



June 22, 2021

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

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

Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Supervisors Ronen and Mandleman,

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

The Commission's proposed modifications were as follows:

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

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

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

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

Sincerely,

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

Aaron D. Starr

Manager of Legislative Affairs

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

Attachments :

Planning Commission Resolution

Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 20926

HEARING DATE: June 3, 2021

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

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

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

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

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

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

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

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

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

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

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

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

Findings

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

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

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

General Plan Compliance

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

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

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

Policy 1.1

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

Policy 1.2

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

OBJECTIVE 2

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

Policy 2.3

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

OBJECTIVE 6

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

Policy 6.1

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

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

Planning Code Section 101 Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

7. That the landmarks and historic buildings be preserved;

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

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

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

Planning Code Section 302 Findings.

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

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

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



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

Jonas P. Ionin
Commission Secretary

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

NOES: None

ABSENT: None

ADOPTED: June 3, 2021

This page intentionally blank.



EXECUTIVE SUMMARY

PLANNING CODE TEXT AMENDMENT

HEARING DATE: June 3, 2021

90-Day Deadline: July 20, 2021

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

Recommendation: Approval with Modifications

Planning Code Amendment

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

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

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

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

Background

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

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

Issues and Considerations

Massage Establishments versus Sole Practitioners

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

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

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

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

Consistent Review with Other Health Services

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

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

Eliminate Conditional Use Authorizations in the Future

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

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

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

Licensing and Review

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

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

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

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

Massage Establishments Accessory to Dwelling Units

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

Massage Establishments and Hotels

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

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

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

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

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

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

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

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

General Plan Compliance

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

Racial and Social Equity Analysis

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

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

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

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

Implementation

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

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

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

Recommendation

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

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

Basis for Recommendation

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

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

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

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

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

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

⁵ [Board File 210285](#)

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

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

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

Required Commission Action

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

Environmental Review

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

Public Comment

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

Attachments:

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

This page intentionally blank.



PLANNING COMMISSION DRAFT RESOLUTION

HEARING DATE: June 3, 2021

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

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

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

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

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

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

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

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

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

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

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

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

Findings

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

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

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

General Plan Compliance

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

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1

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

Policy 1.1

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

Policy 1.2

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

OBJECTIVE 2

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

Policy 2.3

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

OBJECTIVE 6

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

Policy 6.1

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

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

Planning Code Section 101 Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

7. That the landmarks and historic buildings be preserved;

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

buildings.

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

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

Planning Code Section 302 Findings.

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

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

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

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: June 3, 2021

This page intentionally blank.

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:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Section 1. Land Use and Environmental Findings.

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

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

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

Section 2. General Findings.

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

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

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

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

13 * * * *

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

22 * * * *

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

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

6 * * * *

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

16 .

17 * * * *

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

19 * * * *

20 **Table 145.4**

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

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

6 * * * *

7

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

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

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

20 * * * *

21

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

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

25 * * * *

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

* * * *

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

* * * *

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

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

* * * *

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

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

* * * *

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

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

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

* * * *

SEC. 210.3. PDR DISTRICTS.

* * * *

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

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

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

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

* * * *

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

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

* * * *

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

3 * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 * * * *

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

20 * * * *

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

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

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

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

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

4 * * * *

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

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

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

13 * * * *

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

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

24 * Not listed below

* * * *

(12) P if located within a Hotel.

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

* * * *

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

ZONING CONTROL TABLE

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

* Not listed below

* * * *

(13) P if located within a Hotel.

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

* * * *

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

ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
-----------------	--------------	----------	--	--

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

* Not listed below

* * * *

(12) P if located within a Hotel.

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

DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(9) P if located within a Hotel.

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(9) P if located within a Hotel.

SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
-----------------	--------------	----------	--	--

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

* Not listed below

(8) P if located within a Hotel.

SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

1 * Not listed below

2 * * * *

3 (8) P if located within a Hotel.

4

5 **SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL**

6 **DISTRICT.**

7 * * * *

8 **Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL**

9 **DISTRICT**

10 **ZONING CONTROL TABLE**

11 * * * *

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

21 * Not listed below

22 * * * *

23 (7) P if located within a Hotel.

24

25

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

3 * * * *

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

7 * * * *

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

16 * Not listed below

17 * * * *

18 (8) P if located within a Hotel.

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

22 * * * *

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

25 * * * *

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

* Not listed below

* * * *

(10) P if located within a Hotel.

SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL

DISTRICT.

* * * *

Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL

DISTRICT

ZONING CONTROL TABLE

* * * *

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

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

* Not listed below

* * * *

(6) P if located within a Hotel.

SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

			*	
--	--	--	---	--

* Not listed below

* * * *

(6) P if located within a Hotel.

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(14) P if located within a Hotel.

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

2 * * * *

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

5 * * * *

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

16 * Not listed below

17 * * * *

18 (9) P if located within a Hotel.

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

21 * * * *

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

24 * * * *

Zoning Category	§ References	Controls		
-----------------	--------------	----------	--	--

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

* Not listed below

* * * *

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

* * * *

(7) P if located within a Hotel.

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

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

* Not listed below

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

* * * *

(7) P if located within a Hotel.

SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

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

* Not listed below

* * * *

(8) P if located within a Hotel.

SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *	* * * *	* * * *	* * * *	* * * *
---------	---------	---------	---------	---------

* Not listed below

* * * *

(3) P if located within a Hotel.

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

DISTRICT.

* * * *

Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL

DISTRICT

ZONING CONTROL TABLE

* * * *

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

* Not listed below

* * * *

(8) P if located within a Hotel.

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

2 * * * *

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

5 * * * *

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

14 * Not listed below

15 * * * *

16 (6) P if located within a Hotel.

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

19 * * * *

20 **Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT**
 21 **ZONING CONTROL TABLE**

22 * * * *

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

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

* Not listed below

* * * *

(6) P if located within a Hotel.

SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

1 (7) P if located within a Hotel.

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

4 * * * *

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

7 * * * *

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

16 * Not listed below

17 * * * *

18 (7) P if located within a Hotel.

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

21 * * * *

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

24 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

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

* Not listed below

* * * *

(7) P if located within a Hotel.

SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(7) P if located within a Hotel.

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

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

* * * *

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

* Not listed below

* * * *

(3) P if located within a Hotel.

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

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

* * * *

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

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

* Not listed below

* * * *

(3) P if located within a Hotel.

SEC. 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

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

* Not listed below

* * * *

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

SEC. 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

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

SEC. 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(8) P if located within a Hotel.

SEC. 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* * * *	* * * *	* * * *	* * * *	* * * *
---------	---------	---------	---------	---------

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* Not listed below
* * * *

(5) P if located within a Hotel.

SEC. 741. SAN BRUNO AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below
* * * *

(3) P if located within a Hotel.

SEC. 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

1 **Table 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**

2 **CONTROL TABLE**

3 * * * *

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

13 * Not listed below

14 * * * *

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

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

18 * * * *

19 **Table 743. LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

20 **ZONING CONTROL TABLE**

21 * * * *

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

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

* 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*	<u>§§ 102, 202.32(a), 202.3</u>	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>CP</u>	C	<u>NP(4)</u>
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(4) P if located within a Hotel.

SEC. 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(4) P if located within a Hotel.

SEC. 750. NCT-1 - NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER

DISTRICT.

* * * *

**Table 750. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1
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(4)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	<i>NPP</i>	NP(10)	NP(10)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(10) P if located within a Hotel.

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

DISTRICT.

* * * *

Table 751. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

NCT-2

ZONING CONTROL TABLE

* * * *

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

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

* Not listed below

* * * *

(8) P if located within a Hotel.

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

* * * *

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

* * * *

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

* Not listed below

* * * *

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

SEC. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

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

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

* * * *

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

ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 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>	<i>EP(7)(8)</i>	<i>ENP(11)</i>	<i>NP(11)</i>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P(7)(8)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

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

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

* * * *

(11) P if located within a Hotel.

SEC. 758. REGIONAL COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
* * * *	* * * *	* * * *		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>EP(6)(7)</u>	<u>ENP(10)</u>	<u>NP(10)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	<u>§ 102</u>	<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), <u>202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Grocery, General	§§ <u>102</u> , <u>202.3</u>	P(5)	P(5)	NP
Massage Establishment	§§ 102, <u>303(n)</u>	<u>CP</u>	<u>NPC</u>	NP(<u>9</u>)
* * * *	* * * *	* * * *	* * * *	* * * *

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), <u>202.3</u>	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ <u>102</u> , <u>303(n)</u>	<u>CP</u>	C	NP(<u>5</u>)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below.

* * * *

(5) P if located within a Hotel.

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

* * * *

Table 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

* * * *

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

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

* Not listed below

* * * *

(7) P if located within a Hotel.

SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT.

* * * *

Table 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT

ZONING CONTROL TABLE

* * * *

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

1 **SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 2 **DISTRICT.**

3 * * * *

4 **Table 764. UPPER MARKET 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*	<u>§§ 102, 202.2(a), 202.3</u>	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	<u>§§ 102, 303(n)</u>	<u>EP</u>	C	<u>NP(10)</u>
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P(7)	P	C
* * * *	* * * *	* * * *	* * * *	* * * *

18 * Not listed below

19 * * * *

20 (7) Clinics licensed as community and free clinics as defined under California Health
 21 and Safety Code Section 1204(a)(1) and clinics exempt from licensing under California Health
 22 and Safety Code Section 1206(b) are Principally Permitted Uses. Other Health Service uses
 23 are subject to the provisions of Section 303-~~7~~ of this Code.

24 * * * *

25 (10) P if located within a Hotel.

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

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

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

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

Table 811

CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

* * * *

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

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

* Not listed below

* * * *

(3) P if located within a Hotel.

SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL

DISTRICT.

* * * *

Table 812

CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

* * * *

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

* Not listed below

* * * *

(3) P if located within a Hotel.

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

* * * *

Table 827

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

* * * *

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

* * * *	* * * *	* * * *	* * * *
---------	---------	---------	---------

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

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

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

* * * *

Table 829

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

* * * *

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

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

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

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

* * * *

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

* * * * **Table 841**

MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE

* * * *

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

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

* * * *

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

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

7 * Not Listed Below

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

10 * * * *

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

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

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

23 * * * *

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

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

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

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

17 n:\legana\as2021\2000612\01525492.docx
18
19
20
21
22
23
24
25

1 [Planning Code - Massage Establishment Zoning Controls]

2

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

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Section 1. Land Use and Environmental Findings.

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

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

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

Section 2. General Findings.

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

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

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

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

13 * * * *

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

22 * * * *

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

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

* * * *

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

.
* * * *

SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES

* * * *

Table 145.4

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

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

6 * * * *

7

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

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

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

20 * * * *

21

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

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

25 * * * *

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

* * * *

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

* * * *

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

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

* * * *

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

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

* * * *

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

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

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

* * * *

SEC. 210.3. PDR DISTRICTS.

* * * *

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

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

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

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

* * * *

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

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

* * * *

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SEC. 303. CONDITIONAL USES.

* * * *

(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;~~

(2) 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;

(3) 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, **Personal Service** that contains 100 or~~
12 ~~more rooms~~ or an Institutional Use as defined in this Code.

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

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

17 * * * *

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

20 * * * *

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

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

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

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

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

4 * * * *

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

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

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

13 * * * *

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

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

24 * Not listed below

* * * *

(12) P if located within a Hotel or Personal Service.

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

* * * *

**Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2
ZONING CONTROL TABLE**

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

* Not listed below

* * * *

(13) P if located within a Hotel or Personal Service.

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

* * * *

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

Zoning Category	§ References	Controls
-----------------	--------------	----------

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

* Not listed below

* * * *

(12) P if located within a Hotel or Personal Service.

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

DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(9) P if located within a Hotel or Personal Service.

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(9) P if located within a Hotel or Personal Service.

SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category	§ References	Controls		
-----------------	--------------	----------	--	--

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

* Not listed below

(8) P if located within a Hotel or Personal Service.

SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

1 * Not listed below

2 * * * *

3 (8) P if located within a Hotel or Personal Service.

4
5 **SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL**

6 **DISTRICT.**

7 * * * *

8 **Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL**

9 **DISTRICT**

10 **ZONING CONTROL TABLE**

11 * * * *

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

21 * Not listed below

22 * * * *

23 (7) P if located within a Hotel or Personal Service.

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

3 * * * *

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

7 * * * *

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

16 * Not listed below

17 * * * *

18 (8) P if located within a Hotel or Personal Service.

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

22 * * * *

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

25 * * * *

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

* Not listed below

* * * *

(10) P if located within a Hotel or Personal Service.

SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Grocery, General	§§ 102, 202.3	P(1)	P(1)	P(1)
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	C(6)	NP(6)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(6) P if located within a Hotel or Personal Service.

SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* * * *	* * * *	* * * *	* * *	* * * *
Services, Health	§ 102	C	P	P
* * * *	* * * *	* * * *	* * *	* * * *

* Not listed below

* * * *

(6) P if located within a Hotel or Personal Service.

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

1 (14) P if located within a Hotel or Personal Service.

2
3 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

4 * * * *

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

7 * * * *

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

17 * Not listed below

18 * * * *

19 (9) P if located within a Hotel or Personal Service.

20
21
22 **SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

23 * * * *

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

* * * *

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

* Not listed below

* * * *

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

* * * *

(7) P if located within a Hotel or Personal Service.

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

Zoning Category		§ References		Controls		
NON-RESIDENTIAL STANDARDS AND USES						

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

* Not listed below

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

* * * *

(7) P if located within a Hotel or Personal Service.

SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

NON-RESIDENTIAL STANDARDS AND USES (6)				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *	* * * *
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	NP(8)	NPC(8)	NP(8)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	NP	C	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(8) P if located within a Hotel or Personal Service.

SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§ 102	<i>NPP</i>	NP(3)	NP(3)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(3) P if located within a Hotel or Personal Service.

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

DISTRICT.

* * * *

Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL

DISTRICT

ZONING CONTROL TABLE

* * * *

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

1 * Not listed below

2 * * * *

3 (8) P if located within a Hotel or Personal Service.

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

6 * * * *

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

9 * * * *

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

18 * Not listed below

19 * * * *

20 (6) P if located within a Hotel or Personal Service.

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

23 * * * *

24 **Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT**
25 **ZONING CONTROL TABLE**

* * * *

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

* Not listed below

* * * *

(6) P if located within a Hotel or Personal Service.

SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	CP	NPC(7)	NP(7)
* * *	* * *	* * *	* * *	* * *

* Not listed below

* * * *

(7) P if located within a Hotel or Personal Service.

SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(7) P if located within a Hotel or Personal Service.

SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

1 **Table 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 2 **ZONING CONTROL TABLE**

3 * * * *

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

11 * Not listed below

12 * * * *

13 (7) P if located within a Hotel or Personal Service.

16 **SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

17 * * * *

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

20 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *

1	Massage Establishment	§§ 102, 303(n)	CP	NPC(7)	NP(7)
	* * * *	* * * *	* * * *	* * * *	* * * *

2 * Not listed below

3 * * * *

4 (7) P if located within a Hotel or Personal Service.

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

8 * * * *

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

10 **ZONING CONTROL TABLE**

11 * * * *

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

20 * Not listed below

21 * * * *

22 (3) P if located within a Hotel or Personal Service.

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

* * * *

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

* * * *

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

* Not listed below

* * * *

(3) P if located within a Hotel or Personal Service.

SEC. 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 737. BAYVIEW NEIGHBORHOOD COMMERCIAL DISTRICT ZONING
CONTROL TABLE**

* * * *

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

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

* Not listed below

* * * *

(5) P if located within a Hotel or Personal Service.

SEC. 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(3) P if located within a Hotel or Personal Service.

1
2 **SEC. 739. GEARY BOULEVARD NEIGHBORHOOD COMMERCIAL DISTRICT.**

3 * * * *

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

6 * * * *

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

15 * Not listed below

16 * * * *

17 (8) P if located within a Hotel or Personal Service.

18
19 **SEC. 740. MISSION BERNAL NEIGHBORHOOD COMMERCIAL DISTRICT.**

20 * * * *

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

23 * * * *

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

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

* Not listed below

* * * *

(5) P if located within a Hotel or Personal Service.

SEC. 741. SAN BRUNO AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

1 * Not listed below

2 * * * *

3 (3) P if located within a Hotel or Personal Service.

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

6 * * * *

7 **Table 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**
8 **CONTROL TABLE**

9 * * * *

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

19 * Not listed below

20 * * * *

21 (3) P if located within a Hotel or Personal Service.

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

24 * * * *

1 **Table 743. LOWER HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 2 **ZONING CONTROL TABLE**

3 * * * *

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

12 * Not listed below

13 * * * *

14 (3) P if located within a Hotel or Personal Service.

17 **SEC. 744. LOWER POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 * * * *

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

21 * * * *

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

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.32(a), 202.3	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(en)	CP	C(4)	NP(4)
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

(4) P if located within a Hotel or Personal Service.

SEC. 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* Not listed below

* * * *

(4) P if located within a Hotel or Personal Service.

1 **Table 751. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

2 **NCT-2**

3 **ZONING CONTROL TABLE**

4 * * * *

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

13 * Not listed below

14 * * * *

15 (8) P if located within a Hotel or Personal Service.

16 **SEC. 752. NCT-3 - MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**

17 **DISTRICT.**

18 * * * *

19 **Table 752. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**

20 **DISTRICT NCT-3**

21 **ZONING CONTROL TABLE**

22 * * * *

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

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

* Not listed below

* * * *

(8) P if located within a Hotel or Personal Service.

SEC. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

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

* * * *

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

1 * Not listed below

2 * * * *

3 (6) P if located within a Hotel or Personal Service.

4
5 **SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**

6 **DISTRICT.**

7 * * * *

8 **Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**

9 **DISTRICT**

10 **ZONING CONTROL TABLE**

11 * * * *

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

20 * Not listed below

21 * * * *

22 (9) P if located within a Hotel or Personal Service.

23
24 **SEC. 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

25 * * * *

1 **Table 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 2 **ZONING CONTROL TABLE**

3 * * * *

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

13 * Not listed below

14 * * * *

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

17 * * * *

18 (7) *P if located within a Hotel* **or Personal Service.**

20 **SEC. 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

21 * * * *

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

24 * * * *

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

* Not listed below

* * * *

(7) P if located within a Hotel or Personal Service.

SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

Table 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

* * * *

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

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Massage Establishment	§§ 102, 303(n)	EP(7)(8)	CNP(11) C(11)	NP(11)
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P(7)(8)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

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

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

* * * *

(11) P if located within a Hotel or Personal Service.

SEC. 758. REGIONAL COMMERCIAL DISTRICT.

* * * *

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

* * * *

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

* * * *	* * * *	* * * *	* * * *	* * * *
1 Massage Establishment	§§ 102, 303(n)	EP(6)(7)	CNP(10) C(7)(10)	NP(7)(10)
* * * *	* * * *	* * * *	* * * *	* * * *
3 Services, Health	§ 102	P(6)(7)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

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

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

* * * *

(10) P if located within a Hotel or Personal Service.

SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT.

* * * *

Table 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT

DISTRICT

ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *	* * * *	* * * *		
		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Grocery, General	§§ 102, 202.3	P(5)	P(5)	NP

1	Massage Establishment	§§ 102, 303(n)	CP	NP(9)	NP(9)
	* * * *	* * * *	* * * *	* * * *	* * * *

2 * Not listed below

3 * * * *

4 (9) P if located within a Hotel or Personal Service.

5
6 **SEC. 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
7 **DISTRICT.**

8 * * * *

9 **Table 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
10 **DISTRICT**
11 **ZONING CONTROL TABLE**

12 * * * *

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)	CP	C(5)	NP(5)	
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

21 * Not listed below.

22 * * * *

23 (5) P if located within a Hotel or Personal Service.

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

2 * * * *

3 Table 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
4 ZONING CONTROL TABLE

5 * * * *

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

16 * Not listed below

17 * * * *

18 (7) P if located within a Hotel or Personal Service.

20 SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT
21 DISTRICT.

22 * * * *

23 Table 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT
24 DISTRICT
25 ZONING CONTROL TABLE

* * * *

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

* Not listed below

* * * *

(8) P if located within a Hotel or Personal Service.

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

* * * *

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

ZONING CONTROL TABLE

* * * *

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

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

* Not listed below

* * * *

(8) P if located within a Hotel or Personal Service.

SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

Table 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

* * * *

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

* * * *	* * * *	* * * *	* * * *	* * * *
Services, Health	§ 102	P(7)	P	C
* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below

* * * *

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

* * * *

(10) P if located within a Hotel or Personal Service.

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

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

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

1 tourist hotels. Building standards protect and complement the existing small-scale
 2 development and the historic character of the area.

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

7 **Table 811**

8 **CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE**

9 * * * *

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

17 * Not listed below

18 * * * *

19 (3) P if located within a Hotel or Personal Service.

22 **SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL**
 23 **DISTRICT.**

24 * * * *

25 **Table 812**

1 CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

2 ZONING CONTROL TABLE

3 * * * *

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

11 * Not listed below

12 * * * *

13
14 (3) P if located within a Hotel or Personal Service.

15
16 **SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-**
17 **DTR).**

18 * * * *

19 Table 827

20 **RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT**

21 **ZONING CONTROL TABLE**

22 * * * *

No.	Zoning Category	§ References	Rincon Hill Downtown Residential Mixed Use District Zoning Controls
* * * *	* * * *	* * * *	* * * *

Non-Residential Standards and Uses			
* * * *	* * * *	* * * *	* * * *
.26	All Non-Residential Uses Permitted, except as described below. § 825(c)(1)(A)		
* * * *	* * * *	* * * *	* * * *
.35	Massage Establishment	§§ 890.60 102, 303(n), Art. 29 Health Code	<i>P on the 1st floor, C # on the 2nd floor, and NP on 3rd floor and above, except P on the 2nd floor and above all floors if within a Hotel or Personal Service.</i>
* * * *	* * * *	* * * *	* * * *

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

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

		pursuant to this subsection, the Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the criteria described in Section 303(n) and 890.60(b).
* * * *	* * * *	* * * *

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

* * * *

Table 829

SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE

* * * *

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

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

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

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

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

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

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

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

			Controls
* * *	* * * *	* * * *	* * * *
*			
Office			
* * *	* * * *	* * * *	* * * *
*			
840.65A	Services, Professional; Services Financial; Services <i>MedicalHealth</i>	§§ 890.108, 890.110, 890.114	Subject to vertical control of Sec. 803.9(f). P on the ground floor when primarily open to the general public on a client- oriented basis.

* * * *

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

* * * * Table 841

MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE

* * * *

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

			<i>if within a Hotel or Personal Service.</i>
* * * *	* * * *	* * * *	* * * *

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

* * * *

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

* Not Listed Below

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

3 * * * *

4
5 **SEC. 890.28. DESIGN PROFESSIONAL.**

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

14
15 **SEC. 890.114. SERVICE, MEDICALHEALTH.**

16 * * * *

17
18 Section 4. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor’s veto of the ordinance.

22
23 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the “Note” that appears under
3 the official title of the ordinance.

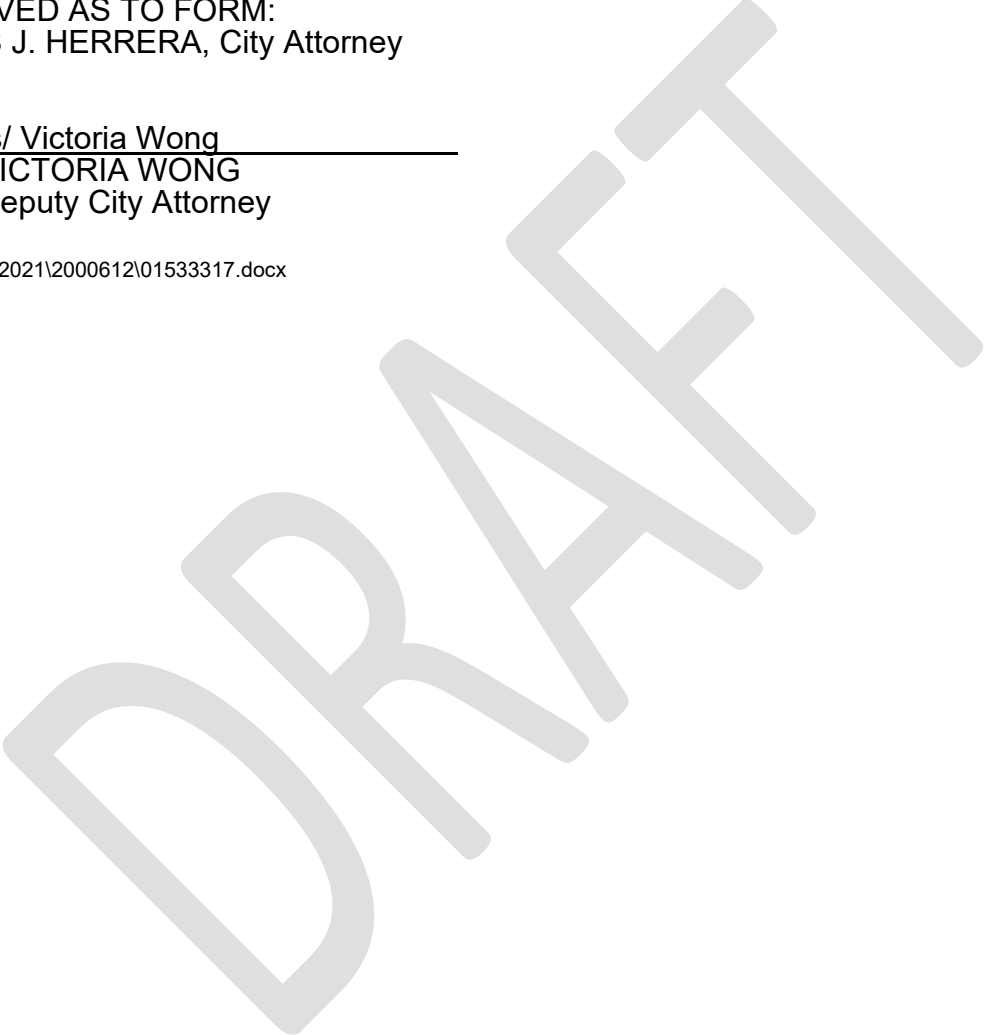
4

5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: /s/ Victoria Wong
8 VICTORIA WONG
9 Deputy City Attorney

10 n:\legana\as2021\2000612\01533317.docx

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



This page intentionally blank.



March 31, 2021

San Francisco Planning Commissioners
San Francisco City Officials
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

Re: Request for Tourist Hotel Exemption to 2nd Floor Massage Legislation

Dear Commissioners and City Officials,

On behalf of the Hotel Council of San Francisco and our Board of Directors, I am writing to ask for your support to include an exemption for tourist hotels in the current legislation being discussed to restrict massage establishments above the second floor of buildings. While we understand the intent behind the legislation, the restriction of establishments above the 2nd floor will have significant unintended consequences for our hotels who operate spas on higher floors.

We would like to thank Supervisor Ronen, Legislative Aide Paul Monge, Office of Small Business Director Regina Dick-Endrizzi, and San Francisco Planning Department Senior Planner Veronica Flores for meeting with us to discuss the legislation details and solicit feedback.

The Hotel Council has had a long-term relationship with the Department on the Status of Women including work on the topic of how to spot Human Trafficking. The Council was recognized by the Friends of the Commission on the Status of Women with a CEDAW Award for our work to end Human Trafficking. Our hotel members have implemented mandatory training programs and we have close long-term working relationships with the San Francisco Police Department on the prevention of Human Trafficking.

Most of our hotel companies have signed ECPAT-USA's "The Code". ECPAT-USA is the first U.S.-based nonprofit to work on the issue of commercial sexual exploitation of children. The Tourism Child-Protection Code of Conduct is the only voluntary set of business principles travel and tour companies can implement to prevent child sex tourism and trafficking of children. The Code is a joint venture between the tourism private sector and ECPAT. <https://www.ecpatusa.org/code-members>. Our hotels also have partnerships with the [Polaris Project](#) and [Vital Voices](#).

Our industry also has significant resources available for hotels including [No Room for Human Trafficking](#) and [Human Trafficking Tool-Kits](#).

Again, the Hotel Council requests an exemption for tourist hotels from the 2nd floor restriction currently being proposed. I am available at (415) 309-0666 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin Carroll".

Kevin Carroll
President & CEO

Cc: Supervisor Ronen, Paul Monge, Regina Dick-Endrizzi, Veronica Flores, Kelly Powers

Flores, Veronica (CPC)

To: Fleisher, Arielle (DPH)
Subject: RE: Follow up to my conversation with Jennifer

From: Fleisher, Arielle (DPH) <arielle.fleisher@sfdph.org>
Sent: Thursday, April 1, 2021 2:13 PM
To: Monge, Paul (BOS) <paul.monge@sfgov.org>; Callewaert, Jennifer (DPH) <jennifer.callewaert@sfdph.org>; Dick-Endrizzi, Regina (ECN) <regina.dick-endrizzi@sfgov.org>; Flores, Veronica (CPC) <Veronica.Flores@sfgov.org>
Cc: Fosdahl, Patrick (DPH) <Patrick.Fosdahl@sfdph.org>; WONG, VICTORIA (CAT) <Victoria.Wong@sfcityatty.org>
Subject: Re: Follow up to my conversation with Jennifer

Thanks for reaching back out Paul. Please see below for a statement from DPH. Please let me know if you have any additional questions.

DPH was consulted about this issue. Having massage business above the 2nd floor in hotels is a tourist hotel industry standard and therefore, DPH does not oppose this amendment.

Thank you,

Arielle

From: San Francisco Massage Community Council

To: The Planning Commission

May 19, 2021

To Whom it May Concern,

I am writing to you on behalf of the San Francisco Massage Community Council in support of Supervisor Ronen's proposed changes to the San Francisco Massage ordinance. We look forward to working with Supervisor Ronen and the Board of Supervisors in assuring that these new changes properly support massage businesses and practitioners in San Francisco.

As the background section of the ordinance overview makes clear, current massage business owners must "complete onerous permit applications and engage in cost-prohibitive conditional use and neighborhood notification processes", and that these costly requirements "lead many to choose work outside of the City, to leave the industry, or most troublingly, to work outside of current regulatory controls".

While this is clearly harmful to massage professionals, it is also harmful to the economic vitality of the city. And, we strongly agree that there is a clear opportunity to enable massage businesses to open and operate in San Francisco while simultaneously "ensuring the continued abatement of illicit sex work and human trafficking".

We look forward to working with Supervisor Ronen and the Board of Supervisors in improving San Francisco's massage ordinance and revitalizing San Francisco's post-pandemic economy.

Sincerely,

Candace Combs
President, San Francisco Massage Community Council