

1 [Planning Code - Permit Review Procedures and Zoning Controls - Neighborhood Commercial
2 Districts in Supervisorial Districts 4 and 11]

3 **Ordinance amending the Planning Code to create a two-year pilot program removing**
4 **public notice and Planning Commission review for certain uses in Neighborhood**
5 **Commercial Districts in Supervisorial Districts 4 and 11; modifying zoning controls for**
6 **certain uses in Supervisorial Districts 4 and 11; 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) This ordinance shall be known as the Small Business Attraction Program in
21 Supervisorial Districts 4 and 11.

22 (b) The Planning Department has determined that the actions contemplated in this
23 ordinance comply with the California Environmental Quality Act (California Public Resources
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
25 Supervisors in File No. 180482 and is incorporated herein by reference. The Board affirms
this determination.

1 (c) On July 12, 2018, the Planning Commission, in Resolution No. 20230, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. 180482, and is incorporated herein by reference.

6 (d) Pursuant to Planning Code Section 302, the Board finds that this Planning Code
7 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
8 in Planning Commission Resolution No. 20230, and the Board incorporates such reasons
9 herein by reference.

10
11 Section 2. The Planning Code is hereby amended by revising Sections 312, 710, 711,
12 720, 731, 732, 733, and 734 to read as follows:

13 **SEC. 312. PERMIT REVIEW PROCEDURES FOR ALL NC AND EASTERN**
14 **NEIGHBORHOODS MIXED USE DISTRICTS AND FOR CANNABIS RETAIL AND**
15 **MEDICAL CANNABIS DISPENSARY USES IN ALL NON-RESIDENTIAL ZONING**
16 **DISTRICTS.**

17 * * * *

18 (c) **Changes of Use.**

19 (1) **NC Districts.** In NC Districts, all building permit applications for a
20 change of use to, or the establishment of, the following uses shall be subject to the provisions
21 of subsection 312(d) except as stated below:

- 22 Adult Business
- 23 Bar
- 24 Cannabis Retail
- 25 General Entertainment

- 1 Group Housing
- 2 Limited Restaurant
- 3 Liquor Store
- 4 Massage Establishment
- 5 Medical Cannabis Dispensary
- 6 Nighttime Entertainment
- 7 Outdoor Activity Area
- 8 Post-Secondary Educational Institution
- 9 Private Community Facility
- 10 Public Community Facility
- 11 Religious Institution
- 12 Residential Care Facility
- 13 Restaurant
- 14 School
- 15 Tobacco Paraphernalia Establishment
- 16 Trade School

17 However, a change of use from a Restaurant to a Limited-
18 Restaurant shall not be subject to the provisions of subsection 312(d). In addition, any
19 accessory massage use in the Ocean Avenue Neighborhood Commercial Transit District shall
20 be subject to the provisions of subsection 312(d).

21 (A) NC Districts in Supervisorial Districts 4 and 11.
22 Notwithstanding subsection (c)(1), for NC Districts in Supervisorial Districts 4 and 11, building permit
23 applications for a change of use to, or the establishment of, the following uses shall be excepted from
24 the provisions of subsections 312(d)(2)-(3) and 312(e):

25 Bar

- 1 General Entertainment
- 2 Limited Restaurant
- 3 Liquor Store
- 4 Massage Establishment
- 5 Nighttime Entertainment
- 6 Outdoor Activity Area
- 7 Private Community Facility
- 8 Public Community Facility
- 9 Restaurant
- 10 Tobacco Paraphernalia Establishment
- 11 (B) Sunset. Unless reenacted, subsections 312(c)(1)(A)-(B) shall

12 expire by operation of law 24 months after the effective date of the ordinance in Board File No.
 13 _____ . Upon its expiration, the City Attorney is authorized to take steps to remove subsections
 14 312(c)(1)(A)-(B) from the Planning Code.

15 (d) **Building Permit Application Review for Compliance and Notification.** Upon
 16 acceptance of any application subject to this Section 312, the Planning Department shall
 17 review the proposed project for compliance with the Planning Code and any applicable design
 18 guidelines approved by the Planning Commission. Applications determined not to be in
 19 compliance with the standards of Articles 1.2, 1.5, 2, and 2.5 of the Planning Code, including
 20 design guidelines for specific areas adopted by the Planning Commission, or with any
 21 applicable conditions of previous approvals regarding the project, shall be held until either the
 22 application is determined to be in compliance, is disapproved, or a recommendation for
 23 cancellation is sent to the Department of Building Inspection.

24 (1) **Neighborhood Commercial Design Guidelines.** The
 25 construction of new buildings and alteration of existing buildings in NC Districts shall be

1 consistent with the design policies and guidelines of the General Plan as adopted and
2 periodically amended for specific areas or conditions by the Planning Commission. The
3 Director of Planning may require modifications to the exterior of a proposed new building or
4 proposed alteration of an existing building in order to bring it into conformity with the General
5 Plan. These modifications may include, but are not limited to, changes in siting, building
6 envelope, scale texture and detailing, openings, and landscaping.

7 (2) **Notification.** Upon determination that an application is in
8 compliance with the development standards of the Planning Code, the Planning Department
9 shall cause a notice to be posted on the site pursuant to rules established by the Zoning
10 Administrator and shall cause a written notice describing the proposed project to be sent in
11 the manner described below. This notice shall be in addition to any notices required by the
12 Building Code and shall have a format and content determined by the Zoning Administrator. It
13 shall include a description of the proposal compared to any existing improvements on the site
14 with dimensions of the basic features, elevations, and site plan of the proposed project
15 including the position of any adjacent buildings, exterior dimensions and finishes, a graphic
16 reference scale, existing and proposed uses, and commercial or institutional business name,
17 if known. The notice shall describe the project review process and shall set forth the mailing
18 date of the notice and the expiration date of the notification period.

19 Written notice shall be mailed to the notification group which shall
20 include the project sponsor, tenants of the subject property, relevant neighborhood
21 organizations as described in ~~Subparagraph~~ subsection 312(d)(2)(C) below, all individuals
22 having made a written request for notification for a specific parcel or parcels, and all owners
23 and, to the extent practical, occupants, of properties in the notification area. For the purposes
24 of Section 312(h) below, written notice shall also be mailed to tenants of the subject property
25 in unauthorized residential units.

1 (A) The notification area shall be all properties within 150 feet of
2 the subject lot in the same Assessor's Block and on the block face across from the subject lot.
3 When the subject lot is a corner lot, the notification area shall further include all property on
4 both block faces across from the subject lot, and the corner property diagonally across the
5 street.

6 (B) The latest City-wide Assessor's roll for names and
7 addresses of owners shall be used for said notice.

8 (C) The Planning Department shall maintain a list, updated
9 every six months with current contact information, available for public review, and kept at the
10 Planning Department's Planning Information Counter, and reception desk, as well as the
11 Department of Building Inspection's Building Permit Counter, of neighborhood organizations
12 which have indicated an interest in specific properties or areas. The organizations having
13 indicated an interest in the subject lot or its area shall be included in the notification group for
14 the proposed project. Notice to these groups shall be verified by a declaration of mailing
15 signed under penalty of perjury. In the event that such an organization is not included in the
16 notification group for a proposed project as required under this subsection 312(d)(2), the
17 proposed project must be re-noticed.

18 (3) **Notification Period.** All building permit applications shall be held
19 for a period of 30 calendar days from the date of the mailed notice to allow review by
20 residents, occupants, owners of neighboring properties, and ~~by~~ neighborhood groups.

21 (4) **Elimination of Duplicate Notice.** The notice provisions of ~~this~~
22 ~~Section~~ subsection 312(d)(2) may be waived by the Zoning Administrator for building permit
23 applications for projects that have been, or before approval will be, the subject of a duly
24 noticed public hearing before the Planning Commission or Zoning Administrator, provided that
25

1 the nature of work for which the building permit application is required is both substantially
2 included in the hearing notice and is the subject of the hearing.

3 (e) **Requests for Planning Commission Review.** A request for the
4 Planning Commission to exercise its discretionary review powers over a specific building
5 permit application shall be considered by the Planning Commission if received by the
6 Planning Department no later than 5:00 p.m. of the last day of the notification period as
7 described under ~~§~~subsubsection (d)(3) above, subject to guidelines adopted by the Planning
8 Commission.

9 The project sponsor of a building permit application may request
10 discretionary review by the Planning Commission to resolve conflicts between the Director of
11 Planning and the project sponsor concerning requested modifications to comply with relevant
12 design guidelines of the General Plan.

13 (1) Scheduling of Hearing. The Zoning Administrator shall set a time
14 for hearing requests for discretionary review by the Planning Commission within a reasonable
15 period.

16 (2) Notice. Mailed notice of the discretionary review hearing by the
17 Planning Commission shall be given not less than 10 days prior to the date of the hearing to
18 the notification group as described in ~~Paragraph~~ subsection 312(d)(2) above. Posted notice of
19 the hearing shall be made as provided under Planning Code Section 306.8.

20 * * * *

21
22 **SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

23 * * * *

24 **Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1**
25 **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
<i>Arts Activities</i>	<u>§ 102</u>	<u>NP(7)</u>	<u>NP(6)</u>	<u>NP(6)</u>

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

Animal Hospital	§ 102	NP	NP	NP
<i>Bar</i>	<u>§§ 102, 202.2(a)</u>	<u>P(2)(6)</u>	<u>NP</u>	<u>NP</u>

Liquor Store	§ 102	<u>P(6)</u>	NP	NP

* Not listed below

(1) Additional 5 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.

- 1 (b) On Noriega, Irving, Taraval and Judah Streets west of 19th Avenue.
- 2 (2) P if located more than $\frac{1}{4}$ one-fourth mile from any NC District or Restricted Use
- 3 Subdistrict with more restrictive controls; otherwise, same as more restrictive control.
- 4 (3) [Note deleted.]
- 5 (4) C required for 7 or more persons.
- 6 (5) C if a Macro WTS Facility; P if a Micro WTS Facility.
- 7 (6) C in Supervisorial District 4.
- 8 (7) P in Supervisorial District 4.

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

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

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

<u>Entertainment, Arts and Recreation Use Category</u>				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<u>Arts Activities</u>	<u>§ 102</u>	<u>NP(8)</u>	<u>NP(9)</u>	<u>NP(9)</u>

Sales and Service Use Category				

1	Bar	§§ 102, 202.2(a)	P(9)	NP	NP
2	* * * *				
3	Liquor Store	§ 102	P(9)	NP	NP
4	* * * *				
5	Massage, Foot/Chair	§ 102	P(9)	NP	NP
6	* * * *				

7 * Not listed below

8 (1) Additional 5 feet for NC-2 parcels zoned 40' or 50' with an Active Use on the
9 ground floor within the following areas: Balboa Street between 2nd Avenue and 8th Avenue,
10 and between 32nd Avenue and 39th Avenue.

11 (2) [Note deleted.]

12 (3) C required for seven or more persons.

13 (4) TARAVAL STREET RESTAURANT SUBDISTRICT: Applicable only for the
14 Taraval Street NC-2 District between 12th and 19th Avenues as mapped on Sectional Maps 5
15 SU and 6 SU. Restaurants, Limited-Restaurants are C; Formula Retail Restaurants and
16 Limited-Restaurants are NP.

17 (5) CHESTNUT STREET FINANCIAL SERVICE SUBDISTRICT: NP for properties
18 on Chestnut Street zoned NC-2 from Broderick to Fillmore Streets as mapped on Sectional
19 Map 2 SU.

20 (6) FRINGE FINANCIAL SPECIAL USE DISTRICT: The FFSUD and its ¼ mile
21 buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special
22 Use District1 the Haight Street Alcohol Restricted Use District; the Third Street Alcohol
23 Restricted Use District; the Divisadero Street Alcohol Restricted Use District; the North of
24 Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both
25 sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use

1 District Maps SU11 and SU12; and includes Small-Scale Neighborhood Commercial Districts
 2 within its boundaries.

3 Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP
 4 pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial
 5 services are P subject to the restrictions set forth in subsection 249.35(c)(3).

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

7 (8) P in Supervisorial District 4.

8 (9) C in Supervisorial District 4.

9
 10 **SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL**
 11 **DISTRICT.**

12 * * * *

13 **Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL**
 14 **DISTRICT**
 15 **ZONING CONTROL TABLE**

16 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL		Controls by Story		
STANDARDS AND USES		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Arts Activities	§ 102	NP	NP	NP
* * * *				

1	Passive Outdoor Recreation	§ 102	<u>CP</u>	<u>CP</u>	<u>CP</u>
2	* * * *				
3	Institutional Use Category				
4	Institutional Uses*	§ 102	P	P	P
5	<u>Community Facility</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>
6	Hospital	§ 102	C	C	C
7	<u>Job Training</u>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>P</u>
8	Medical Cannabis Dispensary**	§§ 102, 202.2(e)	DR	DR	DR
9	Philanthropic Admin. Services	§ 102	NP	NP	NP
10	<u>Philanthropic Facility</u>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>P</u>
11	<u>Private Community Facility</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>
12	Public Facilities	§ 102	C	C	C
13	<u>Religious Institution</u>	<u>§ 102</u>	<u>C</u>	<u>C</u>	<u>C</u>
14	<u>Social Service</u>	<u>§ 102</u>	<u>NP</u>	<u>P</u>	<u>P</u>
15	* * * *				
16	Sales and Service Use Category				
17	* * * *				
18	Animal Hospital	§ 102	<u>CP</u>	<u>CP</u>	NP
19	* * * *				
20	Massage, Foot/Chair	§ 102	<u>PC</u>	C	<u>NPC</u>
21	* * * *				
22	Restaurant	§ 102	P	P	NP
23	* * * *				
24	Services, Limited Financial	§ 102	<u>PC</u>	<u>PC</u>	<u>NPC</u>
25					

1	<i>Services, Personal</i>	<u>§ 102</u>	<i>P(4)</i>	<i>P(4)</i>	<i>P(4)</i>
2	* * * *				

3 * Not listed below

4 (1) OFF-SALE LIQUOR ESTABLISHMENTS

5 Controls:

6 (a) New Liquor Store uses with Type 20 or Type 21 ABC licenses are not
7 permitted in the district; provided, however, that any use within the District with an existing
8 Type 20 or Type 21 ABC license may obtain a new license, if required by the ABC, after it has
9 been closed temporarily for repair, renovation, remodeling, or reconstruction.

10 (b) Liquor Store uses may relocate within the district with Conditional Use
11 authorization.

12 (c) General Grocery, Specialty Grocery, and Liquor Store uses with off-sale
13 alcohol licenses shall observe the following good neighbor policies:

14 (i) Liquor establishments shall provide outside lighting in a manner
15 sufficient to illuminate street and sidewalk areas and adjacent parking, as appropriate to
16 maintain security, without disturbing area residences;

17 (ii) Advertisements in windows and clear doors are not permitted, and
18 no more than 25% of the square footage of the windows and clear doors of liquor
19 establishments shall bear signage of any sort, and all signage shall be placed and maintained
20 in a manner that ensures that law enforcement personnel have a clear and unobstructed view
21 of the interior of the premises, including the area in which the cash registers are maintained,
22 from the exterior public sidewalk or entrance to the premises.

23 (2) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)

24 Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to,
25 properties within the Excelsior Outer Mission Street Neighborhood Commercial District.

1 Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP
 2 pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial
 3 services are P subject to the restrictions set forth in Section 249.35(c)(3).

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

5 (4) C for Personal Service Uses operating as a salon and/or providing cosmetic services.

7 **SEC. 731. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

8 * * * *

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

11 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL		Controls by Story		
STANDARDS AND USES		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<u>Arts Activities</u>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>
* * * *				
Sales and Service Use Category				
* * * *				
Massage, Foot/Chair	§ 102	<u>PC</u>	NP	NP
* * * *				

1 **SEC. 732. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 * * * *

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

5 * * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL		Controls by Story		
STANDARDS AND USES		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<u>Arts Activities</u>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>
* * * *				
Sales and Service Use Category				
* * * *				
Massage, Foot/Chair	§ 102	<u>PC</u>	NP	NP
* * * *				

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

21 * * * *

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

24 * * * *

Zoning Category	§ References	Controls		
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NON-RESIDENTIAL STANDARDS AND USES		Controls by Story		
		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<u>Arts Activities</u>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>
* * * *				
Sales and Service Use Category				
* * * *				
Massage, Foot/Chair	§ 102	<u>PC</u>	NP	NP
* * * *				

* * * *

SEC. 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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

* * * *

Zoning Category	§ References	Controls		
NON-RESIDENTIAL		Controls by Story		
STANDARDS AND USES		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				

1	Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
2					
3	<u>Arts Activities</u>	<u>§ 102</u>	<u>P</u>	<u>C</u>	<u>C</u>
4	* * * *				
5	Sales and Service Use Category				
6	* * * *				
7	Massage, Foot/Chair	§ 102	<u>PC</u>	NP	NP
8	* * * *				

9

10 Section 3. Report to the Board of Supervisors. 20 months after the effective date of
11 the ordinance in Board File No. 180482, the Planning Department and the Mayor’s Office of
12 Economic and Workforce Development shall jointly submit a report to the Board of
13 Supervisors describing the number of permit applications submitted pursuant to Section
14 312(c)(1)(A) and an evaluation of the impacts of that subsection.

15

16 Section 34. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor’s veto of the ordinance.

20 Section 45. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

24 ///
25 ///

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

3

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

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

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