and Transportation
Referral for CEQA
Page 2

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

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

December 8, 2021

Planning Commission
Attn: Jonas Ionin
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Commissioners:

On December 6, 2021, the Land Use and Transportation Committee Duplicated Board File No. 210381 and amended the Duplicate to be re-referred to the Commission:

File No. 211263

Ordinance amending the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Articles 1 and 8 and remove it from the definition of Massage Establishments; 2) regulate Massage Establishments generally consistent with Health Services, with some exceptions; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; 6) rename Medical Services to Health Services in Article 8 and make other conforming amendments; and 7) delete related provisions that have expired through the passage of time; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

The proposed ordinance is being transmitted for review. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

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

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

- c: Rich Hillis, Director
- Scott Sanchez, Deputy Zoning Administrator
- Corey Teague, Zoning Administrator
- Lisa Gibson, Environmental Review Officer
- Devyani Jain, Deputy Environmental Review Officer
- AnMarie Rodgers, Legislative Affairs
- Dan Sider, Director of Executive Programs
- Aaron Starr, Manager of Legislative Affairs
- Joy Navarrete, Environmental Planning

Member, Board of Supervisors
District 7



City and County of San Francisco

MYRNA MELGAR

DATE: December 2, 2021

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee *mm*

RE: Land Use and Transportation Committee
COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, December 7, 2021, as a Committee Report:

File No. 210381

Planning Code - Massage Establishment Zoning Controls

Sponsors: Ronen; Mandelman and Preston

This matter will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, December 6, 2021, at 1:30pm.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

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

DATE: April 26, 2021

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 210381

Ordinance amending the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Article 7; 2) regulate Massage Establishments consistent with Health Services, except that where zoning for Health Services is more permissive, Massage Establishments shall require conditional use authorization on the second floor and are not permitted on the third floor and above unless located within a Hotel; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; and 6) delete related provisions that have expired through the passage of time; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: _____

_____ **No Comment**

_____ **Recommendation Attached**

Chairperson, Small Business Commission

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MEMORANDUM

TO: Dr. Grant Colfax, Director, Department of Public Health
Marisa Rodriguez, Director, Office of Cannabis

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

DATE: April 21, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Ronen on April 13, 2021:

File No. 210381

Ordinance amending the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Article 7; 2) regulate Massage Establishments consistent with Health Services, except that where zoning for Health Services is more permissive, Massage Establishments shall require conditional use authorization on the second floor and are not permitted on the third floor and above unless located within a Hotel; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; and 6) delete related provisions that have expired through the passage of time; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

cc: Greg Wagner, Department of Public Health

Board of Supervisors
Land Use and Transportation Committee
Referral
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Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Arielle Fleisher, Department of Public Health
Ray Law, Office of Cannabis

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April 21, 2021

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

Dear Commissioners:

On April 13, 2021, Supervisor Ronen introduced the following legislation:

File No. 210381

Ordinance amending the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Article 7; 2) regulate Massage Establishments consistent with Health Services, except that where zoning for Health Services is more permissive, Massage Establishments shall require conditional use authorization on the second floor and are not permitted on the third floor and above unless located within a Hotel; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; and 6) delete related provisions that have expired through the passage of time; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

The proposed ordinance is being transmitted for review. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

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

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

- c: Rich Hillis, Director
- Scott Sanchez, Deputy Zoning Administrator
- Corey Teague, Zoning Administrator
- Lisa Gibson, Environmental Review Officer
- Devyani Jain, Deputy Environmental Review Officer
- Adam Varat, Acting Director of Citywide Planning
- AnMarie Rodgers, Legislative Affairs
- Dan Sider, Director of Executive Programs
- Aaron Starr, Manager of Legislative Affairs
- Joy Navarrete, Environmental Planning

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April 21, 2021

File No. 210381

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On April 13, 2021, Supervisor Ronen submitted the following legislation:

File No. 210381

Ordinance amending the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Article 7; 2) regulate Massage Establishments consistent with Health Services, except that where zoning for Health Services is more permissive, Massage Establishments shall require conditional use authorization on the second floor and are not permitted on the third floor and above unless located within a Hotel; 3) eliminate the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; and 6) delete related provisions that have expired through the passage of time; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

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

Attachment

- c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning