

BOARD of SUPERVISORS



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April 21, 2021

File No. 210381

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

Dear Ms. Gibson:

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

File No. 210381

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

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

Attachment

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

1 [Planning Code - Massage Establishment Zoning Controls]

2

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

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

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

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Section 1. Land Use and Environmental Findings.

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

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

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

Section 2. General Findings.

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

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

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

11

12 **SEC. 102. DEFINITIONS.**

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* * * *

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

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* * * *

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

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

* * * *

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

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SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES

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Table 145.4

Reference for Commercial, Neighborhood Commercial, and	Reference for Mixed Use Districts	Use
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1	Residential- Commercial		
2	Districts		
3	* * * *	* * * *	* * * *
4	N/A	890.114	Service, Medical Health
5	* * * *	* * * *	* * * *

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

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

10 Whenever a nonconforming use has been changed to a conforming use, or discontinued for a
 11 continuous period of three years, or whenever there is otherwise evident a clear intent on the
 12 part of the owner to abandon a nonconforming use, such use shall not after being so
 13 changed, discontinued, or abandoned be reestablished, and the use of the property thereafter
 14 shall be in conformity with the use limitations of this Code for the district in which the property
 15 is located. Where no enclosed building is involved, discontinuance of a nonconforming use for
 16 a period of six months shall constitute abandonment. *Where a Massage Establishment is*
 17 *nonconforming for the reason that it is within 1,000 feet of another such establishment or because it is*
 18 *no longer permitted within the district, discontinuance for a continuous period of three months or*
 19 *change to a conforming use shall constitute abandonment.*

20 * * * *

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

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

25 * * * *

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

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

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

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

* * * *

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

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

* * * *

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

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

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

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SEC. 210.3. PDR DISTRICTS.

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Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

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

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

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

* * * *

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

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

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SEC. 303. CONDITIONAL USES.

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

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

(21) Whether the use’s façade is transparent and open to the public.

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

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

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

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

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

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

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

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

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

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

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

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

17 * * * *

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

20 * * * *

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

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

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

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

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

4 * * * *

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 6 **SEC. 342.1. DEFINITIONS.**

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

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

13 * * * *

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

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

24 * Not listed below

* * * *

(12) P if located within a Hotel.

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

* * * *

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

ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, <u>202.2(a)</u> , <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(n)</u>	C	<u>NPC</u>	<u>NP(13)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(13) P if located within a Hotel.

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

DISTRICT.

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Table 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3

ZONING CONTROL TABLE

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

* Not listed below

* * * *

(12) P if located within a Hotel.

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

DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(9) P if located within a Hotel.

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

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

* * * *

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

* Not listed below

* * * *

(9) P if located within a Hotel.

SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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

* Not listed below

(8) P if located within a Hotel.

SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(8) P if located within a Hotel.

SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL

DISTRICT.

* * * *

Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL

DISTRICT

ZONING CONTROL TABLE

* * * *

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

* Not listed below

* * * *

(7) P if located within a Hotel.

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

3 * * * *

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

7 * * * *

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

16 * Not listed below

17 * * * *

18 (8) P if located within a Hotel.

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

22 * * * *

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

25 * * * *

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

* Not listed below

* * * *

(10) P if located within a Hotel.

SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL

DISTRICT.

* * * *

Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL

DISTRICT

ZONING CONTROL TABLE

* * * *

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

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

* Not listed below

* * * *

(6) P if located within a Hotel.

SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	C
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	C	C	NP(6)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	C	P	P
* * * *	* * * *	* * * *	* * * *	* * * *

			*	
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* Not listed below

* * * *

(6) P if located within a Hotel.

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P(10)	P(10)	NP
* * * *	* * * *	* * * *	* * * *	* * * *
			*	
Massage Establishment	§§ 102, 303(n)	<u>CNP</u>	<u>NPC</u>	<u>NP(14)</u>
* * * *	* * * *	* * * *	* * *	* * * *
			*	
Services, Health	§ 102	NP	C	C
* * * *	* * * *	* * * *	* * *	* * * *
			*	

* Not listed below

* * * *

(14) P if located within a Hotel.

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

2 * * * *

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

5 * * * *

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

16 * Not listed below

17 * * * *

18 (9) P if located within a Hotel.

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

21 * * * *

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

24 * * * *

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

* Not listed below

* * * *

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

* * * *

(7) P if located within a Hotel.

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

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

* Not listed below

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

* * * *

(7) P if located within a Hotel.

SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls
* * * *	* * * *	* * * *
NON-RESIDENTIAL STANDARDS AND USES (6)		
* * * *	* * * *	* * * *
		Controls by Story

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

* Not listed below

* * * *

(8) P if located within a Hotel.

SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE				
* * * *				
Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS				
* * * *	* * * *	* * * *		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * *	* * *	* * *
		*	*	*
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§ 102</u>	<u>NPP</u>	<u>NP(3)</u>	<u>NP(3)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	P	NP	NP

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

* * * *

(3) P if located within a Hotel.

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

DISTRICT.

* * * *

Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL

DISTRICT

ZONING CONTROL TABLE

* * * *

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

* Not listed below

* * * *

(8) P if located within a Hotel.

		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), <u>202.3</u>	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(n)</u>	C	<u>NPC</u>	NP <u>(6)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	C	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(6) P if located within a Hotel.

SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), <u>202.53</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, <u>303(n)</u>	<u>CP</u>	<u>NPC</u>	NP <u>(7)</u>
* * *	* * *	* * *	* * *	* * *

* Not listed below

* * * *

1 (7) P if located within a Hotel.

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

4 * * * *

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

7 * * * *

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

16 * Not listed below

17 * * * *

18 (7) P if located within a Hotel.

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

21 * * * *

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

24 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

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

* Not listed below

* * * *

(7) P if located within a Hotel.

SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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

* * * *

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

* Not listed below

* * * *

(7) P if located within a Hotel.

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

* Not listed below

* * * *

(3) P if located within a Hotel.

SEC. 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

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

* Not listed below

* * * *

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

SEC. 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

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

SEC. 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT.

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

* * * *

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

* Not listed below

* * * *

(8) P if located within a Hotel.

SEC. 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT.

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**Table 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

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

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* Not listed below
* * * *

(5) P if located within a Hotel.

SEC. 741. SAN BRUNO AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below
* * * *

(3) P if located within a Hotel.

SEC. 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.

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

3 * * * *

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

13 * Not listed below

14 * * * *

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

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

18 * * * *

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

21 * * * *

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

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

* Not listed below

* * * *

(3) P if located within a Hotel.

SEC. 744. LOWER POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(4) P if located within a Hotel.

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

* Not listed below

* * * *

(10) P if located within a Hotel.

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

DISTRICT.

* * * *

Table 751. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

NCT-2

ZONING CONTROL TABLE

* * * *

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

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

* Not listed below

* * * *

(8) P if located within a Hotel.

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

* * * *

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

* * * *

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

* Not listed below

* * * *

1 (8) P if located within a Hotel.

2
3 **SEC. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

4 * * * *

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

7 * * * *

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

16 * Not listed below

17 * * * *

18 (6) P if located within a Hotel.

19
20
21 **SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
22 **DISTRICT.**

23 * * * *

24 **Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
25 **DISTRICT**

ZONING CONTROL TABLE

* * * *

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

* Not listed below

* * * *

(9) P if located within a Hotel.

SEC. 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

Table 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

* * * *

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

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

* Not listed below

* * * *

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

* * * *

(7) P if located within a Hotel.

SEC. 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

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

SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT.

* * * *

Table 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT

ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>CP(7)(8)</u>	<u>CNP(11)</u>	<u>NP(11)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	P(7)(8)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

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

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

* * * *

(11) P if located within a Hotel.

SEC. 758. REGIONAL COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>CP(6)(7)</u>	<u>CNP(10)</u>	<u>NP(10)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	<u>P(6)(7)</u>	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

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

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

* * * *

(10) P if located within a Hotel.

1 **SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 2 **DISTRICT.**

3 * * * *

4 **Table 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 5 **DISTRICT**
 6 **ZONING CONTROL TABLE**

7 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Grocery, General	§§ 102, 202.3	P(5)	P(5)	NP
Massage Establishment	§§ 102, 303(n)	<u>CP</u>	<u>NPC</u>	NP(9)
* * * *	* * * *	* * * *	* * * *	* * * *

17 * Not listed below

18 * * * *

19 *(9) P if located within a Hotel.*

21 **SEC. 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 22 **DISTRICT.**

23 * * * *

24 **Table 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 25 **DISTRICT**

ZONING CONTROL TABLE

* * * *

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

* Not listed below.

* * * *

(5) P if located within a Hotel.

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

* * * *

Table 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

* * * *

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

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

* Not listed below

* * * *

(7) P if located within a Hotel.

SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT.

* * * *

Table 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT

ZONING CONTROL TABLE

* * * *

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

* Not listed below

* * * *

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

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

* * * *

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

* * * *

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

* Not listed below

* * * *

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

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

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

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

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

Table 811

CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

* * * *

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

		1st	2nd	3rd+
* * * *		* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>ENP</u>	C	<u>ENP(3)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	NP	P	NP

* Not listed below

* * * *

(3) P if located within a Hotel.

SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL

DISTRICT.

* * * *

Table 812

CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

* * * *

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

* Not listed below

* * * *

(3) P if located within a Hotel.

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

* * * *

Table 827

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

* * * *

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

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

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

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

* * * *

Table 829

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

* * * *

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

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

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

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

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

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

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

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

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

* * * *

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

* * * * **Table 841**

MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE

* * * *

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

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

* * * *

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

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

7 * Not Listed Below

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

10 * * * *

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

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

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

23 * * * *

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

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

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

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

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LEGISLATIVE DIGEST

[Planning Code - Massage Establishment Zoning Controls]

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

Existing Law

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

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

Sections 102, 145.4, and 249.36 refer to Medical Services.

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

Section 311(b) provides that an accessory Massage Establishment use in the Ocean Avenue Neighborhood Commercial Transit District is subject to the provisions of Section 311.

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

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

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

Section 890.114 defines the use category “Medical Service.”

Amendments to Current Law

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

The ordinance would also amend Sections 102, 145.4, and 249.36 to replace outdated references to “Medical Services” with references to “Health Services.”

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

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

The ordinance would amend Section 311(b) to delete the provision that an accessory Massage Establishment use in the Ocean Avenue Neighborhood Commercial Transit District is subject to the provisions of Section 311.

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

The ordinance would amend various zoning district controls in Articles 2, 7 and 8 to align zoning controls for Massage Establishments with existing zoning controls for Health Services in those districts, except that 1) Massage Establishments would be not permitted on the 3rd floor and above, and 2) Massage Establishments that are accessory to a Hotel would be principally permitted on all floors.

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

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Ronen

Subject:

Planning Code - Massage Establishment Zoning Controls

The text is listed:

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

Signature of Sponsoring Supervisor: /s/ Hillary Ronen