

File No. 180806 Committee Item No. 4
 Board Item No. 12

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date November 5, 2018

Board of Supervisors Meeting
 Cmte Board

Date November 27, 2018

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
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| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | CEQA Determination 092718 |
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Completed by: Erica Major Date November 1, 2018
 Completed by: Erica Major Date 11/8/18

1 [Planning Code - Temporary Pop-Up Retail, Flexible Retail, and Arts Activities Uses]

2
3 **Ordinance amending the Planning Code to create new Use allowing flexible, multi-use**
4 **retail; permitting Temporary Pop-Up Retail uses in commercial spaces; permitting**
5 **Flexible Retail in certain Neighborhood Commercial Districts; permitting Arts Activities**
6 **in certain Neighborhood Commercial Districts; affirming the Planning Department's**
7 **determination under the California Environmental Quality Act; making findings of**
8 **consistency with the General Plan, and the eight priority policies of Planning Code,**
9 **Section 101.1; and making findings of public necessity, convenience, and welfare**
10 **pursuant to Planning Code, Section 302.**

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

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

19 Section 1. Findings.

20 (a) In February 2018, the Office of Economic and Workforce Development
21 published a report entitled "State of the Retail Sector: Challenges and Opportunities for San
22 Francisco's Neighborhood Commercial Districts" ("Report"). Prepared by Strategic
23 Economics, the Report analyzed the national restructuring of the retail, restaurant, and
24 personal services industries; identified factors required to support successful San Francisco
25 retail districts; catalogued opportunities, costs, and challenges for retail, restaurant, and

1 personal services businesses in San Francisco; and documented adaptations that businesses
2 are making in response to changing conditions.

3 (b) The Report's key findings include:

- 4 • Between the first and third quarters of 2017, chain retailers nationwide
5 announced 3,044 store openings, and 6,752 store closings. While overall retail
6 sales were in decline, retail sales growth was concentrated in several
7 categories, including: food and beverage stores; e-commerce; building materials
8 and home furnishings; and health and personal care stores. Food services
9 sales also experienced growth.
- 10 • Consistent with national trends, after many years of growth, San Francisco's
11 retail sector appears to be slowing. Growth in retail employment and sales tax
12 revenues slowed between 2015 and 2016, and vacancy rates in some
13 neighborhood commercial districts are increasing. Retail business owners also
14 reported seeing increased competition with online sales for a rapidly expanding
15 range of products.
- 16 • While retail demand is slowing, there is a national trend towards increased
17 consumer spending on dining, services, and other ways to engage retail
18 customers. There is a corresponding increased demand in storefront space for
19 restaurant, entertainment, and personal services in San Francisco
20 neighborhoods. Restaurants and personal services are a key component of the
21 experience provided by neighborhood shopping districts, drawing foot traffic to
22 other businesses and providing spaces to linger and gather as a community.
23 Continued growth in these activities could mitigate some of the effects on
24 vacancy rates caused by local contraction in the retail industry.

- 1 • Based on increased consumer demand for experiences and increased
2 competition from online sales, many retailers are developing new strategies to
3 attract customers, including: expanding opportunities for customers to interact
4 with products before making a purchase; integrating eating, drinking, and
5 wellness into traditional retail stores; and offering community-building activities
6 such as classes, workshops, readings, lectures, or concerts. Incorporating
7 multiple uses or creatively co-locating other uses may help retail businesses
8 diversify their revenue streams.
- 9 • Land use and permitting requirements can present challenges to new
10 businesses in San Francisco. New businesses must often invest significant time
11 and money into completing the permitting and construction processes. These
12 costs frequently place business owners in substantial debt, jeopardizing the
13 viability of their enterprises before they are even able to open their doors and
14 can dissuade aspiring entrepreneurs from opening their own businesses.
- 15 • Existing land use and permitting requirements may make it challenging for
16 businesses to incorporate food, drink, events, and other elements that create
17 attractive experiences for customers. Existing land use and permitting
18 requirements also limit a business' ability to incorporate multiple uses, or co-
19 locate multiple businesses, within a single storefront.

20 (c) More flexibility within land use controls would support small businesses by
21 enabling them to creatively experiment with integrating food, beverage, retail and professional
22 services uses within the same space. The creation of flexible, multi-use space could enable
23 small-scale entrepreneurs to launch brick-and-mortar operations, on a temporary or
24 permanent basis, within larger storefronts.

1 (d) The purpose of this ordinance is to reduce storefront vacancies, support a
2 diverse mix of businesses, enable retail businesses to engage in creative strategies to attract
3 customers and diversify revenues, and otherwise support healthy and vibrant commercial
4 corridors in San Francisco.

5
6 Section 2. Environmental and Land Use Findings.

7 (a) The Planning Department has determined that the actions contemplated in this
8 ordinance comply with the California Environmental Quality Act (California Public Resources
9 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
10 Supervisors in File No. 180806 and is incorporated herein by reference. The Board affirms
11 this determination.

12 (b) On October 18, 2018, the Planning Commission, in Resolution No. 20318, adopted
13 findings that the actions contemplated in this ordinance are consistent, on balance, with the
14 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
15 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
16 Board of Supervisors in File No. 180806, and is incorporated herein by reference.

17 (c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code
18 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
19 in Planning Commission Resolution No. 20318, and the Board incorporates such reasons
20 herein by reference.

21
22 Section 3. The Planning Code is hereby amended by revising Section 102 to read as
23 follows, with the definition of "Flexible Retail" placed after the definition of "Family" and before
24 the definition of "Floor Area, Gross":

25 **SEC. 102. DEFINITIONS.**

1 * * * *

2 **Arts Activities.** A Retail Entertainment, Arts and Recreation Use that includes performance,
3 exhibition (except exhibition of films), rehearsal, production, post-production, and some
4 schools of any of the following: Ddance; music; dramatic art; film; video; graphic art;
5 painting; drawing; sculpture; small-scale glassworks; ceramics; textiles; woodworking;
6 photography; custom-made jewelry or apparel; and other visual, performance, and sound
7 arts and craft. It shall exclude accredited Schools and Post-Secondary Educational
8 Institutions. It shall include commercial arts and art-related business service uses including,
9 but not limited to; recording and editing services; small-scale film and video developing and
10 printing; titling; video and film libraries; special effects production; fashion and photo stylists;
11 production, sale, and rental of theatrical wardrobes; and studio property production and rental
12 companies. Arts spaces shall include studios, workshops, archives, and theaters, and other
13 similar spaces customarily used principally for arts activities, exclusive of a Movie Theater,
14 General Entertainment Amusement Enterprise, Adult Business Entertainment, and any other
15 establishment where liquor is customarily served during performances.

16 * * * *

17
18 Flexible Retail. A Retail Sales and Service Use in Neighborhood Commercial Districts, subject to the
19 requirements of Sections 179.2 and 202.9, that combines a minimum of two of the following distinct
20 Uses within a space that may be operated by one or more business operators:

- 21 (1) Arts Activities;
22 (2) Restaurant, Limited;
23 (3) Retail Sales and Services, General;
24 (4) Service, Personal;
25 (5) Service, Retail Professional; and

1 (6) Trade Shop.

2 * * * *

3

4 **Restaurant, Limited.** A Retail Sales and Service Use that serves ready-to-eat foods and/or
5 drinks to customers for consumption on or off the premises, that may or may not have seating.
6 It may include wholesaling, manufacturing, or processing of foods, goods, or commodities on
7 the premises as an Accessory Use as set forth in Sections 204.3 or 703.2 depending on the
8 zoning district in which it is located. It includes, but is not limited to, foods provided by
9 sandwich shops, coffee houses, pizzerias, ice cream shops, bakeries, delicatessens, and
10 confectioneries meeting the above characteristics, but is distinct from a Specialty Grocery,
11 Restaurant, and Bar. Within the North Beach SUD, it is also distinct from Specialty Food
12 Manufacturing, as defined in Section 780.3(b). It shall not provide on-site beer and/or wine
13 sales for consumption on the premises, but may ~~sell~~ ~~provide off-site~~ beer and/or wine ~~sales~~ for
14 consumption off the premises with a California Alcoholic Beverage Control Board License type
15 20 (off-sale beer and wine), if all areas devoted to the display and sale of alcoholic beverages
16 occupy less than 15% of the Occupied Floor Area of the establishment ~~(including all areas~~
17 ~~devoted to the display and sale of alcoholic beverages)~~. Such businesses shall operate with the
18 specified conditions in Section 202.2(a)(1).

19 * * * *

20

21 **Retail Sales and Service, General.** A Retail Sales and Service Use that provides goods
22 and/or services to the general public and that is not listed as a separate Retail Sales and
23 Service Use in this Section ~~of the Code~~ 102. This use includes, but is not limited to the sale or
24 provision of the following goods and services:

- 25 (a) Personal items such as tobacco and magazines;

1 (b) Self-service laundromats and dry cleaning, where no portion of a building
2 occupied by such use shall have any opening other than fixed windows and exits required by
3 law within 50 feet of any R District;

4 (c) Household goods and service (including paint, fixtures, and hardware, but
5 excluding other building materials);

6 (d) Variety merchandise, pet supply stores, and pet grooming services;

7 (e) Florists and plant stores;

8 (f) Apparel and accessories;

9 (g) Antiques, art galleries, art supplies, and framing service;

10 (h) Home furnishings, furniture, and appliances;

11 (i) Books, stationery, greeting cards, office supplies, copying service, music, and
12 sporting goods; and

13 (j) Toys, gifts, and photographic goods and services.

14 * * * *

15
16 **Service, Personal.** A Retail Sales and Services Use that provides grooming services to the
17 individual, including salons, cosmetic services, tattoo parlors, and health spas, bathhouses,
18 and steam rooms. Personal Service does not include Massage Establishments or Gym, which
19 are defined separately in this Section 102.

20 * * * *

21
22 **Service, Retail Professional.** A Retail Sales and Service Use that provides to the general
23 public, general business, or professional services including, but not limited to, management,
24 clerical, accounting, legal, consulting, insurance, real estate brokerage, and travel services. It
25 may provide services to the business community, provided that it also provides services to the

1 general public. Otherwise, it shall be considered a Non-Retail Professional Service Use as
2 defined in this Section *of the Planning Code 102*.

3 This use does not include research service of an industrial or scientific nature in a
4 commercial or medical laboratory, other than routine medical testing and analysis by a health-
5 care professional or hospital.

6 * * * *

7
8 **Trade Shop.** A Retail Sales and Service Use that provides custom-crafted goods and/or
9 services for sale directly to the consumer, reserving some storefront space for display and
10 retail service, subject to the conditions in Section 202.2. A trade shop includes, but is not
11 limited to:

12 (a) Repair of personal apparel, accessories, household goods, appliances, furniture,
13 and similar items, but excluding repair of motor vehicles and structures;

14 (b) Upholstery services;

15 (c) Carpentry;

16 (d) Printing of a minor processing nature, including multi-copy and blueprinting
17 services and printing of pamphlets, brochures, resumes, and small reports, but excluding
18 printing of books, magazines, or newspapers;

19 (e) Tailoring; and

20 (f) Other artisan craft uses, including fine arts uses. Arts Activities and Light
21 Manufacturing shall be considered distinct from Trade Shops.

22 * * * *

23
24 Section 4. The Planning Code is hereby amended by adding Section 179.2, and
25 Section 202.9 to read as follows:

1 SEC. 179.2. FLEXIBLE RETAIL USES.

2 (a) Applicability. This Section shall apply to Flexible Retail Uses as defined in Section 102.

3 (b) Abandonment. A Flexible Retail Use must operate with at least two uses at any given
4 time. A Flexible Retail Use that operates only one Use for a period of 90 days or more shall be deemed
5 abandoned, and no new Flexible Retail Use shall be restored without the issuance of a new building
6 permit. However, based on a good faith showing that the operator has diligently attempted to locate
7 and establish a second permitted Use within the Flexible Retail Use, the Zoning Administrator may
8 grant a 90 days extension. If such extension passes without a second permitted Use established within
9 the Flexible Retail Use, then the Flexible Retail Use shall be deemed abandoned.

10
11 SEC. 202.9. FLEXIBLE RETAIL USES.

12 (a) Applicability. This Section shall apply to Flexible Retail Uses as defined in Section 102.
13 Flexible Retail shall be permitted in neighborhood commercial districts in the following Flexible Retail
14 Zones:

15 (1) Zone 1: shall comprise all of that portion of the City and County commencing at
16 the point of the intersection of the shoreline of the Pacific Ocean and the eastern boundary of Lincoln
17 Park, and proceeding southerly along the eastern boundary of Lincoln Park to California Street, and
18 proceeding easterly along California Street to 26th Avenue, and proceeding northerly along 26th
19 Avenue to Lake Street, and proceeding easterly along Lake Street to Arguello Boulevard, and
20 proceeding southerly along Arguello Boulevard to Euclid Avenue, and proceeding easterly along
21 Euclid Avenue to Bush Street, and proceeding easterly along Bush Street to Gough Street, and
22 proceeding southerly along Gough Street to Geary Boulevard, and proceeding easterly along Geary
23 Boulevard to Van Ness Avenue, and proceeding southerly along Van Ness Avenue to Oak Street, and
24 proceeding westerly along Oak Street to Buchanan Street, and proceeding southerly along Buchanan
25 Street to Hermann Street, and proceeding westerly along Hermann Street to Steiner Street, and

1 proceeding northerly along Steiner Street to Waller Street, and proceeding westerly along Waller
2 Street to Buena Vista Avenue East, and proceeding westerly along Buena Vista Avenue East to Haight
3 Street, and proceeding westerly along Haight Street to Buena Vista Avenue West, and proceeding
4 southerly along Buena Vista Avenue West to Frederick Street, and proceeding westerly along Frederick
5 Street to Ashbury Street, and proceeding southerly along Ashbury Street to Clayton Street, and
6 proceeding southerly along Clayton Street to Twin Peaks Boulevard, and proceeding southerly along
7 Twin Peaks Boulevard to Clarendon Avenue, and proceeding westerly along Clarendon Avenue to
8 Stanyan Street, and proceeding northerly along Stanyan Street to Belgrave Avenue, and proceeding
9 westerly along Belgrave Avenue to a westerly extension of Belgrave Avenue, and proceeding southerly
10 and westerly to the intersection of said line and Johnstone Drive, and proceeding westerly along
11 Johnstone Drive to Medical Center Way, and proceeding northerly along Medical Center Way to
12 Parnassus Avenue, and proceeding westerly along Parnassus Avenue to 4th Avenue, and proceeding
13 southerly along the southern extension of 4th Avenue to Kirkham Street, and proceeding westerly along
14 Kirkham Street to 9th Avenue, and proceeding northerly along 9th Avenue to Judah Street, and
15 proceeding westerly along the southern edge of Judah Street to 19th Avenue, and proceeding southerly
16 along 19th Avenue to Sloat Boulevard, and proceeding westerly along the northern edge of Sloat
17 Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific
18 Ocean proceeding northerly along said shoreline to the point of commencement.

19 (2) **Zone 2:** shall comprise all of that portion of the City and County commencing at
20 the point of the intersection of Junipero Serra Boulevard and Brotherhood Way, and proceeding
21 northerly along the eastern edge of Junipero Serra Boulevard to Garfield Street, and proceeding
22 easterly along Garfield Street to Grafton Avenue, and continuing easterly along Grafton Avenue to
23 Mount Vernon Avenue, and proceeding easterly along Mount Vernon Avenue to Howth Street, and
24 proceeding northerly along Howth Street to Geneva Avenue, and proceeding easterly along Geneva
25 Avenue to Interstate 280, and proceeding northerly along Interstate 280 to the straight-line extension of

1 Tingley Street, and proceeding southerly along said line to Tingley Street, and proceeding southerly
2 along Tingley Street to Alemany Boulevard, and proceeding easterly along Alemany Boulevard to
3 Congdon Street, and proceeding southerly along Congdon Street to Silver Avenue, and proceeding
4 easterly along Silver Avenue to Madison Street, and proceeding southerly along Madison Street to
5 Burrows Street, and proceeding westerly along Burrows Street to Prague Street, and proceeding
6 southerly along Prague Street to Persia Avenue, and proceeding easterly along Persia Avenue to
7 Mansell Street, and continuing easterly along Mansell Street to San Bruno Avenue, and proceeding
8 northerly and easterly along San Bruno Avenue along San Bruno Avenue to Ware Street, and
9 proceeding easterly along Ware Street to Bayshore Boulevard, and proceeding northerly along
10 Bayshore Boulevard to a straight line extension from Bayshore Boulevard to San Bruno Avenue, and
11 proceeding northerly along San Bruno Avenue to 23rd Street, and proceeding easterly along 23rd
12 Street to Vermont Street, and proceeding northerly along Vermont Street to 16th Street, and proceeding
13 easterly along 16th Street to a straight-line extension from 16th Street, and proceeding easterly along
14 said extension to the shoreline to the San Francisco Bay, and proceeding southerly along shoreline to
15 the San Francisco/San Mateo county border, and proceeding westerly along the San Francisco/San
16 Mateo county border to Saint Charles Avenue, and proceeding northerly along Saint Charles Avenue to
17 Interstate 280, and proceeding northeasterly along Interstate 280 to a northerly straight-line extension
18 to Orizaba Avenue, and proceeding northerly along said line to Alemany Boulevard, and proceeding
19 westerly along Alemany Boulevard to Brotherhood Way, and proceeding westerly along Brotherhood
20 Way to the point of commencement.

21 (b) Requirements.

22 (1) Underlying Uses incorporated into Flexible Retail. Flexible Retail, as defined
23 in Section 102, incorporates two or more specific uses. Each such use must be Principally Permitted in
24 the underlying zoning district. If a use requires a Conditional Use Authorization in the underlying
25

1 zoning district, then a Conditional Use Authorization must be obtained before such use may be
2 permitted as part of a Flexible Retail Use.

3 (2) Minimum of two Uses. A Flexible Retail Use must operate with at least two
4 Uses at any given time.

5
6 Section 5. Article 2 of the Planning Code is hereby amended by revising Section 205.1
7 to read as follows:

8 **SEC. 205.1. TEMPORARY USES: SIXTY-DAY LIMIT.**

9 A temporary use may be authorized for a period not to exceed 60 days for any of the
10 following uses:

11 (a) Neighborhood carnival, exhibition, celebration or festival sponsored by an
12 organized group of residents in the vicinity or, in Neighborhood Commercial, Mixed Use, PDR,
13 C, or M Districts, sponsored by property owners or businesses in the vicinity;

14 (b) Booth for charitable, patriotic or welfare purposes;

15 (c) Open air sale of agriculturally produced seasonal decorations, including, but not
16 necessarily limited to, Christmas trees and Halloween pumpkins.;

17 (d) Pop-Up Retail, which is a temporary Retail Use permitted within a space occupied by a
18 legally established Commercial Use. If the Pop-Up Retail use is in a Residential District then the
19 temporary Pop-Up Retail use may not serve alcohol or have hours of operation past 10:00 pm, and
20 such use shall not be permitted within six months of the date a prior Pop-Up Retail use began its
21 occupancy of the same commercial space.

22
23 Section 6. The Planning Code is hereby amended by revising Sections 710, 711, 712,
24 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 728, 729, 730, 731,

732, 733, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, and 764, to read as follows:

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

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

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

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Arts Activities	§ 102	NP(7)	NP(6 8)	NP(6 8)

Sales and Service Use Category				
Retail Sales and Service Uses*	§ 102	P(2)	NP	NP

Cannabis Retail	§§ 102, 202.2(a)	NP(6)	NP(6)	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP(7)</i>	<i>NP</i>	<i>NP</i>

(6) C in Supervisory District 4 the area comprising all of that portion of the City and County commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th Avenue, and proceeding southerly along 17th Avenue to Judah Street, and proceeding westerly along Judah Street to 19th Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding westerly along Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific Ocean and proceeding northerly along said line to the point of commencement.

(7) P in Supervisory District 4 the geographic area described as Flexible Retail Zones in Section 202.9.

(8) C in the geographic area described as Flexible Retail Zones in Section 202.9.

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				
Controls by Story				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Arts Activities	§ 102	NP(810)	NP(911)	NP(911)

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<u>Flexible Retail</u>	<u>§ 102</u>	<u>NP(10)</u>	<u>NP</u>	<u>NP</u>

(8) P in Supervisorial District 4 the area comprising all of that portion of the City and County commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th Avenue, and proceeding southerly along 17th Avenue to Judah Street, and proceeding westerly along Judah Street to 19th Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding westerly along Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific Ocean and proceeding northerly along said line to the point of commencement.

(9) C in Supervisorial District 4 the area comprising all of that portion of the City and County commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th Avenue, and proceeding southerly along 17th Avenue to Judah Street, and proceeding westerly along Judah Street to 19th Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding westerly along Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific Ocean and proceeding northerly along said line to the point of commencement.

(10) P in the geographic area described as Flexible Retail Zones in Section 202.9.

(11) C in the geographic area described as Flexible Retail Zones in Section 202.9.

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

1 *****

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

3 ZONING CONTROL TABLE

4 *****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Amusement Game Arcade	§ 102	C	NP	NP
<i>Arts Activities</i>	<i>§ 102</i>	<i>NP(9)</i>	<i>NP(10)</i>	<i>NP(10)</i>

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP(9)</i>	<i>NP</i>	<i>NP</i>

19 *****

20 (9) P in the geographic area described as Flexible Retail Zones in Section 202.9.

21 (10) C in the geographic area described as Flexible Retail Zones in Section 202.9.

23 *****

1 SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

2 * * * *

3 Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

4 ZONING CONTROL TABLE

5 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
* * * *				

14 * * * *

16 SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

17 * * * *

18 Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT

19 ZONING CONTROL TABLE

20 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
Sales and Service Use Category				
* * * *				

1	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
2	<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
3	****				

4 ****

5

6 **SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

7 ****

8 **Table 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

9 **ZONING CONTROL TABLE**

10 ****

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES					

Entertainment, Arts and Recreation Use Category					
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP	
<i>Arts Activities</i>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>	

Sales and Service Use Category					

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP	
<i>Flexible Retail</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	

24 ****

1 *****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>

10 *****

11 SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

12 *****

13 Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
14 ZONING CONTROL TABLE

15 *****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<i>Arts Activities</i>	<i>§ 102</i>	<i>P</i>	<i>C</i>	<i>C</i>

Sales and Service Use Category				

1	****				
2	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
3	<i>Flexible Retail</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
4	****				

5 ****

6

7 SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL

8 DISTRICT.

9 ****

10 Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL

11 DISTRICT ZONING CONTROL TABLE

12 ****

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES					

Entertainment, Arts and Recreation Use Category					
Entertainment, Arts and Recreation Uses*		§ 102	NP	NP	NP
Arts Activities		§ 102	P	P	P

Sales and Service Use Category					

Cannabis Retail		§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>		<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>

1 *****

2
3 SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.

4 *****

5 Table 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT ZONING
6 CONTROL TABLE

7 *****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Amusement Game Arcade	§ 102	P	P	P
<i>Arts Activities</i>	<i>§ 102</i>	<i>P</i>	<i>C</i>	<i>C</i>

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>P</i>	<i>NP</i>	<i>NP</i>

22 *****

23
24 SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

25 *****

1 Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT
 2 ZONING CONTROL TABLE

3 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
* * * *				

12 * * * *

13
 14 SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

15 * * * *

16 Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 17 ZONING CONTROL TABLE

18 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>

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SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>

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				

1 * * * *

2 **Sales and Service Use Category**

3 * * * *

4 Cannabis Retail §§ 102, 202.2(a) C C NP

5 *Flexible Retail* § 102 *NP* *NP* *NP*

6 * * * *

7 * * * *

8
9 **SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

10 * * * *

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

13 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
* * * *				

22 * * * *

23
24 **SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL**
25 **DISTRICT.**

1 *****

2 Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT
3 ZONING CONTROL TABLE

4 *****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>

13 *****

14
15 SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

16 *****

17 Table 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
18 ZONING CONTROL TABLE

19 *****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP

<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.

Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<i>Arts Activities</i>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>

SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

1 *****

2 Table 731 NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
3 ZONING CONTROL TABLE

4 *****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Arts Activities	§ 102	P	C	C

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>P</i>	<i>NP</i>	<i>NP</i>

18 *****

19
20 SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

21 *****

22 Table 732 IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT
23 ZONING CONTROL TABLE

24 *****

Zoning Category	§ References	Controls		
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NON-RESIDENTIAL STANDARDS

Entertainment, Arts and Recreation Use Category

Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
--	-------	----	----	----

Arts Activities	§ 102	P	C	C
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Sales and Service Use Category

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
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<i>Flexible Retail</i>	<i>§ 102</i>	<i>P</i>	<i>NP</i>	<i>NP</i>
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SEC. 733. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

**Table 733 TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP

1	Arts Activities	§ 102	P	C	C
2	* * * *				
3	Sales and Service Use Category				
4	* * * *				
5	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
6	<i>Flexible Retail</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
7	* * * *				

8 * * * *

9
10 **SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

11 * * * *

12 **Table 734 JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
13 **ZONING CONTROL TABLE**

14 * * * *

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS					
* * * *					
Entertainment, Arts and Recreation Use Category					
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP	
Arts Activities	§ 102	P	C	C	
* * * *					
Sales and Service Use Category					
* * * *					
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP	

<u>Flexible Retail</u>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>

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				

Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<u>Arts Activities</u>	<u>§ 102</u>	<u>NP(7)</u>	<u>NP(8)</u>	<u>NP(8)</u>

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	NP	NP	NP
<u>Flexible Retail</u>	<u>§ 102</u>	<u>NP(7)</u>	<u>NP</u>	<u>NP</u>

(7) P in the geographic area described as Flexible Retail Zones in Section 202.9.

1 * * * *

2
3 SEC. 752. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL
4 TRANSIT DISTRICT.

5 * * * *

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

8 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<i>Arts Activities</i>	<i>§ 102</i>	<i>NP(5)</i>	<i>NP(6)</i>	<i>NP(6)</i>
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP(5)</i>	<i>NP</i>	<i>NP</i>
* * * *				

22 * * * *

23 (5) P in the geographic area described as Flexible Retail Zones in Section 202.9.

24 (6) C in the geographic area described as Flexible Retail Zones in Section 202.9.

25 * * * *

1
2 SEC. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

3 ****

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

6 ****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>

15 ****

16
17 SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT
18 DISTRICT.

19 ****

20 Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
21 ZONING CONTROL TABLE

22 ****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

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				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

SEC. 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

1	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
2	<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
3	****				

4 ****

5
6 SEC. 758. REGIONAL COMMERCIAL DISTRICT.

7 ****

8 Table 758. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE

9 ****

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES					

Sales and Service Use Category					

Cannabis Retail		§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>		<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

18 ****

19
20 SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT
21 DISTRICT.

22 ****

23 Table 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT
24 DISTRICT ZONING CONTROL TABLE

25 ****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Amusement Game Arcade	§ 102	C	NP	NP
<i>Arts Activities</i>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
* * * *				

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SEC. 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

Table 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

1 * * * *

2 **Entertainment, Arts and Recreation Use Category**

3 Entertainment, Arts and § 102 NP NP NP
4 Recreation Uses*

5 Amusement Game Arcade § 102 C NP NP

6 Arts Activities § 102 P C C

7 * * * *

8 **Sales and Service Use Category**

9 * * * *

10 Cannabis Retail §§ 102, 202.2(a) C C NP

11 Flexible Retail § 102 P NP NP

12 * * * *

13 * * * *

14
15 **SEC. 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

16 * * * *

17 **Table 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
18 **ZONING CONTROL TABLE**

19 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Entertainment, Arts and Recreation Use Category				

1	Entertainment, Arts and	§ 102	NP	NP	NP
2	Recreation Uses*				
3	<i>Arts Activities</i>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>
4	* * * *				
5	Sales and Service Use Category				
6	* * * *				
7	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
8	<i>Flexible Retail</i>	<u>§ 102</u>	<u>P</u>	<u>NP</u>	<u>NP</u>
9	* * * *				

10 * * * *

11
12 **SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
13 **DISTRICT.**

14 * * * *

15 **Table 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
16 **DISTRICT ZONING CONTROL TABLE**

17 * * * *

18	Zoning Category	§ References	Controls		
19	NON-RESIDENTIAL STANDARDS				
20	* * * *				
21	Sales and Service Use Category				
22	* * * *				
23	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
24	<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
* * * *				

* * * *

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

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Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: 
8 AUSTIN M. YANG
9 Deputy City Attorney

10 n:\egana\as2018\1800718\01315233.docx

REVISED LEGISLATIVE DIGEST

(11/13/2018, Amended in Board)

[Planning Code - Temporary Pop-Up Retail, Flexible Retail, and Arts Activities Uses]

Ordinance amending the Planning Code to create new Use allowing flexible, multi-use retail; permitting Temporary Pop-Up Retail uses in commercial spaces; permitting Flexible Retail in certain Neighborhood Commercial Districts; permitting Arts Activities in certain Neighborhood Commercial Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

The Planning Code considers Arts Activities, Limited Restaurants, General Retail Sales and Services, Personal Services, Retail Professional Services, and Trade Shop as separate uses. Each of these Uses is defined in section 102 of the Planning Code. While there is no Use that permits a retailer to combine multiple Uses in the same space, under certain conditions, the Planning Code permits some Uses to be considered Accessory to Principal Uses. In Neighborhood Commercial Districts ("NCDs") conditions for Accessory Uses are set forth in Planning Code section 703. Generally, Accessory Uses may not occupy more than 30% of the total floor area occupied by such use and the Principal or Conditional use.

Arts Activities is a retail Entertainment, Arts and Recreation Use.

Amendments to Current Law

This ordinance creates a new use called Flexible Retail. Flexible Retail would be a type of Retail Sales and Service Use and only permitted in located in NCDs. This Use would combine a minimum of the two following existing uses: Arts Activities, Limited Restaurants, General Retail Sales and Services, Personal Services, Retail Professional Services, and Trade Shop. Flexible Retail would also allow these Uses to be operated by one or more businesses within the space. This is different than Accessory Uses because there would be no limitation on the amount space any of the Uses could occupy. The ordinance would create Flexible Retail Zones, which are areas that loosely track the supervisorial districts 1, 4, 5, 10, and 11.

This ordinance would also allow Arts Activities in certain NCDs.

This ordinance would also create a temporary Pop-Up Retail use that allows an existing commercial space to be temporarily used for Retail uses. Temporary Pop-Up Retail uses

would be more limited in residential districts – the Pop-Up Retail use would not be permitted to serve alcohol or operate past 10 pm. In addition, in residential districts, a Pop-Up Retail use would not be permitted within six months of a prior Pop-Up Retail use beginning to occupy the same location.

Background Information

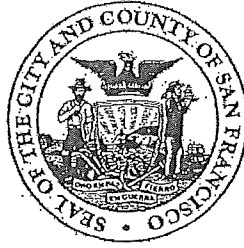
In February 2018, the Office of Economic and Workforce Development published a report entitled “State of the Retail Sector: Challenges and Opportunities for San Francisco’s Neighborhood Commercial Districts.” The report found that based on increased consumer demand for experiences and increased competition from online sales, many retailers are developing new strategies to attract customers, including: expanding opportunities for customers to interact with products before making a purchase; integrating eating, drinking, and wellness into traditional retail stores; and offering community-building activities such as classes, workshops, readings, lectures, or concerts. The report found that incorporating multiple uses or creatively co-locating other uses may help retail businesses diversify their revenue streams.

The report also found that land use and permitting requirements can present challenges to new businesses in San Francisco. Specifically, that existing land use and permitting requirements may make it challenging for businesses to incorporate food, drink, events, and other elements that create attractive experiences for customers, and that existing land use and permitting requirements also limit a business’ ability to incorporate multiple uses, or co-locate multiple businesses, within a single storefront.

On 10/30/2018, Supervisors Fewer, Brown, Cohen and Safai joined as sponsors of the legislation, and introduced substitute legislation allowing Flexible Retail to be permitted in NCDs located in the area loosely bounded supervisorial districts 1, 4, 5, 10, and 11. The substitute legislation also permitted Arts Activities to be permitted in the same areas, and introduced the Temporary Pop-Up Retail Use.

For both Flexible Retail and Temporary Pop-Up Retail uses, this amendment does not modify the approvals otherwise required by the City. For example, a Flexible Retail Use that seek to incorporate a Limited Restaurant that is also considered Formula Retail, must obtain a Conditional Use Authorization pursuant to the Formula Retail controls, in addition to other Use approvals that may be required by the code. The Limited Restaurant may also need to obtain the necessary Alcohol and Beverage Control license. A Pop-Up Retail Use must obtain any necessary approvals from the Department of Public Health, the Department of Building Inspection, and any necessary Alcohol and Beverage Control license. A temporary Pop-Up Retail Use does not change these obligations.

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

November 1, 2018

File No. 180806-2

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

Dear Ms. Gibson:

On October 30, 2018, Supervisor Tang submitted the proposed substitute legislation:

File No. 180806-2

Ordinance amending the Planning Code to create new Use allowing flexible, multi-use retail; permitting Temporary Pop-Up Retail uses in commercial spaces; permitting Flexible Retail in certain Neighborhood Commercial Districts; permitting Arts Activities in certain Neighborhood Commercial Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

This substitute legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

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

Attachment

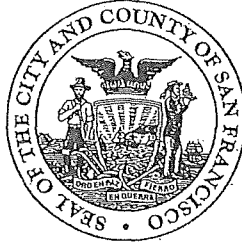
c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a direct or indirect physical change in the environment.

Joy Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2018.11.01 12:49:27 -0700

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

August 3, 2018

File No. 180806

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

Dear Ms. Gibson:

On July 31, 2018, Supervisor Tang introduced the following proposed legislation:

File No. 180806

Ordinance amending the Planning Code to create a new Use allowing flexible, multi-use retail; making Flexible Retail principally permitted in Supervisorial District Four; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

Not defined as a project under CEQA Guidelines
Sections 15378 and 15060(c)(2) because it does not
result in a physical change in the environment.

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Joy
Navarrete

Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
email=joy.navarrete@sfgov.org, c=US
Date: 2018.09.27 14:26:13 -07'00'



SAN FRANCISCO PLANNING DEPARTMENT

October 25, 2018

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

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Transmittal of Planning Department Case Number: 2018-010758PCA
Flexible Retail Use
Board File No. 180806
Planning Commission Recommendation: Approval with Modifications

Dear Ms. Calvillo, Supervisor Tang and Supervisor Safai,

On October 18, 2018, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance that would create a new Use allowing flexible, multi-use retail; making Flexible Retail principally permitted in Supervisorial District Four. At the hearing the Planning Commission recommended approval with modifications. The modifications include the following:

1. Amend the ordinance to include all the changes listed under the "Issues and Considerations" of the Executive Summary, which are also listed here, which Supervisor Tang has indicated she is likely to include in the final ordinance:
 - a. Require the specific use within Flexible Retail Uses must be P permitted in the underlying zoning district to establish once operating as Flexible Retail Use. All underlying conditions for uses in the underlying zoning district would apply to the specific use being proposed under the Flexible Retail Use, including Formula Retail controls.
 - b. Clarify that all other department's required approvals still apply.
 - c. Require that to establish and maintain a Flexible Retail Use, the site must operate at least two uses at any given time.

- d. Amend Planning Code Section 205 to create a new "60-Day Pop-Up Temporary Use" permit.
 - e. Include Supervisor Districts 1, 5, 10 & 11 in the legislation.
 - f. Include Neighborhood Commercial Transit Districts (NCTD's) in the legislation.
2. Redefine the boundaries of the legislation to state geographical markers, rather than qualifying the applicable areas by Supervisorial District.
 3. Amend all NCD's and NCT's in the participating Districts that have not already done so (1, 5, 10, & 11) to Permit Arts Activities Uses.
 4. Include Neighborhood Commercial Shopping Center Districts (NC-S) and Moderate-Scale Neighborhood Commercial Districts (NC-3) in the legislation.

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

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,



Aaron D. Starr
Manager of Legislative Affairs

cc:

Austin Yang, Deputy City Attorney
Ashley Summers, Aide to Supervisor Tang
Suhagey Sandoval, Aide to Supervisor Safai
Erica Major, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution
Planning Department Executive Summary



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20318 HEARING DATE OCTOBER 18, 2018

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Project Name: Planning Code-Flexible Retail Use
Case Number: 2018-010758PCA [Board File No. 180806]
Initiated by: Supervisor Tang / Introduced July 31, 2018
Staff Contact: Audrey Butkus, Legislative Affairs
audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

RESOLUTION APPROVING A PROPOSED ORDINANCE TO CREATE A NEW USE ALLOWING FLEXIBLE, MULTI-USE RETAIL; MAKING FLEXIBLE RETAIL PRINCIPALLY PERMITTED IN SUPERVISORIAL DISTRICT FOUR; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on July 31, 2018 Supervisor Tang introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 180806, which would create a new Use allowing flexible, multi-use retail; making Flexible Retail principally permitted in Supervisorial District Four;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 18, 2018; and,

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

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

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, 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.

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, with all recommended modifications, provides business owners the opportunity to share space with other types of businesses and switch between an identified set of uses without requiring additional Planning Department permits. As it becomes more challenging for businesses to open or remain in San Francisco due to high rents and online commerce, this legislation serves as one tool to address the issue of storefront vacancies in our commercial corridors.

Recommended Modifications:

1. Amend the ordinance to include all the changes listed under the "Issues and Considerations" of the Executive Summary, which are also listed here, which Supervisor Tang has indicated she is likely to include in the final ordinance:
 - a. Require the specific use within Flexible Retail Uses must be P permitted in the underlying zoning district to establish once operating as Flexible Retail Use. All underlying conditions for uses in the underlying zoning district would apply to the specific use being proposed under the Flexible Retail Use, including Formula Retail controls.
 - b. Clarify that all other department's required approvals still apply.
 - c. Require that to establish and maintain a Flexible Retail Use, the site must operate at least two uses at any given time.
 - d. Amend Planning Code Section 205 to create a new "60-Day Pop-Up Temporary Use" permit.
 - e. Include Supervisor Districts 1, 5, 10 & 11 in the legislation.
 - f. Include Neighborhood Commercial Transit Districts (NCTD's) in the legislation.
 2. Redefine the boundaries of the legislation to state geographical markers, rather than qualifying the applicable areas by Supervisorial District.
 3. Amend all NCD's and NCT's in the participating Districts that have not already done so (1, 5, 10, & 11) to Permit Arts Activities Uses.
 4. Include Neighborhood Commercial Shopping Center Districts (NC-S) and Moderate-Scale Neighborhood Commercial Districts (NC-3) in the legislation.
1. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

General Plan Priorities:

The proposed Ordinance is 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 that cannot be mitigated.

The proposed Ordinance opens avenues that will foster a new style of economic development and commercial spaces, while appropriately regulating the new Use to minimize any potential negative impacts to the neighborhood.

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 serves as one tool to address the issue of storefront vacancies in the City's commercial corridors by allowing flexibility in the types of uses that may exist in one location.

POLICY 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

POLICY 6.10

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

The proposed Ordinance will enhance the ability of local, small retailers to establish their businesses in conjunction with other local retailers, in the same location. The ability to establish smaller retail spaces will reduce costs to the individual retailers, and attract a more diverse customer base.

2. 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.

3. **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 October 18, 2018.



Jonas P. Ionin
Commission Secretary

AYES: Fong, Hillis, Johnson, Koppel, Melgar, Moore

NOES: None

ABSENT: Richards

ADOPTED: October 18, 2018

1980



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment

HEARING DATE: OCTOBER 18, 2018
EXPIRATION DATE: OCTOBER 29, 2018

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Planning
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Project Name: Planning Code-Flexible Retail Use
Case Number: 2018-010758PCA [Board File No. 180806]
Initiated by: Supervisor Tang / Introduced July 31, 2018
Staff Contact: Audrey Butkus, Legislative Affairs
audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: Recommend Approval with Modifications

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to create a new Use allowing flexible, multi-use retail; making Flexible Retail principally permitted in Supervisorial District Four. The change to a Flexible Retail Use and alternating uses within the Flexible Retail Use would not require neighborhood notice.

The Way It Is Now:

1. The Planning Code considers Arts Activities, Limited Restaurants, General Retail Sales and Services, Personal Services, Retail Professional Services, and Trade Shop as separate uses. Each of these Uses is defined in section 102 of the Planning Code.
2. Multiple uses may exist on one site; however they either must be allowed as an Accessory Use (generally no more than 30 % of floor area), or may be added by acquiring Use permit(s) on the site for each new use.

The Way It Would Be:

1. A new Use called "Flexible Retail" would be added to Planning Code Section 102. Flexible Retail would be a type of Retail Sales and Service Use. This Use would combine the following existing uses: Arts Activities, Limited Restaurants, General Retail Sales and Services, Personal Services, Retail Professional Services, and Trade Shop (*see graphic on Page 2*).
2. Flexible Retail would allow these Uses to be operated by one or more businesses within the space. Once an establishment has changed their Use to Flexible Retail, they would not be required to obtain additional Use permits from the Planning Department if they develop one or more additional Use that falls under the Flexible Retail Use category.

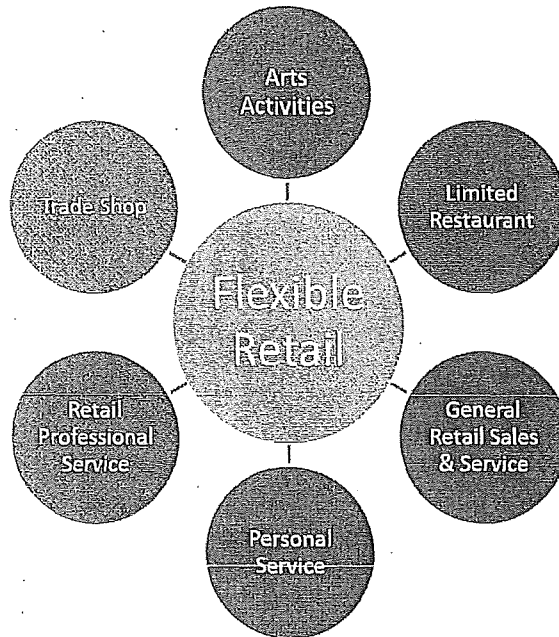


Illustration representing the Uses allowed under Flexible Retail Use

BACKGROUND

In February 2018, the Office of Economic and Workforce Development published a report entitled “State of the Retail Sector: Challenges and Opportunities for San Francisco’s Neighborhood Commercial Districts.” The report found that based on increased consumer demand for experiences and increased competition from online sales, many retailers are developing new strategies to attract customers, including: expanding opportunities for customers to interact with products before making a purchase; integrating eating, drinking, and wellness into traditional retail stores; and offering community-building activities such as classes, workshops, readings, lectures, or concerts. The report found that incorporating multiple uses or creatively co-locating other uses may help retail businesses diversify their revenue streams. The report also found that land use and permitting requirements can present challenges to new businesses in San Francisco. Specifically, that existing land use and permitting requirements may make it challenging for businesses to incorporate food, drink, events, and other elements that create attractive experiences for customers. It also found that existing land use and permitting requirements limit a business’ ability to incorporate multiple uses, or colocate multiple businesses, within a single storefront.

ISSUES AND CONSIDERATIONS

Proposed Amendments By Supervisor Tang:

Supervisor Tang has worked with Department staff to amend many aspects of the original legislation. Please note: As of the publishing date of this report (October 11, 2018), the following changes have not yet been reviewed by the City Attorney’s Office.

1. Require the specific use within Flexible Retail Uses must be P permitted in the underlying zoning district to establish once operating as Flexible Retail Use. All underlying conditions for uses in the underlying zoning district would apply to the specific use being proposed under the Flexible Retail Use, including Formula Retail controls.

The current draft of the Ordinance could undermine existing zoning controls. Neighborhood Commercial Districts (NCD's) have specific zoning controls for different uses. These controls are established with the unique character and needs of the individual NCD in mind. If all of the uses under the Flexible Retail Use category are not permitted, allowing Flexible Retail as-of-right would create a loophole for establishing uses that are not individually permitted in the NCD. For example, if a NCD requires a Conditional Use authorization for Limited Restaurants, and does not permit Arts Activities, an establishment could change to a Flexible Retail Use to avoid the prohibition on Arts Activities Use and get around the Conditional Use requirement for Limited Restaurants.

Based on Department feedback, the Supervisor is proposing to amend the ordinance to state that all zoning controls for the uses under Flexible Retail Use category are subject to the underlying zoning controls. This amendment will avoid the loophole; however, it will make Flexible Retail more difficult to implement and monitor. Under this restriction, if a NCD requires a Conditional Use authorization for a Limited Restaurant, and does not allow Arts Activities, an establishment would still be required to obtain a Conditional Use authorization for the Limited Restaurant and would not be allowed to develop Arts Activities even if they establish themselves as a Flexible Retail Use.

Please note, in Districts other than District 4 and 11, Limited Restaurants require neighborhood notice, which means this notice would still be required under this proposed amendment.

2. Clarify that all other department's required approvals still apply.
Supervisor Tang intends to clarify the Ordinance to state that Flexible Retail does *not* exempt businesses from other departments' requirements. Although adding a Limited Restaurant in District 4 to a Flexible Retail Use establishment would not need to come to Planning for a change of use, the establishment of the Limited Restaurant would still require proper Health Department and Department of Building Inspection permits. The Department will also work on our internal procedures to make sure that applicants are aware of this when they receive their Flexible Retail Use approval.

3. Require that to establish and maintain a Flexible Retail Use, the site must operate at least two uses at any given time.

The purpose of this amendment is to prevent a proliferation of sites whose official use is Flexible Retail, but who have only been operating as one of the allowed uses for an extended period. The purpose of this new Use is to not only allow for flexibility in our retail uses, but also to encourage multi-use establishments that are able to evolve over time. Under this proposed amendment, if a Flexible Retail Use does not re-establish a second use within 60 days, the Flexible Retail Use shall be considered abandoned, and the Use will be re-designated to the actual use being operated on-site. Although the Department supports the intent behind this amendment, enforcement and implementation of this aspect of Flexible Retail Use may prove challenging. The Department's

Code Enforcement Division is complaint-based and change of use permits will not be seen by the Department once an establishment has become a Flexible Retail Use.

4. **Amend Planning Code Section 205 to create a new "60-Day Pop-Up Temporary Use" permit.**

Although the creation of a new Flexible Retail Use will assist commercial stores in establishing multiple uses at one site, it will not accommodate the recently emerged "pop-up" style retail. Pop-up retail is often conducted by an online-only retailer that "sets up shop" in the commercial space of an unrelated business for a brief period. In recent months these pop-up retailers have appeared in Full-Service Restaurants, Bars, Arts Activities spaces, and more. Under the current Temporary Use permit provisions, a commercial location that would like to host a "pop-up" would only be able to obtain a 24-hour Event Temporary Use Permit. The proposed 60-Day Pop-Up Temporary Use permit would grant commercial spaces the ability to host not only pop-up retailers, but also restaurants, arts events, and the like as often as they choose for a 60-day period (see page 2 of Exhibit B for a chart that describes these permits). The conditions on the Temporary Use permit would be as follows:

- Allows all Retail, Arts Activities, and Restaurant Uses
- Allowed in Commercial spaces only
- On-site alcohol allowed so long as proper ABC permits are obtained by host or pop-up
- All applicable DPH, DBI, ABC requirements/licenses are required
- Pop-up does not have to be associated with the host business
- Limits in Residential (R) Districts:
 - No alcohol
 - Limited to a maximum of one permit every 6 months
 - No pop-up events beyond 10pm

For illustrations on how the new Temporary Use permit and the new Flexible Retail Use permit may work, please see Exhibit C.

5. **Include Supervisor Districts 1, 5, 10 & 11 in the legislation.**

Since the legislation was first introduced, many other Supervisorial Districts have expressed a desire to include Flexible Retail Use as a Permitted use in their NCD's and NCT's.

6. **Include Neighborhood Commercial Transit Districts (NCTD's) in the legislation.**

NCTD's were not included in the proposed Ordinance. The Ordinance was originally drafted to apply to District 4 *only*, which does not contain any NCTD's. If the legislation is expanded to include other Supervisorial Districts, NCTD's should also allow Flexible Retail Uses, as the district is very similar to NCD's.

Implementation:

The Ordinance may impact our enforcement procedures if mechanisms are not developed that will better track when a Flexible Retail Use has been abandoned. As mentioned above, once multiple uses have been abandoned, the legally established use reverts to the singular remaining use. Staff may also encounter increased processing times for these Use permits initially, as the Flexible Retail Use permit comes with many individualized conditions and exceptions. Over time, as more establishments convert to a Flexible

Retail Use, however, staff time will likely lessen as Change of Use permits will not be required for the Flexible Retail Use when they want to add or change one of their uses.

General Plan Priorities:

The proposed Ordinance is 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 that cannot be mitigated.

The proposed Ordinance opens avenues that will foster a new style of economic development and commercial spaces, while appropriately regulating the new Use to minimize any potential negative impacts to the neighborhood.

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 serves as one tool to address the issue of storefront vacancies in the City's commercial corridors by allowing flexibility in the types of uses that may exist in one location.

POLICY 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

POLICY 6.10

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

The proposed Ordinance will enhance the ability of local, small retailers to establish their businesses in conjunction with other local retailers, in the same location. The ability to establish smaller retail spaces will reduce costs to the individual retailers, and attract a more diverse customer base.

RECOMMENDATION

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Recommended Modifications:

1. Amend the ordinance to include all the changes listed under the "Issues and Considerations" Section, which Supervisor Tang has indicated she is likely to include in the final ordinance.
2. Redefine the boundaries of the legislation to state geographical markers, rather than qualifying the applicable areas by Supervisorial District.
3. Amend all NCD's and NCT's in the participating Districts that have not already done so (1, 5, 10, & 11) to Permit Arts Activities Uses.

BASIS FOR RECOMMENDATION

The proposed Ordinance, with all recommended modifications, provides business owners the opportunity to share space with other types of businesses and switch between an identified set of uses without requiring additional Planning Department permits. As it becomes more challenging for businesses to open or remain in San Francisco due to high rents and online commerce, this legislation serves as one tool to address the issue of storefront vacancies in our commercial corridors.

Recommended Modifications:

1. See the Issues and Considerations Subsection: "Proposed Amendments By Supervisor Tang" for the basis for recommendation on these numerous recommended amendments.
2. In addition to there being no land use connection to Supervisorial boundaries, the district boundaries are also not permanent. They are redrawn every 10 years based on census data. As such, if an establishment on the edge of one District that allows Flexible Retail Uses is redrawn to fall into a different Supervisorial District that does not allow Flexible Retail Uses their use would become a legal nonconforming use. By defining the boundaries geographically, the areas to which the legislation is applicable remain constant.
3. Article 7 regulates the Neighborhood Commercial Districts and Neighborhood Commercial Transit Districts. Prior to a code reorganization in 2017, Article 7 contained its own Use definitions. "Arts Activities" was not a defined Use in Article 7. Article 7 was reorganized in 2017 to consolidate its definitions with the rest of the definitions in the Planning Code. As such, any Use type previously undefined in Article 7 (but that existed in the rest of the Code) was listed in Article 7 as "Not Permitted". The result of this change was that all NCD's and NCT's in the city do not allow Arts Activities Uses. For the Flexible Retail Use to be of value to the NCD's and NCT's where it will be Permitted, Arts Activities Uses in the participating Supervisorial Districts should also become a Permitted Use. District 4 made this change to Permit Arts Activities on the first story, and require a Conditional Use authorization at the second story and above via Board File No. 180482 in July of 2018.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

ENVIRONMENTAL REVIEW

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

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

RECOMMENDATION: Recommendation of Approval with Modifications
--

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Memo from Supervisor Tang
- Exhibit C: Examples of the Proposed Ordinance in Action
- Exhibit D: Definitions of uses allowed under Flexible Retail Use
- Exhibit E: Map of NCD's and NCT's in San Francisco with Supervisorial Districts
- Exhibit F: Board File No. 180806



SAN FRANCISCO PLANNING DEPARTMENT

Exhibit A

Planning Commission Draft Resolution

HEARING DATE OCTOBER 18, 2018

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Planning
Information:
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Project Name: Planning Code-Flexible Retail Use
Case Number: 2018-010758PCA [Board File No. 180806]
Initiated by: Supervisor Tang / Introduced July 31, 2018
Staff Contact: Audrey Butkus, Legislative Affairs
audrey.butkus@sfgov.org, (415) 575-9129
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: Recommend Approval with Modifications

RESOLUTION APPROVING A PROPOSED ORDINANCE TO CREATE A NEW USE ALLOWING FLEXIBLE, MULTI-USE RETAIL; MAKING FLEXIBLE RETAIL PRINCIPALLY PERMITTED IN SUPERVISORIAL DISTRICT FOUR; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on July 31, 2018 Supervisor Tang introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 180806, which would create a new Use allowing flexible, multi-use retail; making Flexible Retail principally permitted in Supervisorial District Four;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 18, 2018; and,

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

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

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, 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.

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, with all recommended modifications, provides business owners the opportunity to share space with other types of businesses and switch between an identified set of uses without requiring additional Planning Department permits. As it becomes more challenging for businesses to open or remain in San Francisco due to high rents and online commerce, this legislation serves as one tool to address the issue of storefront vacancies in our commercial corridors.

Recommended Modifications:

1. Amend the ordinance to include all the changes listed under the "Issues and Considerations" of the Executive Summary, which are also listed here, which Supervisor Tang has indicated she is likely to include in the final ordinance:
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1. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

General Plan Priorities:

The proposed Ordinance is consistent with the following objectives and policies of the General Plan:

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OBJECTIVE 1

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

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The proposed Ordinance opens avenues that will foster a new style of economic development and commercial spaces, while appropriately regulating the new Use to minimize any potential negative impacts to the neighborhood.

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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 serves as one tool to address the issue of storefront vacancies in the City's commercial corridors by allowing flexibility in the types of uses that may exist in one location.

POLICY 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

POLICY 6.10

Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

The proposed Ordinance will enhance the ability of local, small retailers to establish their businesses in conjunction with other local retailers, in the same location. The ability to establish smaller retail spaces will reduce costs to the individual retailers, and attract a more diverse customer base.

2. **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.

Resolution No.
October 18, 2018

CASE NO. 2018-010758PCA
Flexible Retail Use

3. **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 October 18, 2018.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: October 18, 2018

Member, Board of Supervisors
District 4



City and County of San Francisco

KATY TANG

Flexible Retail Legislation File 180806

Legislative Goal: *Provide business owners the opportunity to share space with other types of businesses and switch between an identified set of uses without requiring additional Planning Department permits. As it gets more challenging for businesses to open or remain in San Francisco due to high rents and online commerce, this legislation serves as one tool to address the issue of storefront vacancies in our commercial corridors.*

Legislation Details:

- Creates new “Flexible Retail” use under Planning Code
- Flexible Retail would be principally permitted in District 4 (*legislation can be expanded to include other districts*)
- Under the new Flexible Retail use, there can be any combination of the following use categories within a space and these can be operated by one or more business operators:
 - Arts Activities
 - Limited Restaurant
 - General Retail Sales and Services
 - Personal Service
 - Retail Professional Service
 - Trade Shop
- *Notes:*
 - Flexible Retail would not require neighborhood notification under Planning Code Section 311. However, a Conditional Use Authorization (CUA) is still required in neighborhoods where the zoning requires a CUA.
 - Permits and inspections from other city departments (such as Department of Public Health, Department of Building Inspection, or liquor license from the state) would still be required for Limited Restaurant use.

Proposed amendments pending Land Use Committee hearing on October 22, 2018:

- Any business which applies for a Flexible Retail use would need to have at least 2 of the uses at any given time. There will be a grace period of 60 days to allow for a business to search for another business tenant which falls under the Flexible Retail use definition – but if new tenant is not identified within this period, the Flexible Retail use is abandoned and the business would re-establish its underlying use. (Once Planning Department discovers abandonment, 60-day period kicks in. If after 60 days, the second use is not filled, Planning Department would deem the Flexible Retail use as automatically abandoned unless further shown that good-faith efforts have been made to secure a second business tenant at the same site.)
- The underlying zoning applies to any neighborhood in which Flexible Retail is used.
- Those applying for Temporary Use permits under Section 205 of the Planning Code shall bypass additional permit requirements, so long as the temporary use falls under the six use categories under the new Flexible Retail use definition, including notification requirements.
- Permit Flexible Retail use in additional Supervisorial Districts.
- Formula Retail controls are still applicable.
- Limited Restaurants currently require neighborhood notification if they are in Supervisorial Districts other than 4 & 11. ****Note**** This can change pending future legislation.

Comparison of Temporary Use permits currently available vs. new Flexible Retail Use & “pop-up” permits

	Temporary Use – 60-day limit (Planning Code Section 205.1)	Temporary Use – one or two year limit (Planning Code Section 205.2)	Temporary Use – 24 hour limit (Planning Code Section 205.3)	Temporary Use – Intermittent Activities (Planning Code Section 205.4)	Establish different uses on one site under existing codes/regulations	NEW: Temporary Use – 60 -day limit (add new section under Planning Code Section 205.5(e))	NEW: Flexible Retail
591 General provisions:	<p>Encompasses: neighborhood carnival, exhibition, celebration or festival organized by neighbors or merchants; booths for charitable purposes; open air sale of agriculturally produced seasonal decorations, such as Christmas trees & Halloween pumpkins.</p> <p>Temp use permits may be renewed as many times within 60-day timeframe.</p>	<p>Encompasses: temporary structures/uses incidental to construction; rental/sales office incidental to new development; automobile wrecking use in M-1 or M-2 District; temporary Wireless Telecommunication s Services Facilities</p>	<p>Applies to: PDR, C, M, Neighborhood Commercial, or Mixed Use Districts.</p> <p>Encompasses: performance, exhibition, dance, celebration or festival requiring liquor license, entertainment police permit, and/or other City permit. Can be sponsored by group of residents, businesses, or owner-occupants of property.</p>	<p>Outdoor use which occurs with some routine/regularity.</p> <p>Includes, but is not limited to: mobile food facilities; farmers markets; open-air craft markets.</p> <p>Typically requires additional authorization from other city departments.</p> <p>May be authorized for up to one year.</p>	<p>Any one particular unit/storefront may have more than one use permit in operation.</p> <p>Each business/use would need to undergo permitting & notification process required for each use each time one of the uses changes.</p>	<p>Encompasses pop-up style uses. Can be retail, arts activities, full-service restaurant, may serve alcohol. Must be hosted in a commercial space. Pop-up does not have to be associated with the host business.</p> <p>Limits in Residential (R) districts: - Limit 1 permit per every 6 months - Events can run until 10pm - No alcohol</p>	<p>Allows any combination (2 uses at minimum at any given time) of the following uses: -Arts Activities -Limited Restaurant -General Retail Sales & Services -Personal Service -Retail Professional Service -Trade Shop</p> <p>Uses can be interchanged at any time without additional permits, so long as there is always a combination of 2 uses listed above.</p>
Neighborhood notification?	None	Permits in excess of 90 days for Temporary WTS Facilities operated for commercial purposes shall be subject to Section 311	None	If the use will occupy more than 300 sq. ft. or if any portion of the vending space would be located within 50 feet of an RH, RM, RED, or RTO District	None	None	Not within District 4, which removes notification requirement for uses that are principally permitted. All of the above uses are principally permitted within District 4.
Additional requirements						Appropriate permits from DPH, DBI, ABC	Appropriate permits from DPH, DBI, ABC
On-site alcohol consumption allowed?	No	No	Yes	No	Yes, if zoning allows	Yes, as long as one of the two businesses has an ABC licenses, whether permanent or temporary	Yes, as long as one of the two businesses has an ABC licenses, whether permanent or temporary



KATY TANG

Examples

Current Law vs. Flexible Retail Use Legislation

- A Limited Restaurant currently serves pizza, and wants to have a “pop-up” with the same current use (Limited Restaurant), such as café or bakery → no additional permits needed from Planning Department
- A Limited Restaurant operates as a coffee shop. They would like to dedicate over 30% (aka more than an accessory amount) of their space to a new t-shirt designer’s retail stall. Currently, they would have to obtain a *second* Use Permit from the Planning Department for a “General Retail Sales and Service” use. Under the proposed Flexible Retail legislation, the coffee shop could apply for a change of use to a Flexible Retail Use. Once they are established as this new use, they can have the t-shirt sales in more than 30% of the space, as well as any combination of the other uses that would be allowed under the Flexible Retail Use without needing an additional or new Use Permit each time they alter their business. Each new use *would*, however, need to be Permitted in the underlying zoning district.
- A Retail Use currently selling t-shirts and gifts would like to have a “pop-up” full service restaurant (such as a catered dinner in the shop) → requires permits
 - If one-off style event: can apply for 24-hour limit Temporary Use permit. Still would need to establish that all Police, Entertainment Commission, Public Health permits were submitted and have a liquor license. Event can only be one day/night. Not allowed in Residential districts.
 - If event is held on more regular basis: need to obtain second use permit for a full-service restaurant (which in many neighborhoods requires a Conditional Use Authorization).
- A Retail Use currently selling t-shirts and gifts would like to have a “pop-up” full-service restaurant (such as a catered dinner in the shop) with alcohol → OK if full-service restaurant had ABC license (liquor license from the state) already. If not, then cannot have alcohol at pop-up. Full-service restaurant pop-up must also already have proper health permits.

Last updated: 10/2/18

Examples of the Proposed Ordinance in Action:

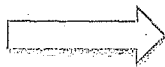
593

Scenario

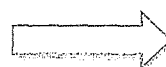
The Way It Is

The Way It Would Be

A coffee shop that normally closes after lunch wants to host "pizza nights" once per week

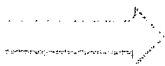


No additional permits from Planning required.
Why: The coffee shop is a Limited Restaurant. Serving pizza would also be a Limited Restaurant use.

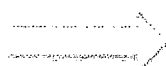


No additional permits from Planning required.
Why: The coffee shop is a Limited Restaurant. Serving pizza would also be a Limited Restaurant use.

A coffee shop would like to redesign their space to dedicate more than 30% to a local clothing designer's sales

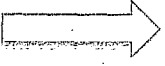


A new Use permit would be required from Planning for a General Retail Sales & Service Use
Why: The coffee shop is a Limited Restaurant use. The apparel sales is a different use (General Retail Sales).



May apply to be a Flexible Retail Use instead of adding a 2nd Use permit
Why: Gives freedom to not only add apparel sales, but try something different within the allowed uses under Flexible Retail without coming to Planning each time.

A coffee shop would like to host a "pop-up" retail shop for 6 weeks.



A new Use permit would be required from Planning for General Retail Sales & Service.
Why: The coffee shop is a Limited Restaurant, not General Retail Sales use & no Temporary Use permit fits this scenario.



Option 1: The coffee shop can apply for the new 60 Day Temporary Pop-Up Use permit. Best option if no plan to host retail on a regular basis.
Option 2: The coffee shop could apply to be a Flexible Retail Use if they plan to host regularly.

A homewares store would like to host "pop-up" style dinners from a local caterer



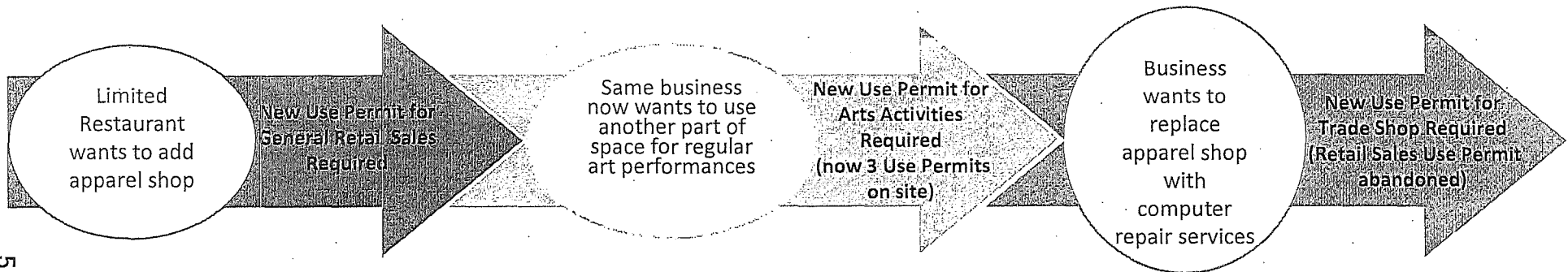
A new Use permit would be required for a Full-Service Restaurant due to alcohol being served. No Temporary Use permit fits this scenario.



May apply for the new 60 Day Temporary Pop-Up Use permit. Would allow alcohol to be served on site (unless in an RH District). *Proper ABC and DPH permits required.*

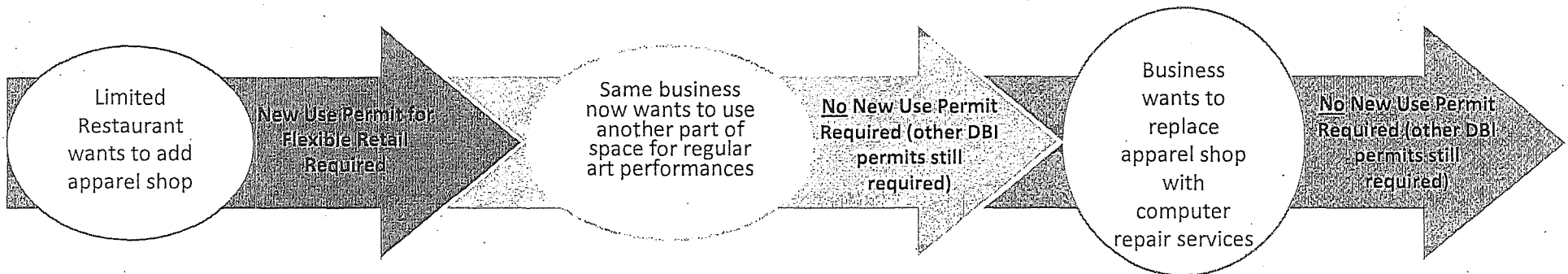
Imagining How the Flexible Retail Use Could Be Utilized by One Business:

The Way It Is Now:



594

The Way It Would Be with a Flexible Retail Use:



Definitions of Uses That Would be Allowed Under "Flexible Retail" Use

Arts Activities. A retail Entertainment, Arts and Recreation Use that includes performance, exhibition (except exhibition of films), rehearsal, production, post-production and some schools of any of the following: Dance, music, dramatic art, film, video, graphic art, painting, drawing, sculpture, small-scale glassworks, ceramics, textiles, woodworking, photography, custom-made jewelry or apparel, and other visual, performance and sound arts and craft. It shall exclude accredited Schools and Post-Secondary Educational Institutions. It shall include commercial arts and art-related business service uses including, but not limited to, recording and editing services, small-scale film and video developing and printing; titling; video and film libraries; special effects production; fashion and photo stylists; production, sale and rental of theatrical wardrobes; and studio property production and rental companies. Arts spaces shall include studios, workshops, archives and theaters, and other similar spaces customarily used principally for arts activities, exclusive of a Movie Theater, Amusement Game Arcade, Adult Business, and any other establishment where liquor is customarily served during performances.

Restaurant, Limited. A Retail Sales and Service Use that serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises, that may or may not have seating. It may include wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises as an Accessory Use as set forth in Sections 204.3 or 703(d), 803.2(b)(1)(C), 803.3(b)(1)(C) and 825(c)(1)(C) depending on the zoning district in which it is located. It includes, but is not limited to, foods provided by sandwich shops, coffee houses, pizzerias, ice cream shops, bakeries, delicatessens, and confectioneries meeting the above characteristics, but is distinct from a Specialty Grocery, Restaurant, and Bar. Within the North Beach SUD, it is also distinct from Specialty Food Manufacturing, as defined in Section 780.3(b). It shall not provide on-site beer and/or wine sales for consumption on the premises, but may provide off-site beer and/or wine sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine), that occupy less than 15% of the Occupied Floor Area of the establishment (including all areas devoted to the display and sale of alcoholic beverages). Such businesses shall operate with the specified conditions in Section 202.2(a)(1).

Retail Sales and Service, General. A Retail Sales and Service Use that provides goods and/or services to the general public and that is not listed as a separate Retail Sales and Service Use in this Section of the Code. This use includes, but is not limited to the sale or provision of the following goods and services:

- (a) Personal items such as tobacco and magazines;
- (b) Self-service laundromats and dry cleaning, where no portion of a building occupied by such use shall have any opening other than fixed windows and exits required by law within 50 feet of any R District;
- (c) Household goods and service (including paint, fixtures and hardware, but excluding other building materials);
- (d) Variety merchandise, pet supply stores and pet grooming services;
- (e) Florists and plant stores;
- (f) Apparel and accessories;

Definitions of Uses That Would be Allowed Under "Flexible Retail" Use

- (g) Antiques, art galleries, art supplies and framing service;
- (h) Home furnishings, furniture and appliances¹
- (i) Books, stationery, greeting cards, office supplies, copying service, music and sporting goods; and
- (j) Toys, gifts, and photographic goods and services.

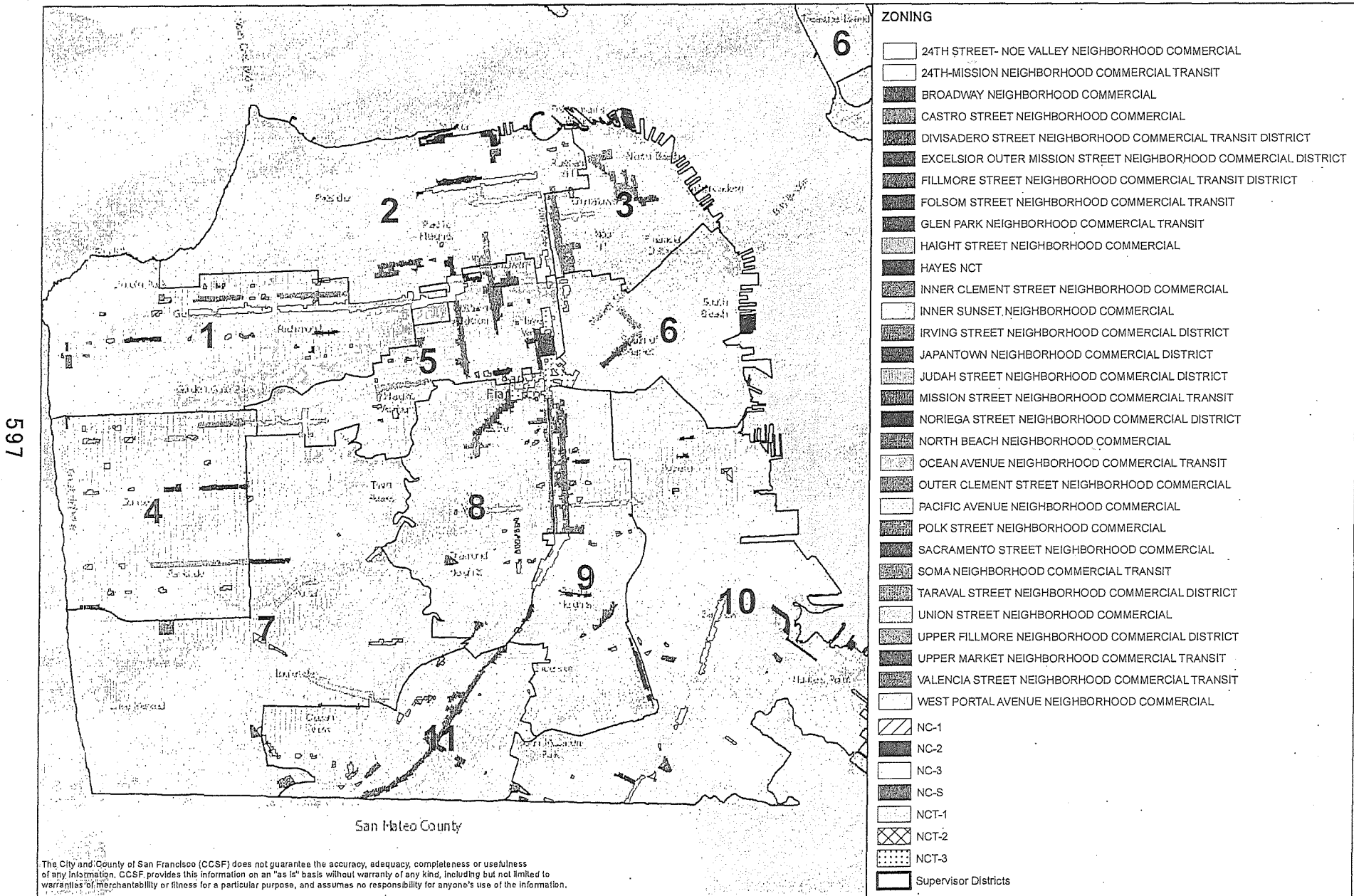
Service, Personal. A Retail Sales and Services Use that provides grooming services to the individual, including salons, cosmetic services, tattoo parlors, and health spas, bathhouses, and steam rooms. Personal Service does not include Massage Establishments or Gym, which are defined separately in this Section.

Service, Retail Professional. A Retail Sales and Service Use that provides to the general public, general business, or professional services including, but not limited to, management, clerical, accounting, legal, consulting, insurance, real estate brokerage, and travel services. It may provide services to the business community, provided that it also provides services to the general public. Otherwise, it shall be considered a Non-Retail Professional Service Use as defined in this Section of the Planning Code.

Trade Shop. A Retail Sales and Service Use that provides custom-crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service, subject to the conditions in Section 202.2. A trade shop includes, but is not limited to:

- (a) Repair of personal apparel, accessories, household goods, appliances, furniture and similar items, but excluding repair of motor vehicles and structures;
- (b) Upholstery services;
- (c) Carpentry;
- (d) Printing of a minor processing nature, including multi-copy and blueprinting services and printing of pamphlets, brochures, resumes, and small reports, but excluding printing of books, magazines, or newspapers;
- (e) Tailoring; and
- (f) Other artisan craft uses, including fine arts uses. Arts Activities and Light Manufacturing shall be considered distinct from Trade Shops.

NCD's and NCTD's in San Francisco



0 2,850 5,700 11,400 Feet

1 [Planning Code - Flexible Retail Use]

2

3 Ordinance amending the Planning Code to create a new Use allowing flexible, multi-use
4 retail; making Flexible Retail principally permitted in Supervisorial District Four;
5 affirming the Planning Department's determination under the California Environmental
6 Quality Act; making findings of consistency with the General Plan, and the eight
7 priority policies of Planning Code, Section 101.1; and making findings of public
8 necessity, convenience, and welfare pursuant to Planning Code, Section 302.

9

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

13

14

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

15

16

Section 1. Findings.

17

18

(a) In February 2018, the Office of Economic and Workforce Development
19 published a report entitled "State of the Retail Sector: Challenges and Opportunities for San
20 Francisco's Neighborhood Commercial Districts" ("Report"). Prepared by Strategic
21 Economics, the Report analyzed the national restructuring of the retail, restaurant, and
22 personal services industries; identified factors required to support successful San Francisco
23 retail districts; catalogued opportunities, costs, and challenges for retail, restaurant, and
24 personal services businesses in San Francisco; and documented adaptations that businesses
25 are making in response to changing conditions.

25

(b) The Report's key findings include:

- 1 • Between the first and third quarters of 2017, chain retailers nationwide
2 announced 3,044 store openings, and 6,752 store closings. While overall retail
3 sales were in decline, retail sales growth was concentrated in several
4 categories, including: food and beverage stores; e-commerce; building materials
5 and home furnishings; and health and personal care stores. Food services
6 sales also experienced growth.
- 7 • Consistent with national trends, after many years of growth, San Francisco's
8 retail sector appears to be slowing. Growth in retail employment and sales tax
9 revenues slowed between 2015 and 2016, and vacancy rates in some
10 neighborhood commercial districts are increasing. Retail business owners also
11 reported seeing increased competition with online sales for a rapidly expanding
12 range of products.
- 13 • While retail demand is slowing, there is a national trend towards increased
14 consumer spending on dining, services, and other ways to engage retail
15 customers. There is a corresponding increased demand in storefront space for
16 restaurant, entertainment, and personal services in San Francisco
17 neighborhoods. Restaurants and personal services are a key component of the
18 experience provided by neighborhood shopping districts, drawing foot traffic to
19 other businesses and providing spaces to linger and gather as a community.
20 Continued growth in these activities could mitigate some of the effects on
21 vacancy rates caused by local contraction in the retail industry.
- 22 • Based on increased consumer demand for experiences and increased
23 competition from online sales, many retailers are developing new strategies to
24 attract customers, including: expanding opportunities for customers to interact
25 with products before making a purchase; integrating eating, drinking, and

1 wellness into traditional retail stores; and offering community-building activities
2 such as classes, workshops, readings, lectures, or concerts. Incorporating
3 multiple uses or creatively co-locating other uses may help retail businesses
4 diversify their revenue streams.

- 5 • Land use and permitting requirements can present challenges to new
6 businesses in San Francisco. New businesses must often invest significant time
7 and money into completing the permitting and construction processes. These
8 costs frequently place business owners in substantial debt, jeopardizing the
9 viability of their enterprises before they are even able to open their doors and
10 can dissuade aspiring entrepreneurs from opening their own businesses.
- 11 • Existing land use and permitting requirements may make it challenging for
12 businesses to incorporate food, drink, events, and other elements that create
13 attractive experiences for customers. Existing land use and permitting
14 requirements also limit a business' ability to incorporate multiple uses, or co-
15 locate multiple businesses, within a single storefront.

16 (c) More flexibility within land use controls would support small businesses by
17 enabling them to creatively experiment with integrating food, beverage, retail and professional
18 services uses within the same space. The creation of flexible, multi-use space could enable
19 small-scale entrepreneurs to launch brick-and-mortar operations, on a temporary or
20 permanent basis, within larger storefronts.

21 (d) The purpose of this ordinance is to reduce storefront vacancies, support a
22 diverse mix of businesses, enable retail businesses to engage in creative strategies to attract
23 customers and diversify revenues, and otherwise support healthy and vibrant commercial
24 corridors in San Francisco.

25

1 Section 2. Environmental and Land Use Findings.

2 (a) The Planning Department has determined that the actions contemplated in this
3 ordinance comply with the California Environmental Quality Act (California Public Resources
4 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
5 Supervisors in File No. 180806 and is incorporated herein by reference. The Board affirms
6 this determination.

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

12 (c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code
13 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
14 in Planning Commission Resolution No. _____, and the Board incorporates such reasons
15 herein by reference.

16
17 Section 3. The Planning Code is hereby amended by revising Section 102 to read as
18 follows, with the definition of "Flexible Retail" placed after the definition of "Family" and before
19 the definition of "Floor Area, Gross":

20 **SEC. 102. DEFINITIONS.**

21 * * * *

22 **Arts Activities.** A Retail Entertainment, Arts and Recreation Use that includes performance,
23 exhibition (except exhibition of films), rehearsal, production, post-production, and some
24 schools of any of the following: ~~D~~dance; music; dramatic art; film; video; graphic art;
25 painting; drawing; sculpture; small-scale glassworks; ceramics; textiles; woodworking;

1 photography; custom-made jewelry or apparel; and other visual, performance, and sound
2 arts and craft. It shall exclude accredited Schools and Post-Secondary Educational
3 Institutions. It shall include commercial arts and art-related business service uses including,
4 but not limited to; recording and editing services; small-scale film and video developing and
5 printing; titling; video and film libraries; special effects production; fashion and photo stylists;
6 production, sale, and rental of theatrical wardrobes; and studio property production and rental
7 companies. Arts spaces shall include studios, workshops, archives, and theaters, and other
8 similar spaces customarily used principally for arts activities, exclusive of a Movie Theater,
9 General Entertainment Amusement Enterprise, Adult Business Entertainment, and any other
10 establishment where liquor is customarily served during performances.

11 * * * *

12
13 Flexible Retail. A Retail Sales and Service Use in Neighborhood Commercial Districts that can
14 include any combination of the following use categories and characteristics within a space and can be
15 operated by one or more business operators:

- 16 (1) Arts Activities;
- 17 (2) Restaurant, Limited;
- 18 (3) Retail Sales and Services, General;
- 19 (4) Service, Personal;
- 20 (5) Service, Retail Professional; and
- 21 (6) Trade Shop.

22 * * * *

23
24 **Restaurant, Limited.** A Retail Sales and Service Use that serves ready-to-eat foods and/or
25 drinks to customers for consumption on or off the premises, that may or may not have seating.

1 It may include wholesaling, manufacturing, or processing of foods, goods, or commodities on
2 the premises as an Accessory Use as set forth in Sections 204.3 or 703.2 depending on the
3 zoning district in which it is located. It includes, but is not limited to, foods provided by
4 sandwich shops, coffee houses, pizzerias, ice cream shops, bakeries, delicatessens, and
5 confectioneries meeting the above characteristics, but is distinct from a Specialty Grocery,
6 Restaurant, and Bar. Within the North Beach SUD, it is also distinct from Specialty Food
7 Manufacturing, as defined in Section 780.3(b). It shall not provide on-site beer and/or wine
8 sales for consumption on the premises, but may ~~sell provide off site~~ beer and/or wine sales for
9 consumption off the premises with a California Alcoholic Beverage Control Board License type
10 20 (off-sale beer and wine), if all areas devoted to the display and sale of alcoholic beverages
11 occupy less than 15% of the Occupied Floor Area of the establishment ~~(including all areas~~
12 ~~devoted to the display and sale of alcoholic beverages)~~. Such businesses shall operate with the
13 specified conditions in Section 202.2(a)(1).

14 * * * *

15
16 **Retail Sales and Service, General.** A Retail Sales and Service Use that provides goods
17 and/or services to the general public and that is not listed as a separate Retail Sales and
18 Service Use in this Section ~~of the Code~~ 102. This use includes, but is not limited to the sale or
19 provision of the following goods and services:

- 20 (a) Personal items such as tobacco and magazines;
- 21 (b) Self-service laundromats and dry cleaning, where no portion of a building
22 occupied by such use shall have any opening other than fixed windows and exits required by
23 law within 50 feet of any R District;
- 24 (c) Household goods and service (including paint, fixtures, and hardware, but
25 excluding other building materials);

- 1 (d) Variety merchandise, pet supply stores, and pet grooming services;
- 2 (e) Florists and plant stores;
- 3 (f) Apparel and accessories;
- 4 (g) Antiques, art galleries, art supplies, and framing service;
- 5 (h) Home furnishings, furniture, and appliances;
- 6 (i) Books, stationery, greeting cards, office supplies, copying service, music, and
- 7 sporting goods; and
- 8 (j) Toys, gifts, and photographic goods and services.

9 * * * *

10
11 **Service, Personal.** A Retail Sales and Services Use that provides grooming services to the
12 individual, including salons, cosmetic services, tattoo parlors, and health spas, bathhouses,
13 and steam rooms. Personal Service does not include Massage Establishments or Gym, which
14 are defined separately in this Section 102.

15 * * * *

16
17 **Service, Retail Professional.** A Retail Sales and Service Use that provides to the general
18 public, general business, or professional services including, but not limited to, management,
19 clerical, accounting, legal, consulting, insurance, real estate brokerage, and travel services. It
20 may provide services to the business community, provided that it also provides services to the
21 general public. Otherwise, it shall be considered a Non-Retail Professional Service Use as
22 defined in this Section *of the Planning Code* 102.

23 This use does not include research service of an industrial or scientific nature in a
24 commercial or medical laboratory, other than routine medical testing and analysis by a health-
25 care professional or hospital.

1 *****

2
3 **Trade Shop.** A Retail Sales and Service Use that provides custom-crafted goods and/or
4 services for sale directly to the consumer, reserving some storefront space for display and
5 retail service, subject to the conditions in Section 202.2. A trade shop includes, but is not
6 limited to:

7 (a) Repair of personal apparel, accessories, household goods, appliances, furniture,
8 and similar items, but excluding repair of motor vehicles and structures;

9 (b) Upholstery services;

10 (c) Carpentry;

11 (d) Printing of a minor processing nature, including multi-copy and blueprinting
12 services and printing of pamphlets, brochures, resumes, and small reports, but excluding
13 printing of books, magazines, or newspapers;

14 (e) Tailoring; and

15 (f) Other artisan craft uses, including fine arts uses. Arts Activities and Light
16 Manufacturing shall be considered distinct from Trade Shops.

17 *****

18
19 Section 4. The Planning Code is hereby amended by revising Sections 710, 711, 712,
20 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 728, 729, 730, 750,
21 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, and 764, to read as follows:

22
23 **SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

24 *****

25 **Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1**

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	P(2)	NP	NP

Cannabis Retail	§§ 102, 202.2(a)	NP(6)	NP(6)	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP(3)</i>	<i>NP</i>	<i>NP</i>

* Not listed below

(1) Additional five feet for NC-1 parcels with a Commercial use on the ground floor within the following areas:

(a) Within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street.

(b) On Noriega, Irving, Taraval, and Judah Streets west of 19th Avenue.

(2) P if located more than 1/4 one-fourth mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control.

(3) ~~[Note deleted.]~~ P in Supervisorial District 4.

(4) C required for 7 or more persons.

(5) C if a Macro WTS Facility; P if a Micro WTS Facility.

1 (6) C in Supervisorial District 4.

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

4 * * * *

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

7 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP(2)</i>	<i>NP</i>	<i>NP</i>
* * * *				

17 * Not listed below

18 (1) Additional ~~five~~ feet for NC-2 parcels zoned 40' or 50' with an Active Use on the
19 ground floor within the following areas: Balboa Street between 2nd Avenue and 8th Avenue,
20 and between 32nd Avenue and 39th Avenue.

21 (2) ~~[Note deleted.]~~ P in Supervisorial District 4.

22 * * * *

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

25 * * * *

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

3 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
* * * *				

12 * * * *

13
 14 SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER
 15 DISTRICT.

16 * * * *

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

19 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP

<u>Flexible Retail</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<u>Flexible Retail</u>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

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

NON-RESIDENTIAL STANDARDS				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

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				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

1	****				
2	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
3	<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
4	****				

5 ****

6
7 **SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

8 ****

9 **Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
10 **ZONING CONTROL TABLE**

11 ****

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES					

Sales and Service Use Category					

Cannabis Retail		§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>		<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

19 ****

20
21
22 **SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL**
23 **DISTRICT.**

24 ****

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

3 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
* * * *				

12 * * * *

14 SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.

15 * * * *

16 Table 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT ZONING
 17 CONTROL TABLE

18 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>

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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				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>

SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

1 Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 2 ZONING CONTROL TABLE

3 * * * *

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES					
* * * *					
Sales and Service Use Category					
* * * *					
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP	
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	
* * * *					

12 * * * *

13
 14 SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

15 * * * *

16 Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
 17 ZONING CONTROL TABLE

18 * * * *

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS					
* * * *					
Sales and Service Use Category					
* * * *					
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP	
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	

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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				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>

SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

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

Zoning Category	§ References	Controls		
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NON-RESIDENTIAL STANDARDS

Sales and Service Use Category

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.

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

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

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				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

SEC. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

1 Table 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
 2 ZONING CONTROL TABLE

3 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
* * * *				

12 * * * *

14 SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT
 15 DISTRICT.

16 * * * *

17 Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
 18 ZONING CONTROL TABLE

19 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
Sales and Service Use Category				
* * * *				

1	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
2	<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
3	****				

4 ****

5
6 **SEC. 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT**
7 **DISTRICT.**

8 ****

9 **Table 755. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
10 **ZONING CONTROL TABLE**

11 ****

Zoning Category		§ References	Controls		
NON-RESIDENTIAL STANDARDS					

Sales and Service Use Category					

17	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
18	<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
19	****				

20 ****

21
22 **SEC. 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

23 ****

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

1 *****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

10 *****

11
12 **SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
13 **DISTRICT.**

14 *****

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

17 *****

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>

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SEC. 758. REGIONAL COMMERCIAL DISTRICT.

Table 758. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				

Sales and Service Use Category				

Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>

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				

1	****				
2	Sales and Service Use Category				
3	****				
4	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
5	<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
6	****				

7 ****

8

9 **SEC. 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT**

10 **DISTRICT.**

11 ****

12 **Table 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT**

13 **DISTRICT ZONING CONTROL TABLE**

14 ****

Zoning Category	§ References	Controls			
NON-RESIDENTIAL STANDARDS AND USES					
17	****				
Sales and Service Use Category					
19	****				
20	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
21	<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
22	****				

23 ****

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				
* * * *				
Sales and Service Use Category				
* * * *				
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
<i>Flexible Retail</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
* * * *				

14 * * * *

16 SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT
17 DISTRICT.

18 * * * *

19 Table 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT
20 DISTRICT ZONING CONTROL TABLE

21 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				
* * * *				
Sales and Service Use Category				

1	****				
2	Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
3	<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
4	****				

5 ****

6
7 SEC. 763. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT
8 DISTRICT.

9 ****

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

12 ****

13	Zoning Category	§ References	Controls		
14	NON-RESIDENTIAL STANDARDS AND USES				
15	****				
16	Sales and Service Use Category				
17	****				
18	Cannabis Retail.	§§ 102, 202.2(a)	C	C	NP
19	<i>Flexible Retail</i>	<u>§ 102</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
20	****				

21 ****

22
23 SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT
24 DISTRICT.

25 ****

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4

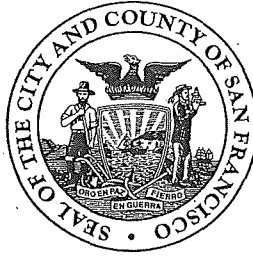
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: _____
8 AUSTIN M. YANG
Deputy City Attorney

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BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

August 3, 2018

File No. 180806

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

Dear Ms. Gibson:

On July 31, 2018, Supervisor Tang introduced the following proposed legislation:

File No. 180806

Ordinance amending the Planning Code to create a new Use allowing flexible, multi-use retail; making Flexible Retail principally permitted in Supervisorial District Four; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

August 3, 2018

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

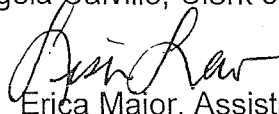
On July 31, 2018, Supervisor Tang introduced the following legislation:

File No. 180806

Ordinance amending the Planning Code to create a new Use allowing flexible, multi-use retail; making Flexible Retail principally permitted in Supervisorial District Four; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

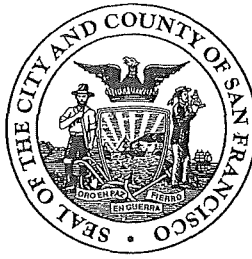
The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

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

c: John Rahaim, Director of Planning
Aaron Starr, Manager of Legislative Affairs
AnMarie Rodgers, Director of Citywide Planning
Scott Sanchez, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning


BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Nelly Gordon, Inspector, Police Department

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

DATE: August 3, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Tang on July 31, 2018:

File No. 180806

Ordinance amending the Planning Code to create a new Use allowing flexible, multi-use retail; making Flexible Retail principally permitted in Supervisorial District Four; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

c: Dave Falzon, Police Department

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

November 1, 2018

Planning Commission
Attn: Jonas Ionin
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Commissioners:

On October 30, 2018, Supervisor Tang introduced the following substitute legislation:

File No. 180806-2

Ordinance amending the Planning Code to create new Use allowing flexible, multi-use retail; permitting Temporary Pop-Up Retail uses in commercial spaces; permitting Flexible Retail in certain Neighborhood Commercial Districts; permitting Arts Activities in certain Neighborhood Commercial Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

The proposed substitute ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

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

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

- c: John Rahaim, Director
- Scott Sanchez, Zoning Administrator
- Lisa Gibson, Environmental Review Officer
- Devyani Jain, Deputy Environmental Review Officer
- AnMarie Rodgers, Director of Citywide Planning
- Dan Sider, Director of Executive Programs
- Aaron Starr, Manager of Legislative Affairs
- Joy Navarrete, Environmental Planning
- Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

November 1, 2018

File No. 180806-2

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

Dear Ms. Gibson:

On October 30, 2018, Supervisor Tang submitted the proposed substitute legislation:

File No. 180806-2

Ordinance amending the Planning Code to create new Use allowing flexible, multi-use retail; permitting Temporary Pop-Up Retail uses in commercial spaces; permitting Flexible Retail in certain Neighborhood Commercial Districts; permitting Arts Activities in certain Neighborhood Commercial Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

This substitute legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

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

Attachment

c: Joy Navarrete, Environmental Planning
Laura Lynch, Environmental Planning

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Received @
8:03 P.M.
[Signature]
Time stamp
or meeting date 10-20-18

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

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [180806]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

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

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

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

Sponsor(s):

[Katy Tang]

Subject:

Planning Code - Temporary Pop-Up Retail, Flexible Retail, and Arts Activities Uses

The text is listed below or attached:

Please see attached

Signature of Sponsoring Supervisor:

[Signature: Katy Tang]

For Clerk's Use Only:

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
7/31/2018 5:13pm
JB
Time stamp
or meeting date

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

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
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- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

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

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

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

Sponsor(s):

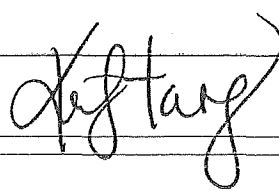
Katy Tang

Subject:

Planning Code - Flexible Retail Use

The text is listed below or attached:

Please see attached

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: