

File 230701
Amendments adopted in Land Use Committee – November 27, 2023

Introduction

- Add references to File No. 230701
- Add references to Planning Commission Resolution No. 21385
- Add date of Planning Commission hearing: September 7, 2023
- Add Planning Code section numbers in alignment with amendments

Section 102 – Definitions

- Under definition for Design Professional, amend to state: Design Professional **Uses** in Neighborhood Commercial Districts **are** subject to the operating restrictions outlined in Section 202.2(i).
- Under definition for Office Use, reinsert “Retail” in reference to Professional Services.

Section 186 – Exemption of Limited Commercial and Industrial Nonconforming Uses in RH, RM, RTO, and RED Districts

- Section 186(a)(2)(A): Add “or”
- Section 186(b)(6): Add “and”
- Section 186(c): Delete “RED, RTO, RM-3, and RM-4 Districts and shall not be permitted in RH, RM-1, and RM-2 Districts”
 - To further align amendments adopted by the Land Use Committee on October 30, 2023 to allow Limited Corner Commercial Uses in residential districts but to leave existing code as-is for non-conforming Limited Commercial Uses, which is the subject of Section 186.

Table 209.1 – Zoning Control Table for RH Districts

- Under Limited Corner Commercial Uses row, add “NP if the LCCU would require the Residential Conversion of a Residential Conversion of a Residential Unit or Unauthorized Unit under Planning Code Section 317, unless the space proposed for conversion is occupied by a garage or storage space located in the Basement or First Story”
- Under Formula Retail row, add to clarify NP “for Limited Corner Commercial Uses”
- Under Walk-up Facility row, change from P to “NP”

Table 209.2 – Zoning Control Table for RM Districts

- Under Limited Corner Commercial Uses row, add to columns for RM-1, RM-2, RM-3 and RM-4 districts “NP if the LCCU would require the Residential Conversion of a Residential Unit or Unauthorized Unit under Planning Code Section 317, unless the space proposed for conversion is occupied by a garage or storage space located in the Basement or First Story”
- Under Formula Retail row, add to clarify NP “for Limited Corner Commercial Uses”
- Insert a new Walk-up Facility row, with two columns to show “NP” for RM-1 and RM-2 districts and “P” for RM-3 and RM-4 districts

Table 209.4 – Zoning Control Table for RTO Districts

- Amend footnote (1) make footnotes regarding citations for Limited Corner Commercial Uses consistent across various sections of the Planning Code.

Section 231 – Limited Corner Commercial Uses in RH, RTO, and RM Districts

- Add (b)(5) to Section 231: “in a space that would not require the Residential Conversion of a Residential Unit or Unauthorized Unit under Planning Code Section 317, unless the space proposed for conversion is occupied by a garage or storage space located in the Basement or First Story”
 - To limit where Limited Corner Commercial Uses can be established and prevent displacement of residential units.

Section 249.25 – Jackson Square Special Use District

- Delete Section 249.25(C) (Exception for Certain Proposed Limited Restaurant Uses) as this section has expired.

Section 303.1 – Formula Retail Uses

- Section 303.1(f)(10): Add “RH Districts do not permit Formula Retail uses that are also Limited Corner Commercial Uses; and”
- Section 303.1(f)(11): Add “RM Districts do not permit Formula Retail uses that are also Limited Corner Commercial Uses.”
 - Both changes align Limited Corner Commercial Uses to Formula Retail controls for RH and RM districts.

Section 303.2 – Priority Processing for Certain Uses in Commercial Space: Expedited Conditional Use Review and Approval Process and Reduced Application Fee

- Section 303.2(c)(4): Delete “unless the Formula Retail use in question has fewer than 20 other establishments”
 - Removes proposed new text that would have aligned the eligibility criteria of the codified Priority Processing Program and the Planning Commission’s Community Business Priority Processing Program (CB3P) and conforms to the existing Formula Retail use to definition under the Planning Code.
- Section 303.2(d): Delete the following sentence: “In order to add the expedited processing of these applications, the Planning Department shall create and use an abbreviated case report for applications that are eligible for this program.”

Section 311 – Permit Review Procedures

- Section 311(b)(1)(A): Add “this” in the first sentence.

Section 406 – Waiver, Reduction, or Adjustment of Development Project Requirements

- Delete amendments proposed under Section 406. Amendments to Section 406 will instead be contained in the duplicate file for further discussion and potential amendments.

Section 714 – Broadway Neighborhood Commercial District

- Revise “fast food” to “formula retail” as “fast food” is not a use under the Planning Code.

Table 722 – North Beach Neighborhood Commercial District Zoning Table

- Under the “Retail Professional Services” row, correct two typos:
 - Add back in footnote (7) under the 1st Story control
 - Revert the 3rd Story control to “P” instead of “NP” as per the current control

Section 810 – Chinatown Community Business District Zoning Control Table

- Under the “Restaurant” row, correct typo and add back in footnote (3) in reference to Formula Retail under the 1st Story control