

1 [Planning Code - Small Business Zoning Controls in Chinatown and North Beach and on Polk  
Street]

2  
3 **Ordinance amending the Planning Code to 1) allow neighborhood-serving Social**  
4 **Service and Philanthropic Facility uses in Chinatown Mixed Use Districts with**  
5 **conditional use authorization; 2) change the provision for abandonment of a use that**  
6 **exceeds a use size maximum in Chinatown Mixed Use Districts; 3) allow re-**  
7 **establishment of a nonconforming use size in Chinatown Mixed Use Districts under**  
8 **certain circumstances; 4) change the use size limit and use size maximum in the**  
9 **Chinatown Community Business District; 45) exempt Institutional Community uses and**  
10 **Legacy Business Restaurants in Chinatown Mixed Use Districts from use size limits;**  
11 **56) allow lot mergers under certain conditions in the Polk Street Neighborhood**  
12 **Commercial District; and 67) exclude the portion of Powell Street south of Union Street**  
13 **from the North Beach Financial Service, Limited Financial Service, and Business or**  
14 **Professional Service Subdistrict; and affirming the Planning Department’s**  
15 **determination under the California Environmental Quality Act; and making findings of**  
16 **consistency with the General Plan and the eight priority policies of Planning Code**  
17 **Section 101.1, and public necessity, convenience, and general welfare findings**  
18 **pursuant to Planning Code, Section 302.**

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

24 Be it ordained by the People of the City and County of San Francisco:  
25 Section 1. Land Use and Environmental 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. 210600 and is incorporated herein by reference. The Board affirms  
5 this determination.

6 (b) On August 26, 2021, the Planning Commission, in Resolution No. 20969, adopted  
7 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
8 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board  
9 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
10 Board of Supervisors in File No. 210600, and is incorporated herein by reference.

11 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
12 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in  
13 Planning Commission Resolution No. 20969, recommending approval of the proposed  
14 designation, which is incorporated herein by reference.

15  
16 Section 2. General Findings.

17 (a) Legacy Businesses, by virtue of their long-term presence in their communities,  
18 contribute to the unique character and vibrancy of San Francisco neighborhoods. Enhancing  
19 their long-term viability helps to stabilize commercial corridors.

20 (b) Within existing limits on use size, allowing Legacy Businesses to expand their  
21 footprints within the Polk Street Neighborhood Commercial District to enhance revenue  
22 streams supports the long-term viability of these unique, neighborhood-defining small  
23 business anchors, with little or no impact to the fine-grained nature of the Polk Street  
24 commercial corridor.

1 Section 3. The Planning Code is hereby amended by revising Sections 121.4, 303,  
2 723, and 781.6, to read as follows:

3 **SEC. 121.4. NON-RESIDENTIAL USE SIZE LIMITS IN MIXED USE DISTRICTS.**

4 In order to protect and maintain small scale use within an historically significant area  
5 and to conserve neighborhood-serving uses in Chinatown, Commercial Uses which exceed  
6 the use size limits up to the maximum limits stated in the table below shall be permitted only  
7 as Conditional Uses subject to the provisions set forth in Section 303 of this Code. The use  
8 area shall be measured as the Gross Floor Area for each individual commercial use.

9 Individual Commercial Uses above the use size maximum below shall not be permitted, *except*  
10 *that a Social Service or Philanthropic Facility that primarily serves the Chinatown neighborhood*  
11 *may be permitted as a Conditional Use pursuant to Section 303, subsection (bb) of this Code.*

12 Further, any nonconforming space-use size that exceeds the ~~use size maximum~~ below shall be  
13 deemed abandoned ~~with~~by any change of use or if no business has ~~been operational~~operated  
14 within the space for more than a period of ~~three years~~ *eighteen months* or more, except ~~the a~~  
15 nonconforming use size exceeding the maximum use size maximum shall not be deemed  
16 abandoned if (1) the change of use is ~~for~~to a *Restaurant that is a* Legacy Business or ~~for~~to *an*  
17 Institutional *Community Use*, ~~or; if (2) a Restaurant that is a Legacy Business or an~~  
18 Institutional *Community Use* occupies the non-conforming space after such three year  
19 ~~eighteen-month period; or (3) upon a *Conditional Use* a *Authorization*, the change of use is to a~~  
20 *Social Service or Philanthropic Facility that primarily serves the Chinatown neighborhood* pursuant  
21 to Section 303, subsection (bb) of this Code occupies the non-conforming space. However,  
22 any such abandoned use size may be re-established if the first use to occupy the space after  
23 its abandonment is an Institutional Community Use or a Restaurant use that will be occupied  
24 by a Legacy Business.

District	Use Size Maximum	Use Size Limit
Chinatown Visitor <u>Retail</u>	5,000 sq. ft.	2,500 sq. ft.
Chinatown Residential Neighborhood Commercial	4,000 sq. ft.	2,500 sq. ft.
Chinatown Community Business	<del>No Maximum</del> 5,000 sq. ft.	<del>5,000</del> 2,500 sq. ft.

In the Chinatown Visitor Retail, *Chinatown Residential Neighborhood Commercial*, and *Chinatown Community Business* Districts, the use size limit shall not apply to a Restaurant *that is a Legacy Business or to an Institutional Community Use*.

**SEC. 303. CONDITIONAL USES.**

\* \* \* \*

**(b) Social Service and Philanthropic Facilities in Chinatown Visitor Retail, Chinatown Residential Neighborhood Commercial, and Chinatown Community Business Districts.** With regard to a Conditional Use application for a Social Service or Philanthropic Facility use pursuant to Section 121.4 of this Code, in addition to consideration of the criteria set forth in subsection (c) above, the Planning Commission shall, in order to grant a Conditional Use Authorization, find that the proposed use will primarily serve the Chinatown neighborhood.

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

\* \* \* \*

**(b) Controls.**

\* \* \* \*

1                   (3) **Merger of Storefronts Prohibited.** To preserve and maintain the district’s  
 2 small-scale, fine grain storefronts, the consolidation or merger of existing ground floor retail or  
 3 commercial spaces or storefronts shall be prohibited, except that two adjacent storefronts may be  
 4 consolidated or merged if the storefronts are for a Legacy Business on a corner lot within the same  
 5 building and Block and Lot number, and provided that the consolidation or merger of storefronts would  
 6 not result in a use size in excess of the principally permitted use size within the Polk Street NCD.

7                   \* \* \* \*

8  
 9                   **SEC. 781.6. NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL**  
 10 **SERVICE, AND BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT.**

11                   (a) **Purpose.** In order to preserve the unique mixture of local, citywide and regional  
 12 sales and services in the North Beach area, there shall be a North Beach Financial Service,  
 13 Limited Financial Service, and Business or Professional Service Subdistrict, generally  
 14 applicable for the portion of the North Beach Neighborhood Commercial District south of  
 15 Greenwich Street, excluding Powell Street south of Union Street, as designated on Sectional Map  
 16 SU01 of the Zoning Map.

17                   \* \* \* \*

18  
 19                   Section 4. The Planning Code is hereby amended in accordance with Planning Code  
 20 Section 106 by revising Sectional Map SU01 of the Zoning Map as follows:

<b>Assessor’s Block and Lot</b>	<b>Zoning Subdistrict to be Superseded</b>	<b>Zoning District Hereby Approved</b>
Block 117: Lots: 011 012 013 014 015	North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict	North Beach Neighborhood Commercial District

1	016		
2	Block 118:		
	Lots: 001		
3	002		
	003		
4	004		
	005		
5	006		
	007		
6	008		
	009		
7	Block 129:		
	Lots: 001		
8	002		
	002C		
9	002D		
	003		
10	004		
	005		
11	006		
	007		
12			
13	Block: 130		
	Lots: 022		
14	023		
	024		
15	025		
	026		
16	027		
	028		
17	029		
18	Block: 147		
	Lots: 014		
19	015		
	015A		
20	Block: 148		
	Lots: 002		
21	005		
	006		
22	028		
	030		
23	031		
24			
25			

1           Section 5. 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 6. 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  
17 Deputy City Attorney

18  
19  
20  
21  
22  
23  
24  
25  
n:\legana\as2021\2100349\01554949.docx