



October 2, 2025

Ms. Angela Calvillo, Clerk
Honorable Supervisor Sauter
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 2025-005989PCAMAP:**
Consolidating the North Beach Special Use and Neighborhood Commercial Districts and Expanding
Allowable Uses and Use Size Limits in Certain Zoning Districts
Board File No. 250682

Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Supervisor Sauter,

On September 25, 2025, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Sauter that would amend the Planning Code to: 1) eliminate the North Beach Special Use District (SUD) and consolidate certain controls into the North Beach Neighborhood Commercial District (NCD) and 2) expand allowable uses and increase use size limits in the North Beach and Polk Street NCDs and the Nob Hill SUDs, 3) expand allowable uses in the Pacific Avenue NCD, and 4) reduce limitations on Restaurants and Bars in the Jackson Square SUD. The proposed Ordinance would also amend the Zoning Map to reflect removal of the North Beach SUD. At the hearing the Planning Commission adopted a recommendation for approval with anticipated amendments

The anticipated amendments were as follows:

1. Technical Amendments:
 - a. Strike reference to North Beach NCD in Section 186.
 - b. Within North Beach NCD, capitalize “Historic Buildings”.

2. Amend the Nob Hill SUD to principally permit Arts Activities on the first floor.
3. Amend the Nob Hill SUD to permit certain Retail Professional uses and exempt them from general public access and signage requirements.
4. Allow commercial spaces that were previously occupied by a Limited Restaurant to become a Restaurant in the North Beach NCD.
5. Amend the North Beach and Pacific Avenue NCDs to prohibit Flexible Retail on the second floor and above.
6. Update the Non-Residential Use Size limit standards to reflect the amendments adopted under Board File No. 250634.
7. Amend the North Beach NCD introductory paragraphs to include language about Legacy Businesses, historic character, smaller storefront mergers, and neighborhood-serving smaller health services.
8. Amend the storefront merger controls within North Beach NCD to conditionally permit mergers up to 3,000 square feet and prohibit anything greater.
9. Amend the North Beach NCD to conditionally permit Health Service uses on the first floor up to 3,000 square feet and prohibit anything greater.
10. Amend the Jackson Square SUD to conditionally permit Bars.
11. Amend the Pacific Avenue NCD to prohibit Bars on all floors.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 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,

Veronica Flores

Veronica Flores for Aaron D. Starr
Manager of Legislative Affairs

cc: Brian Crossman, Deputy City Attorney
Michelle Andrews, Aide to Supervisor Sauter
John Carroll, Office of the Clerk of the Board

ATTACHMENTS :

Planning Commission Resolution
Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21822

HEARING DATE: September 25, 2025

Project Name: Consolidating the North Beach Special Use and Neighborhood Commercial Districts and Expanding Allowable Uses and Use Size Limits in Certain Zoning Districts
Case Number: 2025-005989PCAMAP [Board File No. 250682]
Initiated by: Supervisor Sauter / Introduced June 17, 2025
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 ADOPTING A RECOMMENDATION FOR APPROVAL WITH ANTICIPATED AMENDMENTS OF A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO: 1) ELIMINATE THE NORTH BEACH SPECIAL USE DISTRICT AND CONSOLIDATE CERTAIN CONTROLS INTO THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT, EXPAND ALLOWABLE USES AND INCREASE USE SIZE LIMITS IN THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT, 2) EXPAND ALLOWABLE USES AND INCREASE USE SIZE LIMITS IN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT, 3) EXPAND ALLOWABLE USES IN THE PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT, 4) EXPAND ALLOWABLE USES AND INCREASE USE SIZE LIMITS IN THE NOB HILL SPECIAL USE DISTRICT, AND 5) REDUCE LIMITATIONS ON RESTAURANTS AND BARS IN THE JACKSON SQUARE SPECIAL USE DISTRICT; AMENDING THE ZONING MAP TO REFLECT REMOVAL OF THE NORTH BEACH SPECIAL USE DISTRICT; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on June 17, 2025 Supervisor Melgar introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 250682, which would amend the Planning Code to: 1) eliminate the North Beach Special Use District and consolidate certain controls into the North Beach Neighborhood Commercial District, expand allowable uses and increase use size limits in the North Beach Neighborhood Commercial District, 2) expand allowable uses and increase use size limits in the Polk Street Neighborhood Commercial District, 3) expand allowable uses in the Pacific Avenue Neighborhood Commercial District, 4) expand allowable uses and increase use size limits in the Nob Hill Special Use District, and 5) reduce limitations on Restaurants and Bars in the Jackson Square Special Use District. The proposed Ordinance would also amend the Zoning Map to reflect removal of the North Beach Special Use District;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 18, 2025; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2) and 15378; 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 adopts a **recommendation for approval with anticipated amendments** of the proposed ordinance. The anticipated amendments are as follows:

1. Technical Amendments:
 - a. Strike reference to North Beach NCD in Section 186.
 - b. Within North Beach NCD, capitalize “Historic Buildings”.
2. Amend the Nob Hill SUD to principally permit Arts Activities on the first floor.
3. Amend the Nob Hill SUD to permit certain Retail Professional uses and exempt them from general public access and signage requirements.
4. Allow commercial spaces that were previously occupied by a Limited Restaurant to become a Restaurant in the North Beach NCD.
5. Amend the North Beach and Pacific Avenue NCDs to prohibit Flexible Retail on the second floor and above.
6. Update the Non-Residential Use Size limit standards to reflect the amendments adopted under Board File No. 250634.
7. Amend the North Beach NCD introductory paragraphs to include language about Legacy Businesses, historic character, smaller storefront mergers, and neighborhood-serving smaller health services.
8. Amend the storefront merger controls within North Beach NCD to conditionally permit mergers

up to 3,000 square feet and prohibit anything greater.

9. Amend the North Beach NCD to conditionally permit Health Service uses on the first floor up to 3,000 square feet and prohibit anything greater.
10. Amend the Jackson Square SUD to conditionally permit Bars.
11. Amend the Pacific Avenue NCD to prohibit Bars on all floors.

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 will reduce process, streamline review, and save business owners valuable time and money. It also makes the Planning Code clearer and more transparent for the public. Additionally, the Ordinance would bring the District 3 NCDs into greater alignment with most other NCDs citywide.

General Plan Compliance

The proposed Ordinance and anticipated amendments 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.

OBJECTIVE 2

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

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to 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.

HOUSING ELEMENT

Policy 26

Streamline and simplify permit processes to provide more equitable access to the application process, improve certainty of outcomes, and ensure meeting State- and local-required timelines, especially for 100% affordable housing and shelter projects.

The proposed Ordinance supports Objective 1 of the Commerce and Industry Element, which seeks to maintain and promote economic growth in San Francisco. By expanding business opportunities in District 3 and strengthening the NCDs, the proposed Ordinance helps foster a more vibrant local economy. It also introduces greater flexibility for small businesses to co-locate, reducing individual operating costs and attracting a broader customer base. This directly aligns with Policy 2.1, which aims to retain existing businesses and attract new commercial activity to the city.

In addition, the proposed Ordinance addresses storefront vacancies and supports Objective 2 of the Commerce and Industry Element by encouraging a more diverse and resilient economic base through expanded Use allowances and permitting flexibility.

Finally, the proposed Ordinance advances Policy 26 of the Housing Element, which calls for streamlining and simplifying the permit process to ensure more equitable access and greater predictability in outcomes. While this policy is housed within the Housing Element, the proposed Ordinance applies these same principles—transparency and efficiency—to businesses seeking to open or expand within District 3 NCDs.

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 ADOPTS A RECOMMENDATION FOR APPROVAL WITH ANTICIPATED AMENDMENTS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 25, 2025.



Jonas P. Ionin
Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P Ionin
Date: 2025.10.02 15:16:02 -07'00'

AYES: Campbell, McGarry, Braun, So
NOES: Williams, Imperial, Moore
ABSENT: None
ADOPTED: September 25, 2025



EXECUTIVE SUMMARY

PLANNING CODE TEXT & ZONING MAP AMENDMENT

HEARING DATE: September 18, 2025

90-Day Deadline: September 23, 2025

Project Name: Consolidating the North Beach Special Use and Neighborhood Commercial Districts and Expanding Allowable Uses and Use Size Limits in Certain Zoning Districts
Case Number: 2025-005989PCAMAP [Board File No. 250682]
Initiated by: Supervisor Sauter / Introduced June 17, 2025
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
Environmental Review: Not a Project Under CEQA

RECOMMENDATION: Adopt a Recommendation for Approval with Anticipated Amendments

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to: 1) eliminate the North Beach Special Use District (SUD) and consolidate certain controls into the North Beach Neighborhood Commercial District (NCD) and 2) expand allowable uses and increase use size limits in the North Beach and Polk Street NCDs and the Nob Hill SUDs, 3) expand allowable uses in the Pacific Avenue NCD, and 4) reduce limitations on Restaurants and Bars in the Jackson Square SUD. The proposed Ordinance would also amend the Zoning Map to reflect removal of the North Beach SUD.

The Way It Is Now:	The Way It Would Be:
<p>There is both a North Beach NCD and North Beach SUD.</p>	<p>The North Beach SUD would be eliminated and references to it would be deleted from the Code. The following provisions from the SUD would be incorporated into the NCD and other relevant sections of the Code:</p> <ol style="list-style-type: none"> 1. Planned Unit Developments would still not be allowed. 2. The Architectural and Cultural Heritage provisions would still apply. 3. A Conditional Use authorization (CUA) would still be triggered if the immediately prior use was a Legacy Business. However, this CUA would not be required if the prior use was closed for at least three years, vacates on their own, or is no longer on the Legacy Business Register.
ZONING CONTROL AMENDMENTS	
<p>Within the Nob Hill SUD:</p> <ol style="list-style-type: none"> 1. All eating and drinking establishments require a CUA, except for Formula Retail establishments which are prohibited. 2. The SUD is silent on Arts Activities uses. 	<ol style="list-style-type: none"> 1. Limited Restaurants would be principally permitted and all other eating and drinking establishments would still require a CUA. All Formula Retail establishments would still be prohibited. 2. Arts Activities uses would be allowed with CUA.
<p>Within the Jackson Square SUD:</p> <ol style="list-style-type: none"> 1. Restaurants, Limited Restaurants, and Bars are allowed with a CUA on the first floor. 2. There are also other requirements such as whether the space must currently or last legally occupied by a Restaurant, Limited Restaurant, or Bar. 	<ol style="list-style-type: none"> 1. Limited Restaurants would not be restricted under the Jackson Square SUD. Therefore, Limited Restaurants would rely on the underlying zoning controls which principally permits Limited Restaurants within the C-2 Zoning District. Restaurants and Bars would be allowed up to 4,000 square feet and require a CUA if the use is larger than 4,000 square feet. The proposal would be exempt from a CUA if the Use remains the same and is not enlarged. 2. The additional restrictions related to the prior Use would be eliminated.
<p>Within the North Beach NCD:</p> <ol style="list-style-type: none"> 1. Storefront mergers are prohibited. 2. Use Sizes up to 2,000 square feet are principally permitted. Larger Use Sizes require CUA, except that anything greater than 4,000 square feet is prohibited. 3. Walk-up Facilities are not permitted. 4. Limited Restaurants are conditionally permitted on the first floor. 	<ol style="list-style-type: none"> 1. Storefront mergers would be allowed up to 3,000 square feet and require a CUA for mergers of 3,001 square feet or greater. 2. The principally permitted Use Size limits would be increased to 3,000 square feet. Use Sizes between 3,001-4,000 square feet would require

<p>5. Health Services are prohibited on the first floor.</p> <p>6. Flexible Retail is prohibited.</p> <p>7. Projects are not eligible for the Priority Processing Program.</p>	<p>a CUA. Anything greater than 4,000 square feet is still prohibited.¹</p> <p>3. Walk-up Facilities would be allowed, except that ATMs would be prohibited.</p> <p>4. Limited Restaurants would be principally permitted on the first floor.</p> <p>5. Health Services would be conditionally permitted on the first floor.</p> <p>6. Flexible Retail would be principally permitted on the first floor and conditionally permitted on the second floor and above.</p> <p>7. Projects would be eligible for the Priority Processing Program.</p>
<p>Within the Polk Street NCD:</p> <p>1. Store front mergers are generally prohibited with some exceptions.</p> <p>2. Health Services are prohibited on the first floor, with some exceptions that principally permit Health Services.</p> <p>3. Use Sizes up to 2,000 square feet are principally permitted. Use Sizes between 2,001-4,000 square feet require a CUA. Anything greater than 4,000 square feet is prohibited.</p>	<p>1. Storefront mergers would be allowed up to 3,000 square feet and require a CUA for mergers of 3,001 square feet or greater.</p> <p>2. Health Services would generally be conditionally permitted on the first floor. The same exceptions for principally permitted Health Services on the first floor would still apply.</p> <p>3. The principally permitted Use Size limits within Polk Street NCD would be increased to 3,000 square feet. Larger Use Sizes would require a CUA. The hard cap of 4,000 square feet would be removed.</p>
<p>Within the Pacific Avenue NCD:</p> <p>1. Bars are prohibited.</p> <p>2. Health Services are conditionally permitted on the second floor and prohibited on all other floors.</p> <p>3. Flexible Retail is prohibited.</p>	<p>1. Bars would be conditionally permitted on the first floor.</p> <p>2. Health Services would be conditionally permitted on all floors.</p> <p>3. Flexible Retail would be principally permitted on the first floor and conditionally permitted on the second floor and above.</p>

Anticipated Amendments

Supervisor Sauter intends to introduce the following amendments:

- **Technical Amendments:**

- Section 186 references North Beach NCD instead of the SUD. The anticipated amendment is to strike reference to North Beach altogether because controls could be revised through North Beach NCD itself, not through Section 186.

¹ Board File 250634 proposes to eliminate the hard cap on Non-Residential Use Size limits within North Beach NCD.

- Within North Beach NCD, capitalize “Historic Buildings” because it is a defined term in Section 102. The Ordinance also already references Section 102.
- **Amend the Nob Hill SUD to principally permit Arts Activities on the first floor.** The proposed Ordinance conditionally permits Arts Activities on all floors. This anticipated amendment aligns with efforts to better support the arts, particularly on the first floor.
- **Amend the Nob Hill SUD to permit certain Retail Professional uses and exempt them from general public access and signage requirements.** One of the goals of the Nob Hill SUD is to allow incidental commercial uses through a CUA. These incidental uses are intended to serve the needs of building occupants and their visitors. Recently, a real estate brokerage that has operated in the area for over 30 years inquired about expanding its office. However, the Department determined the use was unpermitted, as the original CUA filed in 1984 had been withdrawn. The proposed amendment seeks to align the long-standing presence of such businesses with the SUD’s objectives, while providing a practical path forward for continued operation.
- **Allow commercial spaces that were previously occupied by a Limited Restaurant to become a Restaurant in the North Beach NCD.** Currently, Restaurants are conditionally permitted in the North Beach NCD, but only in commercial spaces where the last legally established use was a Restaurant or Bar. The anticipated amendment would add **Limited Restaurant** to this list of required prior Uses. This would expand the number of sites eligible to be a Restaurant.
- **Amend the North Beach and Pacific Avenue NCDs to prohibit Flexible Retail on the second floor and above.** Currently, the proposed Ordinance principally permits Flexible Retail on the first floor and requires Conditional Use authorization on the second floor and above. The proposed amendment would prohibit Flexible Retail on the second floor and above. This anticipated amendment aligns with the controls under [Ordinance No. 249.23](#).
- **Update the Non-Residential Use Size limit standards to reflect the amendments adopted under Board File No. 250634.** The subject Ordinance was drafted before BF 250634 was adopted and as a result has outdated code language.

Background

In recent years, there have been a few Ordinances to provide extra support to small businesses opening or expanding within the city. These generally removed barriers for businesses and provided more flexibility in the zoning controls. A quick summary list is included below for reference.

- Small Business Permit Streamlining Ordinance, Board File No. 181211, effective on October 11, 2019,²
- Proposition H (Prop. H), initiated under Board File No. 200650, effective on December 18, 2020,³
- Small Business Recovery Act (SBRA), Board File No. 210285, effective September 3, 2021,⁴ and
- Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses, Board File No. 230701,

² [Ordinance 205-19](#).

³ [November 3, 2020 Election Results](#).

⁴ [Ordinance No. 111-21](#).

effective January 13, 2024.⁵

Supervisor Sauter aims to build on ongoing efforts by extending key regulatory relief measures to businesses in District 3. The proposed Ordinance would eliminate certain restrictions, many of which are unique to District 3, to better align local controls with those in other parts of the city. This proposal is also informed by extensive community engagement, reflecting input from local business owners, residents, and neighborhood organizations about their priorities and vision for the area. In addition, Supervisor Sauter proposes consolidating the North Beach Neighborhood Commercial District (NCD) and Special Use District (SUD) to improve clarity and ensure consistent regulations.

Issues and Considerations

Zoning Controls

Since the 1980s when the City established its current NCDs, the trends have been to pass more restrictive zoning controls. This is possible because of individualized or named NCDs that enable the creation of bespoke land use controls for each neighborhood. Many of the more restrictive controls were done in response to specific concerns in each neighborhood. For example, one neighborhood might have concerns about an overconcentration of Restaurants, so they petitioned to have Restaurants prohibited or made contingent upon Conditional Use approval. Zoning Controls also includes Non-Residential Standards such as Use Size limits, which can be amended for each Named NCD also. Over time, these individualized controls have made it more difficult to open new businesses, potentially prolonging storefront vacancies. They have also resulted in a complicated Planning Code that is difficult to implement and confusing for the public to understand. More recently, the City has passed legislation to simplify the Code and make Uses more permissible. This has been particularly helpful for small and emerging businesses and helps address storefront vacancies. The amendments proposed in this Ordinance seek to further simplify the Code to make it easier to open or expand businesses in these District 3 neighborhoods.

Proposed Zoning Changes

The proposed Ordinance generally makes things more permissible and removes bureaucratic barriers throughout District 3. This loosens restrictions within **North Beach, Polk, and Pacific NCDs and the Nob Hill and Jackson Square SUDs** (see map in Exhibit C). Some uses with more permissive controls include but not limited to: *Restaurants, Limited Restaurants, Bars, Health Services, and Flexible Retail*. Some of these Uses and the rationale are described below.

Restaurants

Restaurants and other eating and drinking establishments are an essential part of San Francisco's neighborhood vitality, supporting small business activity and contributing to the city's broader economic base. In many commercial districts, there is growing demand from communities to allow Restaurants more easily.

⁵ [Ordinance 249-23](#).

However, in the North Beach and Jackson Square SUDs, zoning regulations impose additional restrictions on Restaurants, Limited Restaurants, and Bars, making them more difficult to establish. For example:

- A new Restaurant may be conditionally permitted only if the space was previously occupied by a Restaurant or Bar — a requirement not found most other zoning districts.⁶
- Similarly, Limited Restaurants on the ground floor are only conditionally permitted if the previous use was a Limited Restaurant, Restaurant, or Bar.

By contrast, this proposed Ordinance would principally permit Limited Restaurants on the first floor, aligning the North Beach NCD and Jackson Square SUD with most other NCDs where this use is already allowed by right.

Due to the current restrictions, several entrepreneurs have been unable to open Restaurants in these districts — even though their proposals would be fully compliant elsewhere. These controls were originally intended to limit the number and concentration of eating and drinking establishments. However, there is now growing support—from both the community and local businesses—to modernize these rules and encourage new restaurant activity.

The proposed Ordinance responds to this shift by eliminating the additional restrictions, making it easier for Restaurants and Limited Restaurants to establish in North Beach and Jackson Square. These changes will streamline the permitting process, reduce unnecessary barriers for small businesses, and reflect updated neighborhood goals.

Health Services

Health Services are defined in the Planning Code as a Retail Sales and Service use that provides medical and allied health care, including services by physicians, surgeons, dentists, podiatrists, psychologists, and other licensed health professionals. While Health Services meet the Code's active use requirements, they generally do so to a lesser degree than other Retail Sales and Services Uses, due to their reliance on appointments and the nature of patient care.

Under current zoning, Health Services are restricted in several districts despite their role as essential community services. For example:

- In the Polk Street NCD, Health Services are generally prohibited on the first floor, where active ground-floor uses are typically prioritized. However, the district is located near two major hospitals, making Health Services a logical complementary use in the area.
- Recognizing this, [Ordinance No. 142-23](#) amended the Polk Street NCD to principally permit Health Services on the first floor for properties *without* frontage on Polk or California Streets. [Ordinance No. 85-24](#) expanded this further to also include properties without frontage on Hyde Street. These exceptions have created more flexibility, but the current structure remains restrictive and difficult to navigate.

The proposed ordinance expands on these efforts by:

⁶ This provision is outlined within the North Beach SUD and currently replicated as a footnote to the North Beach NCD. The draft Ordinance proposes to amend the footnote within the North Beach NCD.

- Making Health Services conditionally permitted on the first floor in both Polk Street and North Beach, where they were previously not permitted (aside from the limited exceptions which were principally permitted on side streets within the Polk Street NCD); and
- Allowing Health Services on all floors in the Pacific Avenue NCD, where they were previously conditionally permitted only on the ground floor and prohibited above.

In Polk Street specifically, principally permitting Health Services on side-street frontages only helps ensure that the primary commercial corridors along Polk, California, and Hyde Streets retain their retail character, while still allowing vital services to fill vacant storefronts in less active locations. Under this proposed Ordinance, Health Services proposed on the main commercial corridors within the Polk Street NCD or within the Pacific and North Beach NCDs would be vetted through the Conditional Use authorization process.

These changes strike a balance between preserving active ground-floor uses and supporting neighborhood-serving services, particularly in areas where access to health care is a community priority. By broadening the permissibility of Health Services, this proposed Ordinance helps reduce vacancies, increases neighborhood convenience, and supports a more complete range of small business and service providers within commercial districts.

Flexible Retail

Flexible Retail is a type of Retail Sales and Service Use that combines the following existing Uses: Arts Activities, Limited Restaurants, General Retail Sales and Services, Personal Services, Professional Services, and Trade Shops. Flexible Retail allows these Uses to be operated by one or more businesses within the same space. Once an establishment changes their Use to Flexible Retail, they are not required to obtain additional Use permits from the Planning Department if they develop one or more additional Use(s) that falls under the Flexible Retail Use category. However, Flexible Retail must still comply with underlying zoning for each of the individual categories. This eliminates some land use and permitting requirements and allows retail businesses to co-locate within the same space, attracting more customers to increase revenue streams.

The Flexible Retail Use definition became effective January 7, 2019 to support small businesses within NCDs in two geographic zones⁷ and then later made principally permitted throughout most of the city.⁸ The proposed Ordinance would also allow the Flexible Retail Use within these District 3 neighborhoods, aligning with the rest of the city.

Other Zoning Modifications

The proposed Ordinance would also amend other Non-Residential Development Standards of Use Size limits and Storefront Merger controls. Amending these standards provides more flexibility for businesses and also reduces process as described below.

Use Size Limits

Section 121.2 outlines Non-Residential Use Size limits in NCDs. Uses exceeding district-specific thresholds typically require a CUA. A small number of NCDs — including Castro Street, North Beach, Pacific Avenue, and

⁷ [Ordinance 285-18](#).

⁸ [Ordinance 249-23](#).

Polk Street — maintain a relatively low principally permitted use size limit of 2,000 square feet, while most other NCDs allow 2,500 square feet or more by right. This proposed Ordinance proposes increasing the principally permitted Use Size to 3,000 square feet in both the North Beach and Polk Street NCDs.

Currently, both North Beach and Polk Street NCDs also impose a 4,000 square foot hard cap, which prohibits Non-Residential Uses above that size. This proposed Ordinance would eliminate the hard cap for the Polk Street NCD, but not for North Beach. However, Board File No. 250634, which was heard by the Planning Commission on July 17, 2025, and will become effective on October 6, 2025, deletes these hard caps. So, while this proposed Ordinance only removes the hard cap from the Polk Street NCD, both have already been removed by a previous Ordinance. These changes are intended to better align with the space needs of modern small businesses while preserving the fine-grain character of these historic commercial corridors.

Storefront Mergers

Storefront mergers are generally allowed throughout the city, provided the resulting Use Size is permitted within the applicable Zoning District. This approach supports the retention of fine-grain, small-scale storefronts while still allowing some flexibility for growth. In most commercial districts, this goal is achieved through Non-Residential Use Size limits rather than a direct prohibition on Storefront mergers. Currently, however, the Polk Street NCD and the North Beach NCD/SUD are the only remaining districts that entirely prohibit storefront mergers.

Two other districts impose a more nuanced approach by requiring CUAs for storefront mergers above certain thresholds:

- The Calle 24 SUD requires a CUA for storefront mergers that would result in a first-floor commercial space greater than 799 gross square feet.
- The Mission Street Neighborhood Commercial Transit (NCT) District requires a CUA for mergers resulting in a combined storefront over 1,500 square feet.

The proposed Ordinance would adopt a similar framework for the North Beach and Polk Street NCDs, allowing storefront mergers up to 3,000 square feet by right. Mergers resulting in more than 3,000 square feet would require a CUA. This amendment, along with the proposed increases to principally permitted Use Size limits, is intended to provide additional flexibility for small businesses in these districts while maintaining the neighborhood's historic commercial scale and character.

Recent Legislative Amendments

Over the past several years, Use Size and storefront merger restrictions in the North Beach and Polk Street NCDs have created barriers for small businesses. These rules have led to multiple cases where otherwise desirable businesses were unable to open or expand without separate legislative action. In particular, community-supported projects that exceeded existing Use Size limits or required minor storefront combinations required legislative remedies to move forward. For example, Bob's Donuts required legislative relief through [Ordinance No. 169-24](#) to merge storefronts and expand operations. Similarly, Bi-Rite required an amendment ([Ordinance No. 11-23](#)) to expand their commercial footprint. Bob's Donuts is a beloved donut-shop and Bi-Rite was a desired larger grocer in the neighborhood, but neither project was allowed under past zoning controls. Such proposals are principally permitted within most other NCDs. However, these examples required legislation to make the plans come into fruition.

This piecemeal legislative approach has proven inefficient and burdensome for both applicants and City staff. It has also been ineffective to review controls for individual parcels, rather than taking a wholistic approach. The proposed Ordinances would create a more predictable and transparent framework, reduce the need for case-by-case legislation, and better support small business viability in these neighborhood districts.

North Beach Consolidation

The North Beach NCD and SUD share nearly identical boundaries but have different regulations, leading to confusion and regulatory inconsistencies.

The North Beach NCD and SUD almost completely overlap (see map in Exhibit D). There are only seven parcels that are located within the NCD but not the SUD. This has created confusion on what is allowed or not allowed, and which rules apply. The proposed Ordinance would eliminate the North Beach SUD and all references to it. Most of the extra restrictions in the SUD would be lifted, but some controls would be integrated into North Beach NCD and other sections of the Code. This change simplifies the regulations and makes them easier for the public to understand by removing duplicated language between the North Beach NCD and SUD. When the SUD was updated in the past, those changes weren't always mirrored in the NCD, leading to inconsistencies. Consolidating the regulations helps ensure accuracy and consistency going forward.

Future Considerations

As part of ongoing efforts to refine land use controls and improve zoning clarity, the Department has identified two areas that may benefit from further review in the future:

Arts Activities Definition

Staff has encountered recurring challenges in determining what qualifies as an Arts Activity under the current Planning Code definition. The lack of clarity creates uncertainty for both applicants and staff when evaluating proposed uses, especially those that blend artistic, retail, or instructional components. A future review of the definition — with the goal of making it clearer and more adaptable to contemporary business models — could help reduce confusion and streamline permitting.

Effectiveness of Flexible Retail

Flexible Retail was initially intended to reduce permitting burdens by allowing businesses to operate multiple compatible uses without needing a new permit each time they shift operations. However, the tool has seen limited uptake — with only **two** applications submitted to date. In practice, Flexible Retail appears to be most beneficial when business owners are proposing multiple uses that are already principally permitted in their zoning district. For example, if Arts Activities are conditionally permitted in a given district, a business owner must first obtain a CUA for that use before it can be incorporated into a Flexible Retail operation. Once that CUA is secured, the business may then switch between other qualifying uses on the Flexible Retail list more easily — but the need for initial entitlement process may still deter participation. Future efforts should examine why there has been limited interest in Flexible Retail, and what potential amendments could be made to make Flexible Retail more practical.

General Plan Compliance

The proposed Ordinance supports Objective 1 of the Commerce and Industry Element, which seeks to maintain and promote economic growth in San Francisco. By expanding business opportunities in District 3 and strengthening the NCDs, the proposed Ordinance helps foster a more vibrant local economy. It also introduces greater flexibility for small businesses to co-locate, reducing individual operating costs and attracting a broader customer base. This directly aligns with Policy 2.1, which aims to retain existing businesses and attract new commercial activity to the city.

In addition, the proposed Ordinance addresses storefront vacancies and supports Objective 2 of the Commerce and Industry Element by encouraging a more diverse and resilient economic base through expanded Use allowances and permitting flexibility.

Finally, the proposed Ordinance advances Policy 26 of the Housing Element, which calls for streamlining and simplifying the permit process to ensure more equitable access and greater predictability in outcomes. While this policy is housed within the Housing Element, the proposed Ordinance applies these same principles—transparency and efficiency—to businesses seeking to open or expand within District 3 NCDs.

Racial and Social Equity Analysis

The proposed Ordinance is designed to reduce regulatory barriers for small businesses in the North Beach, Polk Street, and Pacific NCDs, as well as the Nob Hill and Jackson Square SUDs. These areas host a diverse range of immigrant-owned businesses and community-serving enterprises that often face disproportionate challenges navigating San Francisco's complex land use regulations.

By expanding the range of principally and conditionally permitted Uses — such as Restaurants, Limited Restaurants, Bars, Health Services, and Flexible Retail — the proposed Ordinance responds to evolving retail trends and supports a broader variety of neighborhood-serving business models. Additionally, amendments to Use Size limits and storefront merger rules will allow entrepreneurs to adapt existing spaces more efficiently without triggering unnecessary zoning barriers.

Time and cost savings for small business owners are a key outcome of these changes. Currently, businesses seeking to exceed Use Size limits or combine storefronts may be required to go through a CUA. This processes can add three to six months of delays and cost thousands of dollars in fees, professional services, and lost operating time — resources that small or undercapitalized businesses often cannot afford. By streamlining approvals and eliminating duplicative or overly restrictive controls, this proposed Ordinance reduces both financial and procedural burdens, lowering the barrier to market entry and business expansion.

These changes also promote greater equity in the local economy. The current system often favors well-resourced applicants with access to land use consultants, attorneys, and the time to navigate prolonged hearings. By contrast, small businesses — especially those owned by immigrants, BIPOC entrepreneurs, and legacy operators — are more likely to be deterred or excluded under the status quo. Streamlined, predictable zoning rules will enable these business owners to invest with more confidence, creating more inclusive opportunities across commercial corridors.

Finally, the legislation aligns with broader City goals around economic recovery and neighborhood vitality, as outlined in the San Francisco General Plan and initiatives such as the Economic Recovery Task Force recommendations. Reducing storefront vacancy, preserving commercial diversity, and supporting walkable, mixed-use neighborhoods are essential to ensuring a resilient post-pandemic future for San Francisco's local economy.

Implementation

The Department has determined that this Ordinance will impact current implementation procedures; however, the proposed changes can be carried out without increasing permit costs or review time. Most of the revisions — including expanded Use permissions, adjustments to Use Size limits, and the consolidation of overlapping zoning districts — will streamline internal review processes and improve clarity for both applicants and staff.

The expansion of Flexible Retail to additional districts may present some tracking challenges, particularly if a minimum of two distinct uses must be maintained on-site at all times. That said, the Department has received only two applications to date for Flexible Retail uses and does not anticipate a significant increase in applications as a result of this proposed Ordinance, given its limited geographic expansion.

Finally, the consolidation of the North Beach NCD and SUD will simplify the Planning Code, eliminate duplicative regulations, and reduce the risk of conflicting provisions. This streamlining is expected to provide clearer guidance to the public, improve customer service, and reduce inconsistencies across zoning controls.

Recommendation

The Department recommends that the Commission ***adopt a recommendation for approval with anticipated amendments*** of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Basis for Recommendation

The Department supports the overall goals of this Ordinance, as it reduces process, streamlines review, and saves business owners valuable time and money. It also makes the Planning Code clearer and more transparent for the public. Additionally, the Ordinance would bring the District 3 NCDs into greater alignment with most other NCDs citywide. Removing the additional restrictions in these districts could also reduce the need for future legislative fixes to accommodate individual projects. Furthermore, consolidating the North Beach NCD and SUD into a single set of controls would create a more consistent Code for North Beach and eliminate the risk of updates being made to one section but not the other. The Department is in full support of the anticipated amendments described starting on page 3. These anticipated amendments are either technical in nature or make controls more permissive within these District 3 NCDs.

Required Commission Action

The proposed Ordinance is before the Commission so that it may adopt a recommendation of approval, disapproval, or approval with modifications.

Environmental Review

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

Public Comment

Public feedback on the proposed Ordinance was mixed, with two letters expressing support, four in opposition, and one offering a combination of support and concerns. Supporters, including Russian Hill Neighbors and the Nob Hill Association/Nob Hill Compass, emphasized the need to modernize zoning regulations, citing benefits such as increased flexibility for businesses, reduced vacancies, and streamlined permitting processes. Opponents, including the Jackson Square Historic District Association and the Pacific Avenue Neighborhood Association, argued that existing controls—particularly in the Jackson Square SUD—have been effective and should not be weakened. Concerns included a high concentration of bars and restaurants, potential negative impacts on neighborhood character, and a lack of public outreach. The North Beach Business Association submitted a letter expressing conditional support: backing changes related to Flexible Retail and food production uses but opposing elements such as the removal of Use Size limits, the expansion of certain Uses, and permitting Walk-Up Facilities. The full correspondence can be found in Exhibit E.

ATTACHMENTS:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 250682
- Exhibit C: Map of Impacted Zoning Districts
- Exhibit D: Map Comparing the North Beach NCD to the North Beach SUD
- Exhibit E: Letters of Support/Opposition



PLANNING COMMISSION

DRAFT RESOLUTION

HEARING DATE: September 18, 2025

Project Name: Consolidating the North Beach Special Use and Neighborhood Commercial Districts and Expanding Allowable Uses and Use Size Limits in Certain Zoning Districts
Case Number: 2025-005989PCAMAP [Board File No. 250682]
Initiated by: Supervisor Sauter / Introduced June 17, 2025
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 ADOPTING A RECOMMENDATION FOR APPROVAL WITH ANTICIPATED AMENDMENTS OF A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO: 1) ELIMINATE THE NORTH BEACH SPECIAL USE DISTRICT AND CONSOLIDATE CERTAIN CONTROLS INTO THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT, EXPAND ALLOWABLE USES AND INCREASE USE SIZE LIMITS IN THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT, 2) EXPAND ALLOWABLE USES AND INCREASE USE SIZE LIMITS IN THE POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT, 3) EXPAND ALLOWABLE USES IN THE PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT, 4) EXPAND ALLOWABLE USES AND INCREASE USE SIZE LIMITS IN THE NOB HILL SPECIAL USE DISTRICT, AND 5) REDUCE LIMITATIONS ON RESTAURANTS AND BARS IN THE JACKSON SQUARE SPECIAL USE DISTRICT; AMENDING THE ZONING MAP TO REFLECT REMOVAL OF THE NORTH BEACH SPECIAL USE DISTRICT; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE UNDER PLANNING CODE, SECTION 302.

WHEREAS, on June 17, 2025 Supervisor Melgar introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 250682, which would amend the Planning Code to: 1) eliminate the North Beach Special Use District and consolidate certain controls into the North Beach Neighborhood Commercial District, expand allowable uses and increase use size limits in the North Beach

Neighborhood Commercial District, 2) expand allowable uses and increase use size limits in the Polk Street Neighborhood Commercial District, 3) expand allowable uses in the Pacific Avenue Neighborhood Commercial District, 4) expand allowable uses and increase use size limits in the Nob Hill Special Use District, and 5) reduce limitations on Restaurants and Bars in the Jackson Square Special Use District. The proposed Ordinance would also amend the Zoning Map to reflect removal of the North Beach Special Use District;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 18, 2025; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2) and 15378; 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 adopts a **recommendation for approval with anticipated amendments** of the proposed ordinance. The anticipated amendments are as follows:

1. Technical Amendments:
 - a. Strike reference to North Beach NCD in Section 186.
 - b. Within North Beach NCD, capitalize “Historic Buildings”.
2. Amend the Nob Hill SUD to principally permit Arts Activities on the first floor.
3. Amend the Nob Hill SUD to permit certain Retail Professional uses and exempt them from general public access and signage requirements.
4. Allow commercial spaces that were previously occupied by a Limited Restaurant to become a Restaurant in the North Beach NCD.
5. Amend the North Beach and Pacific Avenue NCDs to prohibit Flexible Retail on the second floor and above.
6. Update the Non-Residential Use Size limit standards to reflect the amendments adopted under

Board File No. 250634.

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 will reduce process, streamline review, and save business owners valuable time and money. It also makes the Planning Code clearer and more transparent for the public. Additionally, the Ordinance would bring the District 3 NCDs into greater alignment with most other NCDs citywide.

General Plan Compliance

The proposed Ordinance and anticipated amendments 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.

OBJECTIVE 2

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

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to 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.

HOUSING ELEMENT

Policy 26

Streamline and simplify permit processes to provide more equitable access to the application process, improve certainty of outcomes, and ensure meeting State- and local-required timelines, especially for 100% affordable housing and shelter projects.

The proposed Ordinance supports Objective 1 of the Commerce and Industry Element, which seeks to maintain and promote economic growth in San Francisco. By expanding business opportunities in District 3

and strengthening the NCDs, the proposed Ordinance helps foster a more vibrant local economy. It also introduces greater flexibility for small businesses to co-locate, reducing individual operating costs and attracting a broader customer base. This directly aligns with Policy 2.1, which aims to retain existing businesses and attract new commercial activity to the city.

In addition, the proposed Ordinance addresses storefront vacancies and supports Objective 2 of the Commerce and Industry Element by encouraging a more diverse and resilient economic base through expanded Use allowances and permitting flexibility.

Finally, the proposed Ordinance advances Policy 26 of the Housing Element, which calls for streamlining and simplifying the permit process to ensure more equitable access and greater predictability in outcomes. While this policy is housed within the Housing Element, the proposed Ordinance applies these same principles—transparency and efficiency—to businesses seeking to open or expand within District 3 NCDs.

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 ADOPTS A RECOMMENDATION FOR APPROVAL WITH ANTICIPATED AMENDMENTS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 18, 2025.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: September 18, 2025

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EXHIBIT B

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

Ordinance amending the Planning Code to: 1) eliminate the North Beach Special Use District and consolidate certain controls into the North Beach Neighborhood Commercial District, expand allowable uses and increase use size limits in the North Beach Neighborhood Commercial District, 2) expand allowable uses and increase use size limits in the Polk Street Neighborhood Commercial District, 3) expand allowable uses in the Pacific Avenue Neighborhood Commercial District, 4) expand allowable uses and increase use size limits in the Nob Hill Special Use District, and 5) reduce limitations on Restaurants and Bars in the Jackson Square Special Use District; amending the Zoning Map to reflect removal of the North Beach Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

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

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

Section 1. Environmental and Land Use Findings.

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

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

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

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

20 **SEC. 102. DEFINITIONS.**

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

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

15 * * * *

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

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

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

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

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

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

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

5 * * * *

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

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

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

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

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

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

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

* * * *

SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.

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

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

* * * *

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

* * * *

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

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

* * * *

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

* * * *

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

* * * *

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

SEC. 201. CLASSES OF USE DISTRICTS.

* * * *

Neighborhood Commercial Special Use Districts

(Defined in Sec. 702.2)

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

* * * *

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

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

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

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

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

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

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

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

3 (f~~g~~) The various uses provided for in Subsections 238(a) through 238(~~ef~~) above are
4 not permitted in any portion of a building that is devoted to a Dwelling Unit or to Group
5 Housing as defined in Section 102 of this Code.
6

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

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

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

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

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

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

1 (b) **Controls.**

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

6 (2) **Conditional Uses.**

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

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

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

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

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

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

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

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

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

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

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

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

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

24 * * * *

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

7 * * * *

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

11 * * * *

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

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

24 * * * *

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

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

4 * * * *

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

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

21 * * * *

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

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

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

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

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

13 * * * *

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

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

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

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

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

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

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

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

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

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

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

1 * Not listed below

2 * * * *

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

5 (3) [Note deleted.]

6 (4) [Note deleted.]

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

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

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

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

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

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

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

8 * * * *

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

12 (11) GROUND FLOOR COMMERCIAL USES REQUIRED

13 **Boundaries:** North Beach NCD

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

21 * * * *

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

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

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

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

13 * * * *

14 **(b) Controls.**

15 * * * *

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

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

* * * *

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

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

* * * *

* Not listed below

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

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

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

* * * *

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

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

* * * *

SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

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

* * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

19 ~~—(2) **Alcohol Licenses.**~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

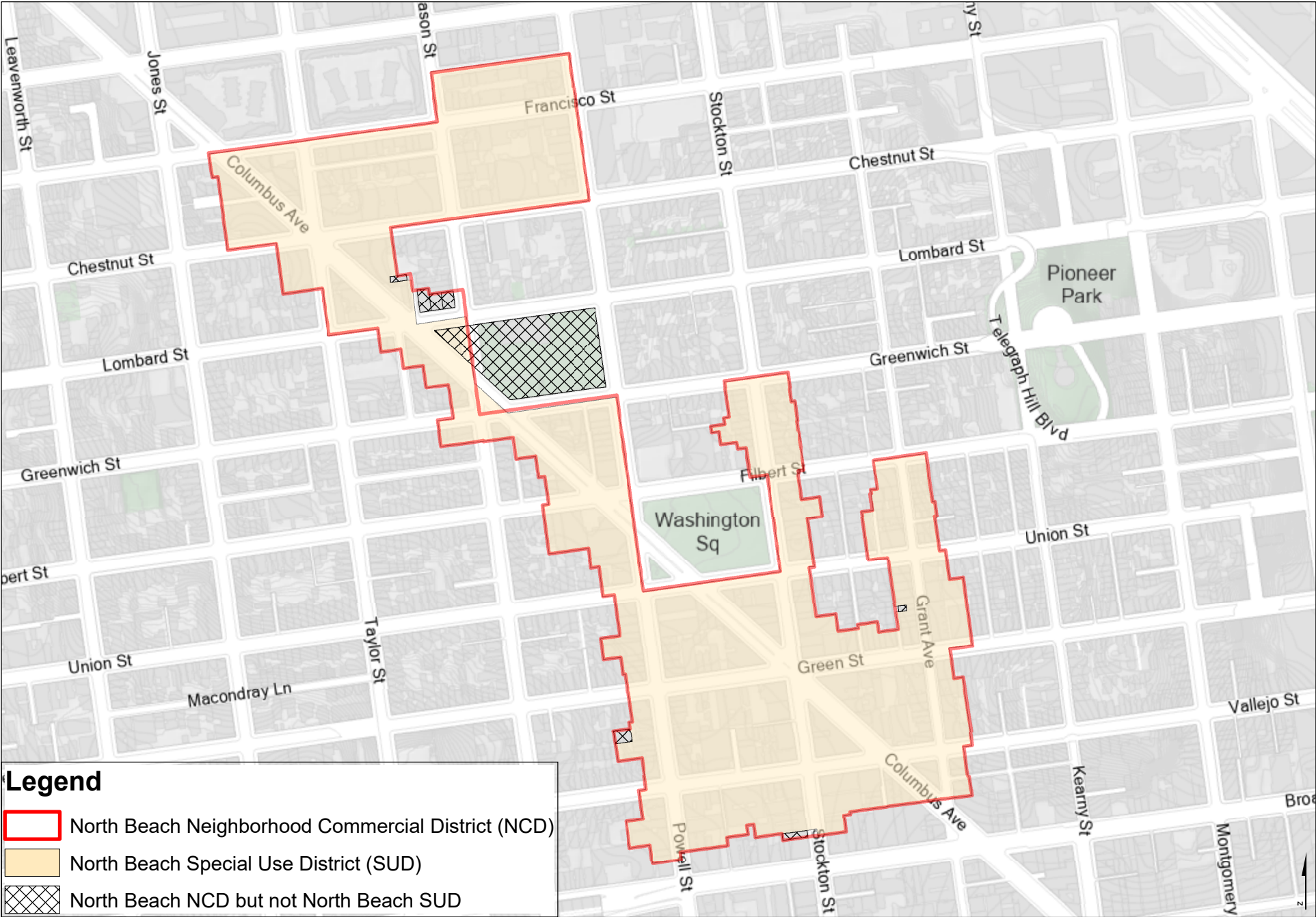
19 By: /s/ Brian Crossman
20 BRIAN CROSSMAN
Deputy City Attorney

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22
23
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25

Zoning Districts Impacted by Board File 250682



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Jackson Square

HISTORIC DISTRICT ASSOC.

September 4, 2025

Via Email

Lydia So, President & Members
San Francisco Planning Commission
49 S Van Ness Ave., Suite 1400
San Francisco, CA 94103

RE: BOS File No. 250682 Letter of Opposition

Dear President So and Members of the Planning Commission:

The Jackson Square Historic Association (JSHDA), founded in 1998, is devoted to bettering Jackson Square for residents, businesses, visitors, and the many tour groups that visit daily. We aim to foster a sense of community, ensuring Jackson Square remains a unique, historic mixed use neighborhood. Pursuant to that mission, we are writing to request that the successful land use controls for the Jackson Square Special Use District set forth in Section 249.25 NOT be deleted or amended as proposed in Supervisor Sauter's legislation (File no. 250682).

Two years ago we wrote a data driven letter opposing a similar proposal by Mayor Breed (File no. 230701). Fortunately, Mayor Breed and the BOS made a data driven, evidence-based decision to maintain our successful zoning mix. We are disheartened and disappointed to be fighting this issue again, and adamantly oppose this new proposal as a misguided and unnecessary dismantling of the framework underpinning historic Jackson Square's widely acknowledged success as one of the few thriving downtown districts.

A Unique Historic District known for SF's only surviving brick and ornate cast iron buildings dating back to the 1850's-1870's, Jackson Square offers a tiny, preserved one-of-a-kind atmosphere that attracts locals and many aforementioned tour groups to our beautiful enclave, including lighting and green spaces funded privately by residential owners over the last 20+ years.

Currently, there are SEVENTEEN bars and restaurants within our tiny 2 block x 1.5 block historic district, five more on adjacent sides of the JSHD border streets, and literally dozens more within a 5 minute walk. As you can imagine, many of them bring an attendant negative impact on adjacent historic properties and streetscapes. Residents already contend with bars and restaurants that frequently ignore codes, and inconsistent City enforcement places the compliance burden on residential constituents.

The Lack of Outreach is alarming. We're dismayed that Supervisor Sauter's proposal would allow new restaurants and bars to be permitted *as of right* and even allow restaurants and bars over 4,000 square feet with a Conditional Use Authorization (massively out of scale for the tiny historic district).

His proposal will erode the current mixed-use balance that we've worked to achieve. Unfortunately, there was NO outreach to key stakeholders for this proposal other than (according to Supervisor Sauter's aides) to an owner of multiple restaurants in the district seeking to expand. The lack of constituent engagement, lack of transparency and lack of any data supporting how an oversaturation of liquor licenses would improve an already successful mixed use neighborhood is alarming and betrays common sense, even for a first year Supervisor.

The Current Data-informed Section 249.25 controls were enacted with support from diverse community stakeholders, unanimously endorsed by the City's Small Business Commission, and unanimously approved by the Board of Supervisors on March 6, 2018. They were designed to preserve a balanced mix of commercial uses and a sustainable residential community aligned with the City's goal of attracting residents to invest in living downtown. These controls were informed by voluminous data from other cities and planners, and have proven remarkably successful both pre and post-pandemic, as evidenced by simply walking the district, as well as numerous articles in local media highlighting Jackson Square as a downtown success story. And again by contrast, the proposed destructive legislation is not supported by any data showing how it will improve the tiny district.

A healthy neighborhood requires the 24/7 "I live here" commitment, community stewardship, and preservation efforts of dedicated Jackson Square residents and businesses. Jackson Square residents invest their own money in streetscaping and encouraging all property owners to maintain their historic properties. In fact, it was only residential stakeholders who worked with the City and property owners to obtain approval for the extra tax to fund a Community Benefits District in 2018 for services that many felt the City should already be providing. The CBD provides benefits to all district stakeholders including clean-up of the ongoing trash, vomit, urination (and worse), graffiti, broken beer/liquor bottles, property damage, and broken trees, not to mention vandalism and noise we face as City residents every day. Many of these challenges are attributable to current oversaturation of bars & restaurants in this barely 4-square-block district.

The Jackson Square Special Use District has successfully achieved a balanced mix and favorable retail climate for long-term commercial and residential stakeholders. Jackson Square currently hosts a high commercial occupancy of boutique retail & services including *Aesop*, *Zimmerman*, *Postscript Specialty Market*, *Bentley Mills*, *Isabel Marant*, *John Velasquez Salon*, *Japonesque Gallery*, *Filson*, *Schott*, *Atelier Lan Jaenicke*, *Lucifer Lighting*, *Polo*, *Anine Bing*, *William Stout Architectural Books* (the last of its kind in Bay Area), *Fjällräven*, *diPietro Todd Salon*, *Shinola*, *Goldwin*, *Spoke & Weal Salon*, *Gallery Wendi Norris*, *Paul Smith* and more. They enhance variety, limit vacancies, and inhibit the type of real estate speculation that often cannibalizes the most unique, community-serving establishments in our neighborhoods.

We deeply value Jackson Square as one of SF's few successful downtown districts - a neighborhood that has preserved livability, architectural character, and a healthy mix of residential, commercial, and cultural uses. Our concern is not opposition to change, but ensuring that any proposals are data-driven, balanced, and respectful of what is already working well.

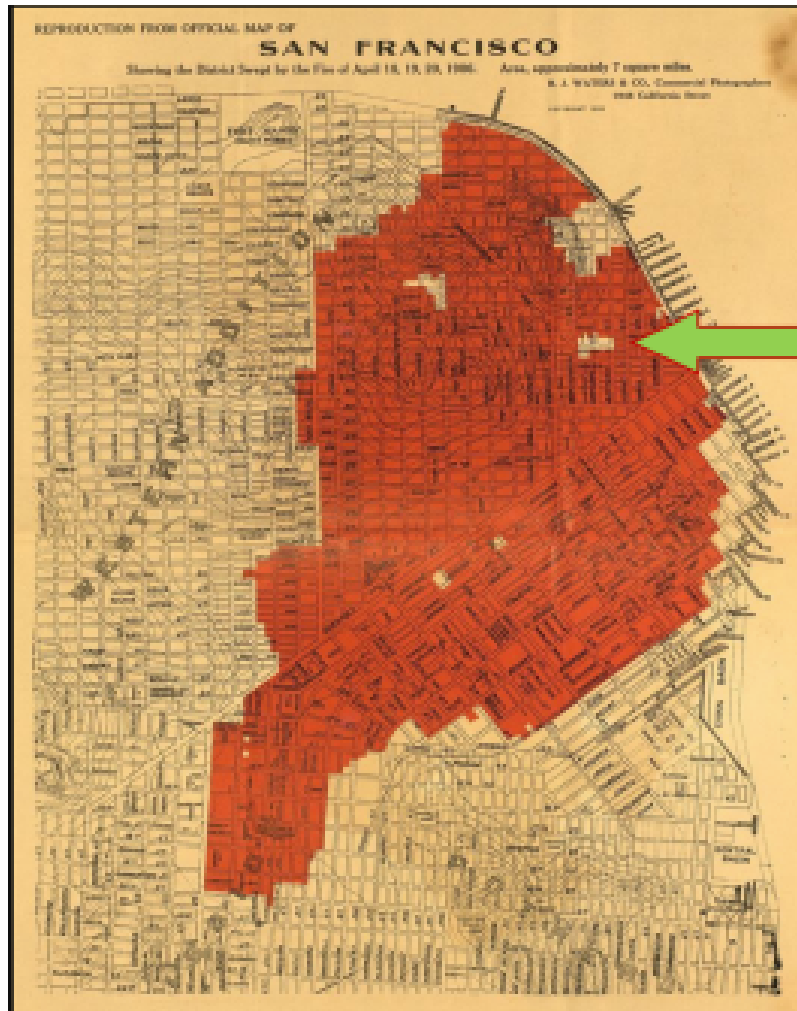
Therefore, we request that the Section 249.25 language NOT be deleted and be maintained as is currently set forth in the Planning Code. Please don't destroy our current success with misguided, uninformed legislation lacking any data to support how it will improve an already successful

community. The City has real problems to work on in other neighborhoods vs. creating a new one that doesn't currently exist in the Jackson Square Historic District.

We appreciate the Planning Department and BOS consideration of our mixed use protection needs in this tiny district (see map below) and look forward to your support.

Sincerely,
Matthew Stegman
Jackson Square Historic District Association
JacksonSqHDA@gmail.com

Cc: Veronica Flores, Planner <Veronica.Flores@sfgov.org>
Danny Sauter, District 3 Supervisor <Danny.Sauter@sfgov.org>
Angela Calvillo, Clerk, Board of Supervisors <Angela.Calvillo@sfgov.org>
Katy Tang, Small Business Commission <Katy.Tang@sfgov.org>



The tiny Jackson Square Historic District comprises the City's only remaining historic 1850's-1880's building assets and physical reminders of our beginnings as a great Pacific port.

(Red Areas destroyed in '06 Quake & Fire).



September 4, 2025

Lydia So, President & Members
San Francisco Planning Commission
49 S Van Ness Ave., Suite 1400
San Francisco, CA 94103

RE: Opposition to BOS File No. 250682

Dear President So and Commissioners,

I respectfully write to you as both a resident and HOA president of a mixed-use building in Jackson Square, where I also practice law. I am strongly opposed to Supervisor Sauter's proposal to weaken Section 249.25, which has been essential in maintaining the character and balance of this unique neighborhood.

The success of Jackson Square is not accidental. Since 2018, the current land use protections - crafted with broad input and unanimous City support - have preserved historic buildings while sustaining a healthy mix of shops, galleries, bars & restaurants, offices, services, and homes. This stability has encouraged investment from residents and businesses alike, making Jackson Square one of the few Downtown districts to thrive even through the pandemic.

The proposed legislation threatens to unravel that success. Our small district already has more than its share of bars and restaurants. While these uses bring activity, they also create serious impacts on retail and residential: noise, vandalism, trash and worse, and constant enforcement challenges. Allowing additional saturation without careful review would tip the balance further, undermining the very qualities that make this district livable. Driving working residents out of Downtown seems backwards.

Process matters, too. None of the Jackson Square business and residential friends I asked said they were aware of this proposal, and were against it once informed. How does oversaturating bar & restaurants vs balanced mixed use improve a district that is already working well?

As someone who lives and works here, I see daily how much residents and businesses invest in Jackson Square - through the Community Benefit District, streetscape and historic building upkeep, and more. Weakening the current zoning protections would undo years of progress and create unnecessary problems for the City to manage.

I respectfully urge you to reject File No. 250682 and keep Section 249.25 intact. The framework is working, and there is no justification for dismantling it.

Sincerely,
Charles Carbone, Esq.
25 Hotaling & 580 Washington HOA President, Jackson Square

September 5, 2025
Via Email

Lydia So, President & Members
San Francisco Planning Commission
49 S Van Ness Ave., Suite 1400
San Francisco, CA 94103

RE: BOS File No. 250682 – Letter of Opposition

Dear President So and Members of the Planning Commission,

I am writing as a concerned Jackson Square residential property manager/owner regarding the proposed deletion of the Jackson Square Special Use District land use controls (Planning Code Section 249.25) contained in Supervisor Sauter’s legislation (File No. 250682). Two years ago, with the support of the Jackson Square Historic District Association, I spoke out against a similar effort led by Mayor Breed (File No. 230701), and was relieved when that proposal was ultimately rejected in favor of preserving the existing balance that has made Jackson Square such a vibrant and livable downtown neighborhood. The former Belli Building, currently owned and managed by our group, is a testament to why we should maintain the current controls absent new data or input from the community. These controls have helped make Jackson Square such a great place to live and for small businesses to thrive.

Thus, I am troubled to see the same issue resurface so soon, and I must once again urge you to protect what has been proven to work. Jackson Square is unlike anywhere else in San Francisco, with its rare collection of 1850s–1870s brick and cast-iron buildings, narrow streetscapes, and privately funded lighting and greenscapes supported by residents and stakeholders alike for decades. This historic fabric is fragile. The neighborhood already contains seventeen bars and restaurants within its tiny two-block by one-and-a-half-block area, with many more just steps away. Our residents and retail tenants routinely bear the burden of the excess noise, trash, vandalism, broken bottles, and other side effects of nightlife activity. Allowing new bars and restaurants “as of right” — and even larger venues of over 4,000 square feet by conditional approval — would likely overwhelm the character and charm of this district.

What is most concerning is that this proposal seems to have been brought forth with little to no outreach to residents or other key stakeholders. As I understand it, the only direct consultation was with a restaurant owner seeking to expand operations. Such a narrow consultation process ignores the residents and small businesses who live with the daily consequences of land use decisions in this neighborhood. Thus, we should inquire as to why such a change to the controls has been proposed.

The current controls in Section 249.25 were created with broad community input, earned unanimous support from the City’s Small Business Commission, and were unanimously adopted by the Board of Supervisors in 2018. These controls have encouraged a diverse mix of businesses — boutique retail, galleries, services, and cultural institutions — while sustaining a stable residential community. This balance has kept Jackson Square healthy both before and after the pandemic, something that few downtown districts can claim.

I’ve personally walked the neighborhood numerous times, invested money in the neighborhood, including supporting the extra taxes that fund the Community Benefits District, which helps cover

clean-up, tree maintenance, and security. Those services are not luxuries — they have become necessities due to the existing oversaturation of nightlife uses. Weakening the controls now would undo years of hard work and investment by those of us who have committed to making Jackson Square a vibrant, functional, and most importantly, a livable neighborhood for both commercial and residential tenants. Thus, I ask you to please maintain the protections in Section 249.25 as they are. This is not about resisting change but about ensuring that any changes are thoughtful, data-driven, and respectful of the delicate balance that has made Jackson Square one of San Francisco's success stories.

Thank you for considering the perspective of a property owner who cares deeply about the future of Jackson Square.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Tsang', with a stylized, cursive script.

Steven Tsang
Manager, San Francisco 722 Montgomery LLC
and a concerned Jackson Square Residential Property Owner

Cc: Veronica Flores, Planner [Veronica.Flores@sfgov.org](mailto:Veronica.Flores@sfgov.org)
Danny Sauter, District 3 Supervisor [Danny.Sauter@sfgov.org](mailto:Danny.Sauter@sfgov.org)
Angela Calvillo, Clerk, Board of Supervisors
[Angela.Calvillo@sfgov.org](mailto:Angela.Calvillo@sfgov.org)
Katy Tang, Small Business Commission [Katy.Tang@sfgov.org](mailto:Katy.Tang@sfgov.org)



September 9, 2025

San Francisco Planning Commission
commissions.secretary@sfgov.org

Regarding: District 3 Thrives, File No. 250682 for Planning Commission Hearing on September 18, 2025

Dear Members of the San Francisco Planning Commission:

Russian Hill Neighbors has reviewed this proposal and is generally highly supportive of this effort to enhance the vibrancy of our commercial districts. We endorse such measures as increasing the flexibility of businesses to grow into adjacent spaces, allowing a greater range of uses and streamlining administrative processes. Had provisions of this kind been enacted earlier, they might have facilitated the recent storefront mergers on Polk St. to accommodate Bob's Donuts and Bi-Rite Market and the change of use for WOW Kids Playground.

One qualification regarding the Pacific Ave. area is that we would support, as a conditional use, a neighborhood-serving wine bar concept similar to Café Meuse that includes food. However, because of Pacific Ave.'s more quiet, residential character, we do not favor a strictly bar use in this area, even as a conditional use.

As most of the North Beach commercial district is outside RHN's boundaries, we defer to our sister neighborhood organizations in this area. We are hopeful that the multiple, chronic vacancies along the west side of Columbus Ave. between Greenwich and Chestnut Streets, which are within RHN's boundary, can be addressed with the help of this legislation, including 757 Lombard (the former Lombard French Cleaners), 801 Columbus, 947 Columbus and 800 Greenwich.

We greatly appreciate your support for this effort.

Sincerely,

Stephanie Falkenstein, President
Russian Hill Neighbors
president@rhnsf.org

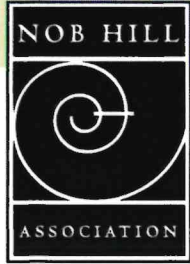
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San Francisco Planning Commission
1650 Mission Street, Suite 400
San Francisco, CA 94103

September 8, 2025

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Dear Planning Commissioners,

On behalf of the Nob Hill Association and Nob Hill Compass we are writing in strong support of **District 3 Thrives, File No. 250682**, which is scheduled to be heard by the Planning Commission on **September 18th**.

As a neighborhood resident and the President of the Nob Hill Association and as an owner of Nob Hill Compass and a director of the Nob Hill Association, located in District 3, we care deeply about the vitality and future of our neighborhood.

Through this work, we've seen firsthand the challenges our commercial corridors face from high vacancy rates to outdated zoning that makes it harder for new businesses to open and thrive.

We support this legislation because it's a necessary and long-overdue step toward revitalizing our neighborhood. By modernizing zoning regulations and streamlining permitting, *District 3 Thrives* will make it easier for small businesses to fill empty storefronts and for existing businesses like mine to grow. I have considered expanding [or adapting] my business to better meet community needs, and these changes would make that a more realistic possibility.

Above all, our organization wants to see a vibrant, walkable neighborhood with thriving local businesses that serve both residents and visitors. This legislation offers a path forward that balances economic opportunity with thoughtful community development.

Thank you for your consideration, and for your continued work to support the future of San Francisco's neighborhoods.

Sincerely,

Alison Fogg

Nob Hill Association, President

Ted Bartlett

Nob Hill Compass

From: [Robyn Tucker](#)
To: [So, Lydia \(CPC\)](#); [Moore, Kathrin \(CPC\)](#); [Braun, Derek \(CPC\)](#); [Campbell, Amy \(CPC\)](#); [Imperial, Theresa \(CPC\)](#); [Mcgarry, Sean \(CPC\)](#); [Williams, Gilbert A \(CPC\)](#); [Ionin, Jonas \(CPC\)](#); [CPC-Commissions Secretary](#)
Cc: [Flores, Veronica \(CPC\)](#); [Sauter, Danny \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Tang, Katy \(ECN\)](#)
Subject: BOS File No. 250682 Letter of Opposition
Date: Tuesday, September 9, 2025 2:56:20 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

September 10, 2025
Via Email

Lydia So, President & Members
San Francisco Planning Commission
49 S Van Ness Ave., Suite 1400
San Francisco, CA 94103

RE: BOS File No. 250682 Letter of Opposition

Dear President So and Members of the Planning Commission:

On behalf of the Pacific Avenue Neighborhood Association (PANA) I write to strongly oppose the proposed amendments to the Pacific Avenue Neighborhood Commercial District proposed by Supervisor Danny Sauter in File No. 250682. The Pacific Avenue NCD was originally established in 1987 and has been amended several times over the years with our support and involvement. Supervisor Sauter never reached out to us or consulted us in any way about this proposal. Specifically we oppose Supervisor Sauter's proposal to:

- Allow Health Service uses at the ground floor with Conditional Use Authorization which are currently prohibited;
- Allow Bars at the ground floor with Conditional Use Authorization which are currently prohibited
- Allow Flexible Retail on the second and third floors which could lead to residential conversion and displacement.

Thank you for your consideration.

Sincerely,

-

Robyn Tucker

Cc: Veronica Flores, Planner <Veronica.Flores@sfgov.org>
Danny Sauter, District 3 Supervisor <Danny.Sauter@sfgov.org>
Angela Calvillo, Clerk, Board of Supervisors <Angela.Calvillo@sfgov.org>
Katy Tang, Small Business Commission <Katy.Tang@sfgov.org>



North Beach Business Association

September 9, 2025

Via Email

Supervisor Danny Sauter, District 3
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: FILE NO. 250682 [Consolidating the North Beach Special Use and Neighborhood Commercial Districts and Expanding Allowable Uses and Use Size Limits in Certain Zoning Districts]

Dear Supervisor Sauter,

Thank you for taking the time to brief me regarding the legislation you introduced that proposes significant changes to the North Beach Neighborhood Commercial District (NBNCD) and the elimination of the North Beach Special Use District (NBSUD). As the organization that has long represented the North Beach business community, we continue to advocate for the needs of our community in our shared goal of seeing our neighbors and neighborhoods thrive. We note that the North Beach Commercial District has led the post-pandemic recovery, and while there is always room for improvement, it is doing exceptionally well. We want to maintain the unique historic characteristics and "vibe" that make North Beach so special by preserving small storefronts and a diverse range of businesses.

As we shared with you during our meeting, while we are supportive of some aspects of your proposed legislation, like Flexible Retail and Specialty/Limited Food Manufacturing, we are quite concerned about other provisions. We cannot support the legislation in its current form. We seek to work with you collaboratively to craft amendments so that the legislation matches the positive intentions that you expressed to us at our meeting. We hope you will consider our suggestions, which are based on objective data and the organization's decades of experience protecting North Beach's unique character.

Storefront Mergers and Use Size Limits

First, we strongly urge you to retain the protections on storefront mergers. We oppose the amendments to allow such mergers without even a conditional use authorization. Discouraging storefront mergers has preserved our vibrant neighborhood, minimized commercial vacancies, and retained small and Legacy Businesses that would have otherwise disappeared. These provisions have been key to protecting our celebrated neighborhood-serving businesses by incentivizing landlords to maintain existing small business spaces that command lower



North Beach Business Association

per-square-foot rents than larger storefronts. Not only do these small-scale diverse businesses serve our community, but they also attract more small businesses, tourists, and visitors. Ground floor commercial vacancies in the NBNCD are at an all-time low, and respectfully, we request that this provision be eliminated from your proposal.

Similarly, we see no need for the proposed increase in Non-Residential Use Size Limits from 2,000 square feet to 3,000 square feet in the NBNCD. The existing 2,000 square feet use size, with a Conditional Use Authorization required for use sizes between 2,000 and 4,000 square feet, has been instrumental in protecting and maintaining a scale of use and development appropriate to North Beach. This proposed change is not necessary or warranted. We don't think that Conditional Use Authorization should be required for demising spaces and making them smaller, but Supervisor Melgar already addressed this matter in previous legislation. We are also compelled to add that we once again respectfully urge you to restore the Use Size Caps in the NBNCD, which was removed in Supervisor Melgar's legislation. A Use Size Cap is crucial for maintaining the culture and small business character of North Beach. We are still open to meeting in the middle and discussing a Use Size Cap increase instead of a complete removal.

Limited Restaurant Use

As to your proposal to allow Limited Restaurant Use as principally permitted, we suggest that this provision apply only to the portion of the NBNCD north of Greenwich Street, where we believe it would be most appropriate.

The existing legislation was enacted to stem the proliferation of new restaurants and bars that had replaced so many neighborhood-serving businesses, achieving a more stable balance of diverse businesses. It has proven to be a helpful tool in retaining and welcoming non-restaurant uses that make North Beach so special, such as Biordi's, Jeffrey's, Paparazzi, Knits and Leather, 101 Records, Locali, Macchiarini Creative Designs, and many more. It has also helped reduce vacancy rates. When a space formerly occupied by a Limited Restaurant, Restaurant, or Bar becomes vacant, it has been quickly re-filled because the conversion of other non-eating and drinking spaces is not allowed in the NBNCD.

Objective surveys of the NBNCD conducted at intervals over the past 40 years show that once a retail space is converted to an eating and drinking use, it rarely, if ever, reverts back, given the expense of converting the space and the resulting increased rent. However, the portions of the NBNCD north of Greenwich Street have a higher vacancy rate and would be more appropriate for allowing Limited Restaurants as a principally permitted use. For these reasons, we urge you to maintain the existing controls for Limited Restaurants south of Greenwich Street. We would

North Beach Business Association



welcome further discussion about this idea, given the fact that the northern reaches of the Commercial District have significantly different issues from those in the heart of the District.

Health Care Uses

We strongly believe that Health Care uses on the ground floor should continue to be prohibited. These office-type uses detract from our active ground-floor uses and don't belong in North Beach. This prohibition has worked as intended, maintaining the lively ground-floor ambiance of the neighborhood by keeping out large healthcare facilities, such as One Medical, and preventing the proliferation of other Urgent Care facilities. We note that we already have Northeast Medical Services (NEMS) as a preexisting use in the heart of the District, as well as One Medical, located just south of the District on Columbus Avenue, and Chinese Hospital nearby. These facilities are established nearby, outside the NBNCD, in more suitable locations.

North Beach Special Use District

The NBSUD was designed to protect and enhance the special character of one of San Francisco's most important, historic, and celebrated neighborhoods. It has been successful in safeguarding commercial uses and use sizes, Legacy Businesses, and our renowned architectural and cultural heritage. We strongly oppose its elimination unless you can incorporate the same protections in the NBNCD as currently exist in the NBSUD. As written, your proposed legislation can significantly diminishes protections for recognized historic resources and storefront mergers.

Additional Considerations

Regarding Priority Processing, we support this change, provided that it ensures early public notice is always provided and that interested parties, including the NBBA, can always request an additional 60 days if they have concerns about a particular proposal.

Finally, while we generally don't object to permitting walk-up windows, they have been a meaningful way to regulate unwanted "Ghost Kitchens" in North Beach. We suggest that the legislation be amended to specifically define and prohibit Ghost Kitchens, which are detrimental to the small business character of North Beach.

Moving Forward

We would love to see the changes to the NBNCD legislation be data-driven. We are currently involved in an effort to update the commercial survey of the NBNCD to collect accurate, up-to-date information that will inform better decisions. We believe the data will support what we are experiencing: North Beach is thriving and has led the City in our post-pandemic recovery. Let's work together to utilize the objective results of this survey to come up with the best amendments to our current laws.

North Beach Business Association



We appreciate your well-meaning efforts and look forward to working with you collaboratively to improve this legislation to a point where we can be supportive of it.

Sincerely,

A handwritten signature in black ink that reads "Stuart Watts". The signature is fluid and cursive, with the first and last names being more prominent.

Stuart Watts

President, North Beach Business Association

cc: Michelle Andrews, District 3 Legislative Assistant

Veronica Flores, Planner, SF Planning Department

Jonas Ionan, Secretary, SF Planning Commission Board Members