San Francisco Planning

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October 3, 2023

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

Re: Transmittal of Planning Department Case Number 2023-005354PCA:
Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
Board File No. 230701

Planning Commission Recommendation: **Approval with Modification**

Dear Ms. Calvillo and Mayor Breed,

On September 7, 2023, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Mayor Breed that would amend various sections of the Planning Code. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

1. Codify the CB3P Program under Section 303.2 (Priority Processing for Certain Uses in Commercial Spaces).

2. Mirror the LCCU Use Size limitations for the new eligible districts too i.e., up to 1,200 square feet in RM-1, RM-2, and all RH Districts (like RTO today).

3. Continue to regulate Retail Professional Services and Non-Retail Professional Services separately and

maintain two separate definitions.

4. Eliminate the Mission Street Formula Retail Restaurant Subdistrict.

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.

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

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

Sincerely,

Aaron D. Starr
*Manager of Legislative Affairs*

cc: Heather Goodman, Deputy City Attorney
Katy Tang, Director of the Office of Small Business
Kerry Birnbach, Senior Policy Analyst/Commission Secretary of Small Business Commission
John Carroll, Office of the Clerk of the Board

Attachments :
Planning Commission Resolution
Planning Department Executive Summary

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# PLANNING COMMISSION RESOLUTION NO. 21385

**HEARING DATE: SEPTEMBER 7, 2023**

| | |
|---|---|
| **Project Name:** | Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Case Number:** | 2023-005354PCA [Board File No. 230701] |
| **Initiated by:** | Mayor Breed / Introduced June 6, 2023 |
| **Staff Contact:** | Veronica Flores, Legislative Affairs<br>veronica.flores@sfgov.org, 628-652-7525 |
| **Reviewed by:** | Aaron D Starr, Manager of Legislative Affairs<br>aaron.starr@sfgov.org, (628) 652-7533 |

**RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE TO AMEND THE PLANNING CODE TO 1) PERMIT ADDITIONAL COMMERCIAL, RETAIL, AND RESTAURANT USES ON THE GROUND FLOOR IN CERTAIN NEIGHBORHOOD COMMERCIAL DISTRICTS (NCDS) AND RESIDENTIAL DISTRICTS; 2) PRINCIPALLY PERMIT FLEXIBLE RETAIL ON THE GROUND FLOOR IN NCDS AND CHINATOWN MIXED USE DISTRICTS; 3) CREATE PROFESSIONAL SERVICES AS A USE CATEGORY THAT MAY PROVIDE SERVICES TO THE PUBLIC AND BUSINESSES AND DELETE NON-RETAIL PROFESSIONAL SERVICE AND RETAIL PROFESSIONAL SERVICE USE SUBCATEGORIES; 4) CREATE REGULATIONS FOR MUSIC ENTERTAINMENT VENUES AND NON-PROFIT THEATERS DISTINCT FROM REGULATIONS FOR BARS; 5) ALLOW LIMITED CORNER COMMERCIAL USES IN CERTAIN RESIDENTIAL DISTRICTS; 6) CONDITIONALLY PERMIT FORMULA RETAIL AND RESTAURANT USES IN CERTAIN COMMERCIAL DISTRICTS; 7) AMEND SECTION 311 TO REMOVE NEIGHBORHOOD NOTICE REQUIREMENTS FOR CHANGES OF USE IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS; 8) EXPAND BUSINESS TYPES THAT QUALIFY FOR THE PLANNING DEPARTMENT PRIORITY REVIEW PROGRAM; 9) CLARIFY THAT MULTIPLE ALLOWABLE USES MAY CO-LOCATE ON ONE SITE; 10) CLARIFY AND MODIFY VARIOUS OTHER USE REGULATIONS AND PROCESSES; 11) ESTABLISH A PROCESS TO LEGALIZE CERTAIN UNPERMITTED OUTDOOR ACTIVITY AREAS INCLUDING RESTAURANT PATIOS; 12) PERMIT ADDITIONAL RETAIL AND NON-RETAIL USES IN SPECIFIED NCDS; AND 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.**

WHEREAS, on June 6, 2023 Mayor Breed introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 230701, which would amend the Planning Code to 1) permit additional commercial, retail, and restaurant uses on the ground floor in certain neighborhood commercial districts (NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor in NCDs and Chinatown mixed use districts; 3) create Professional Services as a use category that may provide services to the public and businesses and delete Non-Retail Professional Service and Retail Professional Service use subcategories; 4) create regulations for music entertainment venues and non-profit theaters distinct from regulations for Bars; 5) allow Limited Corner Commercial Uses in certain residential districts; 6) conditionally permit Formula Retail and Restaurant uses in certain commercial districts; 7) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts; 8) expand business types that qualify for the Planning Department priority review program; 9) clarify that multiple allowable uses may co-locate on one site; 10) clarify and modify various other use regulations and processes; 11) establish a process to legalize certain unpermitted outdoor activity areas including restaurant patios; 12) permit additional retail and non-retail uses in specified NCDs;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 7, 2023; and,

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

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

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

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

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

MOVED, that the Planning Commission hereby approves with modifications the proposed ordinance. The Commission's proposed recommendation are as follows:

1. Codify the CB3P Program under Section 303.2 (Priority Processing for Certain Uses in Commercial Spaces).
2. Mirror the LCCU Use Size limitations for the new eligible districts too i.e., up to 1,200 square feet in RM-1, RM-2, and all RH Districts (like RTO today).
3. Continue to regulate Retail Professional Services and Non-Retail Professional Services separately and maintain two separate definitions.
4. Eliminate the Mission Street Formula Retail Restaurant Subdistrict.

## 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 will permit more Commercial, Restaurant, and Retail Uses throughout the Zoning Districts.

The proposed Ordinance will support a diverse economy.

The Commission supported retaining the separate definitions and regulations for Retail Professional Services and Non-Retail Professional Services. However, if the final legislation were to combine the two Use definitions, the Commission requests that appropriate size limitations for coworking are set in place.

The Commission noted that some neighborhood commercial districts are more vibrant and have less vacancies than others. To that end, the Commission encouraged the Supervisors to continue to work with neighborhood groups and community organizations for other potential carveouts from this legislation.

## General Plan Compliance

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

### COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1
Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3
Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

OBJECTIVE 2
MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1
Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Policy 2.3
Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

OBJECTIVE 6
MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1
Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

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 6.4
Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

Policy 6.10
Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

*The proposed Ordinance supports the Commerce and Industry Element's goals of maintaining and supporting the economic growth of San Francisco. The proposed amendments expand new opportunities for businesses, while also strengthening the NCDs. Additionally, the proposed Ordinance provides more flexibility for small businesses to co-locate with other small businesses, which reduces costs to the individual retailers, and attract a more diverse customer base. The expanded Use allowances and additional flexibility helps address storefront vacancies and responds to the Commerce and Industry Element's objective of maintaining a diverse economic base. Lastly, the proposed Ordinances expands the potential LCCUs within the residential districts aligning with the Commerce and Industry Element's goal of ensuring essential retail goods and personal services accessible to all residents.*

## Planning Code Section 101 Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

7. That the landmarks and historic buildings be preserved;

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

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

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

**Planning Code Section 302 Findings.**

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

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

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 7, 2023.

Jonas P Ionin Digitally signed by Jonas P Ionin
Date: 2023.10.02 16:12:35 -07'00'

Jonas P. Ionin
Commission Secretary

AYES: Braun, Diamond, Imperial, Koppel, Moore, Tanner

NOES: None

ABSENT: None

RECUSED: Ruiz

ADOPTED: September 7, 2023

San Francisco Planning

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# EXECUTIVE SUMMARY
# PLANNING CODE TEXT AMENDMENT

**HEARING DATE: September 7, 2023**

**90-Day Deadline:** October 23, 2023

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|---|---|
| **Project Name:** | Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Case Number:** | 2023-005354PCA [Board File No. 230701] |
| **Initiated by:** | Mayor Breed / Introduced June 6, 2023 |
| **Staff Contact:** | Veronica Flores, Legislative Affairs<br>veronica.flores@sfgov.org, 628-652-7525 |
| **Reviewed by:** | Aaron D Starr, Manager of Legislative Affairs<br>aaron.starr@sfgov.org, (628) 652-7533 |
| **Recommendation:** | Approval with Modifications |

## Planning Code Amendment

The proposed Ordinance would amend the Planning Code to 1) permit additional commercial, retail, and restaurant uses on the ground floor in certain neighborhood commercial districts (NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor in NCDs and Chinatown mixed use districts; 3) create Professional Services as a use category that may provide services to the public and businesses and delete Non-Retail Professional Service and Retail Professional Service use subcategories; 4) create regulations for music entertainment venues and non-profit theaters distinct from regulations for Bars; 5) allow Limited Corner Commercial Uses in certain residential districts; 6) conditionally permit Formula Retail and Restaurant uses in certain commercial districts; 7) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts; 8) expand business types that qualify for the Planning Department priority review program; 9) clarify that multiple allowable uses may co-locate on one site; 10) clarify and modify various other use regulations and processes; 11) establish a process to legalize certain unpermitted outdoor activity areas including restaurant patios; and 12) permit additional retail and non-retail uses in specified NCDs.

| The Way It Is Now: | The Way It Would Be: |
|---|---|
| Use controls are dictated by the underlying Zoning District which either principally permit, conditionally permit, or not permit the Use. Each district prescribes their own Standards and Uses. | Zoning control tables would be amended to allow more business types on the ground floor in commercial areas and at residential corner commercial buildings. Some of the expanded controls are related to Restaurants, Limited Restaurants, Bars, Design Professionals, Financial Services, Health Services, among other Uses. For more detailed zoning changes by Use and District, see Exhibit C. |
| The Code regulates Principal and Accessory Uses. If a Use does not meet the controls for Accessory Uses, it is regulated as a Principal Use. As a result, the Code allows multiple Uses operating simultaneously on one Lot or in one structure without explicitly stating so (except in the case of Flexible Retail). | The Code would explicitly state that multiple Uses are permitted to simultaneously operate on one Lot or in one structure. If there is an Accessory Use, such Use needs to comply with applicable Accessory Use provisions. |
| Flexible Retail is comprised of at least two of the following Uses: Arts Activities, Limited Restaurant, General Retail Sales and Service, Personal Service, Retail Professional Service, or Trade Shop. Flexible Retail is permitted in NCDs within two geographic areas. The Use needs to comply with the underlying Zoning District's notice and entitlement requirements. If a Flexible Retail Use only operates one Use for a period of 90 days, the Flexible Retail Use is considered abandoned. | Flexible Retail would be principally permitted citywide. Section 179.2 discussing the Flexible Retail single-Use three-month abandonment clause is removed, and the standard three-year abandonment threshold would apply. |
| Limited Corner Commercial Uses (LCCUs) are only permitted within RM-3, RM-4, RTO, and RTO-M with certain depth and Use Size limitations pending the District. LCCUs are not permitted within the RM-1, RM-2, or any RH districts. | LCCUs would also be permitted within the RM-1, RM-2, and all RH districts on Corner Lots, with no part of the Use extending more than 50 feet in depth from the corner (like RTO today). |
| Outdoor Activity Areas (OOAs) are principally permitted within any NCD, NCT, WMUG, WMUO, SALI, and RED-MX Districts at the front of the property or if they follow the operating conditions listed in Section 202.2(a)(7). OOA seeking to operate beyond these conditions require Conditional Use Authorization (CUA). | An OOA would also be principally permitted at the rear of a building associated with a Limited Commercial Use (LCU) or LCCU. Further, there would be an "amnesty path" for an unpermitted OOA which may be legalized with a building permit if the Zoning Administrator (ZA) or designee determines the OOA has been regularly operating for at least 10 years prior to the effective date of the new Section 194. The applicant would need to apply for said building permit within one year of the Section 194 effective date. |

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| Neighborhood notification is required for a Change of Use within the Eastern Neighborhoods Mixed Use Districts. | Neighborhood notification would not be required for a Change of Use within the Eastern Neighborhoods Mixed Use Districts. Proposition H (Prop. H) already deleted this Change of Use notice requirement for principally permitted uses in NCDs, LCUs, and LCCUs. |
| Within the Mission Street NCT, ground floor commercial mergers resulting in a Use Size greater than 1,500 square feet are prohibited, except for Legacy Businesses, Arts Activities Uses, and Institutional Community Uses, or projects that submitted a development application to the Planning Department prior to July 31, 2018. | Within the Mission Street NCT, ground floor commercial mergers resulting in a Use Size greater than 1,500 square feet would be conditionally permitted. |
| Projects involving alcoholic sales,[1] proposing hours of operation beyond the principally permitted hours, and specific listed Uses are not permitted under the Priority Processing for Certain Uses in Commercial Spaces Program (Priority Processing). | The eligibility criterion for the Priority Processing Program would be expanded to also allow projects involving Bars, Nighttime Entertainment, and projects proposing hours beyond the principally permitted hours of operation. Additionally, the Ordinance re-inserts language from the original version of the Small Business Recovery Act (SBRA) legislation to amend Priority Processing to allow Uses that are established or expanding on the first story or below, or on the second story if it will connect to and operate on the first and second story of the building. This is a clarification amendment to respond to Lots with certain topography where the ground story entrance may lead to a subterranean story or vice-versa – this language makes it explicit that such projects would be eligible for Priority Processing. |
| There are different Use definitions and regulations for Retail Professional Service (generally open to the public) and Non-Retail Professional Service (serving other businesses). | All Professional Services would be regulated in the same manner by creating a new Retail Sales and Services definition of "Professionals Services". This would cover both Retail Professional Service and Non-Retail Professional Service and the old definitions, as well as references to them, would be deleted from the Code. Additionally, this new definition would allow any combination of permitted Professional Service Uses in a coworking space, which may include offices or conference rooms for hire on a daily or hourly basis. |

[1] Only projects seeking to sell beer and/or wine in conjunction with the operation of a Bona Fide Eating Place are currently eligible for Priority Processing.

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| General and Nighttime Entertainment music venues serving alcohol are regulated the same as Bars, except that non-profit theaters with a Type 64 Alcoholic Beverage Control (ABC) license are not considered a Bar use. The Planning Code does not mention the new Type 90 ABC license. | Bar, General Entertainment, and Nighttime Entertainment definitions would also explicitly note that Type 90 licenses (new type for music venues) would not be considered a Bar use. Additionally, the General and Nighttime Entertainment Use definitions would also explicitly note that non-profit theaters with a Type 64 license are not considered a Bar use. |

## Additional Amendments

The Mayor intends to introduce additional amendments related to a temporary five-year impact fee waiver for Change of Use projects. These amendments were already presented to and discussed at the Planning Commission hearing on July 13, 2023 under Case No. 2023-005461PCA. However, the amendments were mistakenly omitted from the legislation which passed its First Reading at the Board of Supervisors on July 25, 2023. This temporary impact fee waiver aligns with the goals of this Ordinance to support small businesses and will be incorporated at the Land Use and Transportation Committee hearing for this Ordinance. See Exhibit D for draft language.

## Background

In February 2018, the Office of Economic and Workforce Development published "State of the Retail Sector: Challenges and Opportunities for San Francisco's Neighborhood Commercial Districts" (the "Retail Study"). Prepared by Strategic Economics, the Retail Study included briefs studying: the national restructuring of the retail, restaurant, and personal services industries; the factors required to support successful San Francisco retail districts; opportunities, costs, and challenges for retail, restaurant, and personal services businesses in San Francisco; and the adaptations that businesses are making in response to changing conditions. The Retail Study informed the Flexible Retail Use and Small Business Permit Streamlining Ordinances as described below.

Flexible Retail

The Flexible Retail Use definition became effective January 7, 2019 to support small businesses within NCDs in two geographic zones.[2] Flexible Retail is a type of Retail Sales and Service Use that combines the following existing Uses: Arts Activities, Limited Restaurants, General Retail Sales and Services, Personal Services, Professional Services, and Trade Shops. Flexible Retail allows these Uses to be operated by one or more businesses within the same space. Once an establishment changes their Use to Flexible Retail, they are not required to obtain additional Use permits from the Planning Department if they develop one or more additional Use(s) that falls under the Flexible Retail Use category. This eliminates some land use and permitting requirements and allows retail businesses to co-locate within the same space, attracting more customers to increase revenue streams. To date, the Department has received only two applications to establish a Flexible Retail Use. The proposed Ordinance would allow the Flexible Retail Use citywide.

[2] Ordinance 285-18.

2019 Small Business Streamlining Ordinance

The Small Business Permit Streamlining Ordinance became effective on October 11, 2019.[3] This Ordinance removed bureaucratic hurdles, while also maintaining reasonable controls to ensure neighborhood compatibility. The Ordinance made certain Retail Sales and Service Uses more permissible in NC-1 Districts by reducing the ¼ mile buffer to 300 feet around NCDs with more restrictive controls compared to NC-1 Districts. This reduced buffer still ensured noncompatible or non-desirable uses were not allowed adjacent to Districts with their own specific controls. Further, the Ordinance removed the need for local businesses to seek a letter of determination from the ZA by clarifying alcohol license types in the Planning Code's Use definitions to align with state laws. The proposed Ordinance mirrors this approach and incorporates a new ABC license for music venues (Type 90) into the Planning Code. The Small Business Permit Streamlining Ordinance changes supported more commercial activity opportunities within our NCDs and assisted in reducing storefront vacancies.

Proposition H

Prop. H was a ballot initiative intended to support small businesses by streamlining City review processes and by providing existing businesses with greater flexibility to adapt their operations in response to the COVID-19 pandemic and shifting retail landscape. The San Francisco Chronicle reported in summer 2020 that more than 2,000 Bay Area businesses had permanently closed since March 2020 and approximately an additional 3,000 more businesses had temporarily closed. Prop. H was a direct response to these closures and to help small businesses thrive overall. This initiative was submitted to the Department of Elections on November 3, 2020 and became effective on December 25, 2020.

Small Business Recovery Act

The SBRA built on the Prop. H efforts to further support small businesses.[4] The three primary goals of the SBRA included: further cutting bureaucracy, enhancing flexibility for small businesses, and targeting protections and opportunities for entertainment and cultural establishments. The SBRA legislation became effective September 3, 2021. This legislation is the next phase of these efforts to expand opportunities for commercial businesses in San Francisco.

## Issues and Considerations

### Zoning Controls

Multiple Uses on Site

Land Use is regulated differently in each Zoning District, each of which specifies what Uses are permitted, conditionally permitted, or not permitted at all. More than one use may be permitted in a building, so long as both uses have been established with a Change of Use permit. Alternatively, a primary use may also have an Accessory Use; however, Accessory Uses must be "either necessary to the operation or enjoyment of a lawful Principal Use or Conditional Use, or appropriate, incidental, and subordinate to any such use." Currently, the Code does not explicitly state that more than one Use may be on one lot or in one building; moreover, this has always been understood as permissible. This Ordinance seeks to remove any ambiguity by adding a provision to Section 202.2(i) that states as such.

[3] Ordinance 205-19.
[4] Ordinance No. 111-21.

Opening our NC Districts to More Businesses

Since the 1980s when the City established its current NCDs, the trends have been to pass more restrictive zoning controls. This is possible because of individualized or named NCDs that enable the creation of bespoke land use controls for each neighborhood. Many of the more restrictive controls were done in response to specific concerns in each neighborhood. For example, one neighborhood might have concerns about an overconcentration of Restaurants, so they petitioned to have Restaurants prohibited or made contingent upon Conditional Use approval. Over time, these individualized controls have made it more difficult to open new businesses, potentially prolonging storefront vacancies. They have also resulted in a complicated Planning Code that is difficult to implement and confusing for the public to understand. More recently, the City has passed legislation to simplify the Code and make Uses more permissible. This has been particularly helpful for small and emerging businesses and helps address storefront vacancies. The amendments proposed in this Ordinance to further simplify the Code make it easier to open new businesses in San Francisco.

## Priority Projects

The Planning Commission adopted the Community Business Priority Processing Program (CB3P) as the successor program to the Small Business Priority Processing Pilot Program (SB4P) in 2015.[5] The intent was to support the business community – especially small and mid-sized businesses – and to increase efficiencies in the way the Commission and Department handle related applications. Projects that qualify for, and enroll in, CB3P are guaranteed (1) a hearing date within 90 days of filing a complete application and (2) placement on the Planning Commission's consent calendar.

The Priority Processing for Certain Uses in Commercial Space: Expedited Conditional Use Review and Approval Process and Reduced Application Fee (Priority Processing) is a separate program codified under Section 303.2.[6] The Priority Processing Program also guarantees eligible projects a public hearing on the Planning Commission's consent calendar within 90 days of receipt of a complete application, with a potential one-time extension of no more than 60 days for certain requests. This Priority Processing Program expanded the eligible projects applicable under CB3P. The main differences for eligibility criterion are summarized below:

- Formula Retail uses with less than 20 other establishments are eligible under CB3P but not Priority Processing;
- Uses not allowed under CB3P but allowed under Priority Processing include: Massage Establishments, Outdoor Activity Area, Liquor Store, or ground floor Office Uses, and
- Priority Processing does not allow projects within Calle 24 SUD.

In addition to slightly different eligibility criteria, Priority Processing includes a reduced application fee of 50% the application rate. Additionally, if the Planning Commission does not hold a hearing on a Priority Processing-eligible project within 90 days the application is deemed complete (or by additional time allotted if the Commission continues the matter), the applicant is entitled to a full refund of the application fee.

Due to their largely overlapping goals and similar eligibility criterion, the CB3P application was modified to reflect the adoption of Priority Processing. The Department recognizes there are slight differences between CB3P

[5] Resolution No. 19323.
[6] Ordinance No. 139-20.

and Priority Processing but have consolidated the two programs for ease of implementation for small businesses.

Of note, the Planning Department is also working with other permitting agencies to develop a universal set of priority processing guidelines. This effort will help combat the competing priorities so that City agencies can collaboratively prioritize projects, further assisting small businesses.

### Limited Commercial Uses and Limited Corner Commercial Uses

In the 1970s when the City adopted the RH zoning districts, it prohibited all commercial uses in these new residential districts. This included small corner stores or any other low impact commercial use. To maintain neighborhood vitality and convenience, these historic uses were later "grandfathered" in and categorized as Limited Commercial Uses (LCUs). The City still maintains a master list of all LCUs in the city. LCUs are typically small commercial storefronts, like corner grocery stores or coffee shops in residential districts. While you cannot add new commercial spaces like this to RH Districts, the Code allows these historic land uses to persist in perpetuity. The Code was also recently amended to allow LCUs to be reconstituted through the Conditional Use process if they had been abandoned.

As part of the Market Octavia Plan, the City amended the Planning Code to allow new LCUs in RTO, RTO-M, RM-3, and RM-4 Districts, which are called Limited Corner Commercial Uses, or LCCUs. LCCUs are limited in size and location to remain compatible with the more residential surrounding neighborhoods. The existing and proposed LCCU permissions and depth allowances are as follows:

| Zoning Districts | The Way It Is Now | The Way It Would Be |
|---|---|---|
| All RH | Not Permitted | Permitted up to 50 feet from corner |
| RM-1 and RM-2 | Not Permitted | Permitted up to 50 feet from corner |
| RM-3 and RM-4 | Permitted up to 100 feet from corner | No change |
| RTO | Permitted up to 50 feet from corner | No change |
| RTO-M | Permitted up to 100 feet from corner | No change |

LCUs and LCCUs have been a vital part of residential neighborhoods by providing convenience goods and neighborhood-services within a short distance of residents' homes. They are not currently permitted within the RM-1, RM-2, or any RH district; however, this Ordinance will amend the Planning code to allow them in those districts. Expanding these allowances further supports the City's neighborhood-serving retail and San Francisco residents.

### Outdoor Activity Areas

OOAs are principally permitted within any NCD, NCT, WMUG, WMUO, SALI, and RED-MX Districts at the front of the property <u>or</u> if they follow the operating conditions listed in Section 202.2(a)(7). This section outlines "good neighbor" policies the business owner is responsible for to ensure harmony between customers visiting the OOA and the nearby residents. Any OOA at the rear of the building that does not comply with these operating conditions requires a CUA. OOAs located at the front of the property in an NC District and comply with Section 145.2 are also principally permitted.

The proposed Ordinance would also principally permit an OOA at the rear of a building associated with an LCU or LCCU, including those proposed within RH districts. Such OOAs would also be subject to the "good neighbor" policies listed in Section 202.2(a)(7). Proposed OOAs associated with any LCU or LCCUs not complying with Section 202.2(a)(7) would not be permitted to ensure compatibility with the adjacent residential neighbors.

Unpermitted OOAs require a building permit or CUA to establish them. The proposed Ordinance would principally permit OOAs, pending verification from the ZA, or designee, that it has existed for at least 10 years. This would allow qualifying OOAs in the rear of a Bar to be established through a building permit application, instead of a CUA which would typically be required. The CUA for an OOA behind a Bar Use allows interested neighbors an opportunity to raise any concerns, and for the Planning Commission to determine if the OOA is appropriate at that location. Those Bars operating OOAs for at least 10 years without complaint are likely to continue with their relations in the neighborhood and not raise any excessive noise issues within the neighborhood.

### Base ABC License Types versus Planning Code Definitions

The Planning Code defines "Bar" and "Restaurant" uses to include several state liquor license types. The Small Business Permit Streamlining Ordinance effective in 2019 provided clear guidance regarding the treatment of businesses with several types of licenses by incorporating new ABC license types within the Planning Code Use definitions. Prior to these changes, the lack of clear guidance in the Planning Code often led to confusion about whether certain Licenses would create a Bar within other Uses such as non-profit theaters in the case of a Type 64 license.

ABC recently created a new Type 90 license authorizing a music entertainment facility, which may be open to all ages, to provide alcoholic beverage service to adult patrons, including beer, wine, and distilled spirits. Section 102 does not mention a Type 90 liquor license in any of the Use definitions. Adding the Type 90 to the definitions of Bar, General Entertainment, and Nighttime Entertainment Uses will ensure there is no conflict with the operating conditions of the license in the State Code. Alcohol sales would be permitted from two-hours before and until one hour after a live performance within Nighttime Entertainment Uses. General Entertainment Uses would not be permitted to serve alcohol during a live performance. However, a Bar use could be established in conjunction with a General Entertainment Use. Once established as a Bar, that Bar could serve alcohol before, during, and after live performances or with any other type of General Entertainment Use called out in that definition.

### Professional Services

The Planning Code has two Use definitions related to Professional Services: Retail Professional Service and Non-Retail Professional Service. Both encompass uses that provide professional services including, but not limited to, management, clerical, accounting, legal, consulting, insurance, real estate brokerage, and travel services. Both Uses exclude research service of an industrial or scientific nature in a commercial or medical laboratory, other than routine medical testing and analysis by a health-care professional or hospital.

> Retail Professional Services are open to the general public and thus activate the street, while Non-Retail Professional Services do not.

The key difference between the Uses is that Retail Professional Services primarily serve the public, while Non-Retail Professional Services primarily serve other businesses. (Retail Professional Services can still serve other businesses if they also provide services to the public.) The original intent of the separate definitions was to prevent Office Uses within the NCDs, while still allowing for specific types of Uses under Retail Professional Services. The distinction between these two Uses helps ensure a more vibrant streetscape by allowing businesses open to the public to locate at the ground floor, while limiting those not open to the public on the upper floors.

### General Plan Compliance

The proposed Ordinance supports the Commerce and Industry Element's goals of maintaining and supporting the economic growth of San Francisco. The proposed amendments expand new opportunities for businesses, while also strengthening the NCDs. Additionally, the proposed Ordinance provides more flexibility for small businesses to co-locate with other small businesses, which reduces costs to the individual retailers, and attract a more diverse customer base. The expanded Use allowances and additional flexibility helps address storefront vacancies and responds to the Commerce and Industry Element's objective of maintaining a diverse economic base. Lastly, the proposed Ordinances expands the potential LCCUs within the residential districts aligning with the Commerce and Industry Element's goal of ensuring essential retail goods and personal services accessible to all residents.

### Racial and Social Equity Analysis

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

The proposed amendments will simplify the permit process and expand flexibility. These changes will make the process of opening and operating small businesses easier. Particularly as we navigate the post-COVID economy, the City needs to reduce process that can prolong the time a new business is paying rent, and potentially employees, while waiting for permit approvals. These changes also benefit potential employees by creating more jobs in the neighborhoods. Additionally, future patrons will have easier access to goods and services. Existing business owners may also benefit as the vacant storefronts start to fill up more because it creates a more vibrant, welcoming environment in the neighborhoods, and may also attract new customers visiting the new business(es).

In the first year Prop. H became effective, approximately 75% of Prop. H applicants have been Black, American Indian, and people of color, and approximately 42% women-owned businesses. Expanding on these efforts will continue to support Black, American Indian, and people of color populations, both business owners and their current and future employees. Retail employees tend to be younger and are disproportionately women and Black, American Indian, and people of color. The proposed Ordinance could create additional service-industry and professional employment opportunities for residents through expanded opportunities for Restaurants, Limited Restaurants, Health Services, and other Uses.

### Implementation

The Department has determined that this Ordinance will impact our current implementation procedures; however, the proposed changes can be implemented without increasing permit costs or review time. However, the expansion of Flexible Retail Uses throughout the City will make it more difficult to track, particularly if a minimum of two specific Uses are required at the property at any given time.

## Recommendation

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

1. Codify the CB3P Program under Section 303.2 (Priority Processing for Certain Uses in Commercial Spaces).
2. Mirror the LCCU Use Size limitations for the new eligible districts too i.e., up to 1,200 square feet in RM-1, RM-2, and all RH Districts (like RTO today).
3. Continue to regulate Retail Professional Services and Non-Retail Professional Services separately and maintain two separate definitions.
4. Eliminate the Mission Street Formula Retail Restaurant Subdistrict.

### Basis for Recommendation

The Department supports the proposed Ordinance's goals supporting small businesses seeking City permits. This legislation builds on past efforts such as Prop. H and SBRA to remove unnecessary and restrictive bureaucratic hurdles, while also maintaining reasonable controls to ensure neighborhood compatibility. As a result, the proposed Ordinance helps alleviate storefront vacancies, makes it easier for businesses to open, and attracts new businesses into San Francisco. The proposed Ordinance could better support small businesses and overall city development patterns with the following recommended modifications:

Recommendation 1: Codify the CB3P Program under Section 303.2 (Priority Processing for Certain Uses in Commercial Spaces).

There are currently two separate priority processing programs. The Department is concerned that as more and more projects are deemed to be a priority, there is no clear priority amongst all the projects. CB3P and Priority Processing currently have different eligibility criterion and some Uses are eligible for one program but not the other. For example, Massage Establishments and Outdoor Activity Areas qualify under Priority Processing, but not CB3P. Both programs are limited to Changes of Use, tenant improvements, and do not allow the demolition of Dwelling Units, among other eligibility criteria.

Due to their similar goals and largely overlapping eligibility criterion, the CB3P application was modified to reflect the adoption of Priority Processing. The Department recommends officially combining the two programs within Section 303.2 for clarity and consistency. The Department recommends that the eligibility criterion retain only those overlapping Uses so that the revised Priority Processing program applies to as many projects as possible to further support small businesses. Additionally, the Planning Department believes the combined

program should not include the reduced fee or fee refund because we diligently meet the target goals for both programs. This combined program should also be revisited once the universal priority processing guidelines across permitting agencies is established.

Recommendation 2: Mirror the LCCU Use Size limitations for the new eligible districts too i.e., up to 1,200 square feet in RM-1, RM-2, and all RH Districts (like RTO today).

LCCUs are currently allowed in RTO districts up to 1,200 square feet in size and in RM-3, RM-4, and RTO-M districts up to 2,500 square feet in size. The proposed Ordinance would also allow new LCCUs within RM-1, RM-2, and all RH Districts, but does not specify a Use Size limit (only the maximum depth of up to 50 feet). The proposed Ordinance should make these additional districts consistent by replicating the Use Size limit prescribed for RTO districts. Without such change, the new LCCUs within RM-1, RM-2, and all RH districts would only be limited by the maximum depth of 50 along each street frontage, which could result in a Use Size of 2,500 square feet. RH, RM-1, and RM-2 Districts are residential in nature and this recommended modification would make these ancillary non-residential uses more compatible in the area while still meeting residents' needs.

Recommendation 3: Continue to regulate Retail Professional Services and Non-Retail Professional Services separately and maintain two separate definitions.

The original intent of this portion of the proposed Ordinance was to also allow coworking spaces as a Non-Retail Professional Services. In which case, they would be regulated the same way as Retail Professional Services. As a result, the drafted legislation combines the two Use definitions, adding new language to allow coworking spaces. However, the NCDs strive to provide neighborhood-serving uses, provide convenient retail goods and services to nearby residents, and create a vibrant neighborhood. Non-Retail Professional Services primarily serving other businesses are more akin to Office Uses, and do not yield the active foot-traffic we look for in the NCDs. However, Retail Professional Services are open to the public and help activate streets, making them an appropriate use within NCDs.

Despite providing the same types of services, Retail Professional Services and Non-Retail Professional Services have a different impact on the surrounding neighborhoods. The Department is wary that allowing coworking spaces would yield the same effect as Non-Retail Professional Services and Offices, negatively affecting the NCDs. Staff respectfully believes these Uses should be regulated differently and the two separate definitions be retained.

Further, coworking spaces meeting certain size and location requirements may qualify under a recently created Use definition of Flexible Workspace:[7]

> Flexible Workspace. A Retail Sales and Service Use that is a combination of any Uses within the Retail Sales and Service use category or a General Entertainment use that operates in conjunction with a principally or conditionally permitted Non-Retail Sales and Service Use other than a Commercial Storage, Wholesale Sales, or Wholesale Storage use. The Retail Sales and Service or General Entertainment portion of the Use shall be at least one-third of the overall Gross Floor Area and must face the street.

[7] Ordinance 122-23.

This new definition creates a path for a potential coworking space to be established as an active Use within the C-3 Districts in conjunction with a Retail Sales and Service or General Entertainment Use meeting size and location requirements. This new definition could be incorporated into other Zoning Districts to also allow potential coworking spaces.

The Planning Commission discussion regarding the new Flexible Workspace definition involved requiring the active Use to face the street to ensure an active storefront. However, the proposed Professional Service definition would allow coworking space to face the street, going against the Planning Commission's desires of an active storefront. Given there is already another path for potential coworking spaces and because of the desire to maintain vibrant NCDs and Non-Retail Professional Services and Retail Professional Services should be defined and regulated separately through the status quo.

Recommendation 4: Eliminate the Mission Street Formula Retail Restaurant Subdistrict.
As drafted, this Ordinance would allow a Formula Retail Restaurant on the ground floor within the Mission Street Formula Retail Restaurant Subdistrict with Conditional Use. The Department supports these efforts to allow more types of businesses within our neighborhoods. However, all Formula Retail projects already require a CUA, making this Subdistrict redundant.

This Subdistrict primarily overlaps with the Mission Street NCT and Mission Bernal NCD.[8] The Mission Street NCT does not permit Restaurants on the second floor and above, so the Subdistrict is negligible here as well. Mission Bernal NCD, however, does permit Restaurants on the second floor. As drafted, a Formula Retail Restaurant would not be permitted on the second floor within the Mission Bernal NCD. The Formula Retail controls are more targeted towards the ground floor, and the visual and neighborhood impacts Formula Retail establishments have there including signage for Formula Retail establishments. We are not as concerned with Formula Retail on the second floor and above and suggest eliminating this Subdistrict.

## Required Commission Action

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

## Environmental Review

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

## Public Comment

The Planning Department received approximately 50 public comments regarding the proposed Ordinance. Most of the comments were in support of the proposed legislation and the efforts to revitalize neighborhoods and support small businesses. Community groups and organizations in support of the legislation include but are not limited to the Glen Park Merchants Association, Golden Gate Restaurant Association, Hotel Council of San Francisco, the Mid-Market Business Association and Foundation, Mission Merchants Association, Northern Neighbors, SF New Deal, and SF YIMBY. There was strong support for expanding more allowable uses in our

[8] There are also a few properties within the Mission Street Formula Retail Restaurant Subdistrict zoned as UMU or P.

neighborhoods which helps address filling storefront vacancies, removing bureaucratic hurdles that have made it difficult for businesses to open, and allowing Flexible Retail citywide.

There were few comments that shared a few concerns regarding the proposed legislation. Two comments from business owners in the Mission generally supported the Ordinance but hoped to see more restrictions lifted within the Mission Street NCT, particularly with respect to the cap on Eating and Drinking Establishments. Additionally, the Haight Ashbury Merchants Association also shared general support for the legislation but expressed concerns with allowing Health Services on the ground floor within the Haight Ashbury NCD with Conditional Use. The Golden Gate Valley Neighborhood Association also did not support lifting the Bar restrictions within various NCDs including the Union Street NCD.

Some of these public comments also did not directly relate to specific amendments within the proposed Ordinance so the Planning Department shared these with the Office of Small Business with the goal they can further support small businesses on some of these concerns. The full public comments are included in Exhibit E.

**Attachments:**

| | |
|---|---|
| Exhibit A: | Draft Planning Commission Resolution |
| Exhibit B: | Board of Supervisors File No. 230701 |
| Exhibit C: | Summary of Zoning Changes |
| Exhibit D: | Draft Amendments Related to Temporary Five-Year Impact Fee Waiver |
| Exhibit E: | Public Comments |

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San Francisco Planning

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EXHIBIT A

# PLANNING COMMISSION DRAFT RESOLUTION

**HEARING DATE: September 7, 2023**

| | |
|---|---|
| **Project Name:** | Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Case Number:** | 2023-005354PCA [Board File No. 230701] |
| **Initiated by:** | Mayor Breed / Introduced June 6, 2023 |
| **Staff Contact:** | Veronica Flores, Legislative Affairs<br>veronica.flores@sfgov.org, 628-652-7525 |
| **Reviewed by:** | Aaron D Starr, Manager of Legislative Affairs<br>aaron.starr@sfgov.org, (628) 652-7533 |

**RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE TO AMEND THE PLANNING CODE TO 1) PERMIT ADDITIONAL COMMERCIAL, RETAIL, AND RESTAURANT USES ON THE GROUND FLOOR IN CERTAIN NEIGHBORHOOD COMMERCIAL DISTRICTS (NCDS) AND RESIDENTIAL DISTRICTS; 2) PRINCIPALLY PERMIT FLEXIBLE RETAIL ON THE GROUND FLOOR IN NCDS AND CHINATOWN MIXED USE DISTRICTS; 3) CREATE PROFESSIONAL SERVICES AS A USE CATEGORY THAT MAY PROVIDE SERVICES TO THE PUBLIC AND BUSINESSES AND DELETE NON-RETAIL PROFESSIONAL SERVICE AND RETAIL PROFESSIONAL SERVICE USE SUBCATEGORIES; 4) CREATE REGULATIONS FOR MUSIC ENTERTAINMENT VENUES AND NON-PROFIT THEATERS DISTINCT FROM REGULATIONS FOR BARS; 5) ALLOW LIMITED CORNER COMMERCIAL USES IN CERTAIN RESIDENTIAL DISTRICTS; 6) CONDITIONALLY PERMIT FORMULA RETAIL AND RESTAURANT USES IN CERTAIN COMMERCIAL DISTRICTS; 7) AMEND SECTION 311 TO REMOVE NEIGHBORHOOD NOTICE REQUIREMENTS FOR CHANGES OF USE IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS; 8) EXPAND BUSINESS TYPES THAT QUALIFY FOR THE PLANNING DEPARTMENT PRIORITY REVIEW PROGRAM; 9) CLARIFY THAT MULTIPLE ALLOWABLE USES MAY CO-LOCATE ON ONE SITE; 10) CLARIFY AND MODIFY VARIOUS OTHER USE REGULATIONS AND PROCESSES; 11) ESTABLISH A PROCESS TO LEGALIZE CERTAIN UNPERMITTED OUTDOOR ACTIVITY AREAS INCLUDING RESTAURANT PATIOS; 12) PERMIT ADDITIONAL RETAIL AND NON-RETAIL USES IN SPECIFIED NCDS; AND 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.**

WHEREAS, on June 6, 2023 Mayor Breed introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 230701, which would amend the Planning Code to 1) permit additional commercial, retail, and restaurant uses on the ground floor in certain neighborhood commercial districts (NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor in NCDs and Chinatown mixed use districts; 3) create Professional Services as a use category that may provide services to the public and businesses and delete Non-Retail Professional Service and Retail Professional Service use subcategories; 4) create regulations for music entertainment venues and non-profit theaters distinct from regulations for Bars; 5) allow Limited Corner Commercial Uses in certain residential districts; 6) conditionally permit Formula Retail and Restaurant uses in certain commercial districts; 7) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts; 8) expand business types that qualify for the Planning Department priority review program; 9) clarify that multiple allowable uses may co-locate on one site; 10) clarify and modify various other use regulations and processes; 11) establish a process to legalize certain unpermitted outdoor activity areas including restaurant patios; 12) permit additional retail and non-retail uses in specified NCDs;

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 7, 2023; and,

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

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

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

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

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

MOVED, that the Planning Commission hereby approves with modifications the proposed ordinance. The Commission's proposed recommendation are as follows:

1. Codify the CB3P Program under Section 303.2 (Priority Processing for Certain Uses in Commercial Spaces).

2. Mirror the LCCU Use Size limitations for the new eligible districts too i.e., up to 1,200 square feet in RM-1, RM-2, and all RH Districts (like RTO today).

3. Continue to regulate Retail Professional Services and Non-Retail Professional Services separately and

maintain two separate definitions.

4. Eliminate the Mission Street Formula Retail Restaurant Subdistrict.

## 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 will permit more Commercial, Restaurant, and Retail Uses throughout the Zoning Districts.

The proposed Ordinance will support a diverse economy.

### General Plan Compliance

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

#### COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 1
MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.1
Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences that cannot be mitigated.

Policy 1.3
Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

OBJECTIVE 2
MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1
Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Policy 2.3
Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

OBJECTIVE 6

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

Policy 6.1
Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

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 6.4
Encourage the location of neighborhood shopping areas throughout the city so that essential retail goods and personal services are accessible to all residents.

Policy 6.10
Promote neighborhood commercial revitalization, including community-based and other economic development efforts where feasible.

*The proposed Ordinance supports the Commerce and Industry Element's goals of maintaining and supporting the economic growth of San Francisco. The proposed amendments expand new opportunities for businesses, while also strengthening the NCDs. Additionally, the proposed Ordinance provides more flexibility for small businesses to co-locate with other small businesses, which reduces costs to the individual retailers, and attract a more diverse customer base. The expanded Use allowances and additional flexibility helps address storefront vacancies and responds to the Commerce and Industry Element's objective of maintaining a diverse economic base. Lastly, the proposed Ordinances expands the potential LCCUs within the residential districts aligning with the Commerce and Industry Element's goal of ensuring essential retail goods and personal services accessible to all residents.*

## Planning Code Section 101 Findings

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

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

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

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

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

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

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

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

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

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

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

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

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

7. That the landmarks and historic buildings be preserved;

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

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

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

**Planning Code Section 302 Findings.**

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

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

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 7, 2023.

Jonas P. Ionin
*Commission Secretary*

AYES: List commissioners in alphabetical order

NOES: see above, or put: None

ABSENT: see above or put: None

ADOPTED: September 7, 2023

# EXHIBIT B

[Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses]

**Ordinance amending the Planning Code to 1) permit additional commercial, retail, and restaurant uses on the ground floor in certain neighborhood commercial districts (NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor in NCDs and Chinatown mixed use districts; 3) create Professional Services as a use category that may provide services to the public and businesses and delete Non-Retail Professional Service and Retail Professional Service use subcategories; 4) create regulations for music entertainment venues and non-profit theaters distinct from regulations for Bars; 5) allow Limited Corner Commercial Uses in certain residential districts; 6) conditionally permit Formula Retail and Restaurant uses in certain commercial and residential districts; 7) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts; 8) expand business types that qualify for the Planning Department priority review program; 9) clarify that multiple allowable uses may co-locate on one site; 10) clarify and modify various other use regulations and processes; 11) establish a process to legalize certain unpermitted outdoor activity areas including restaurant patios; 12) permit additional retail and non-retail uses in specified NCDs; and 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.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
**Additions to Codes** are in *single-underline italics Times New Roman font*.
**Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
**Board amendment additions** are in double-underlined Arial font.
**Board amendment deletions** are in ~~strikethrough Arial font~~.

**Asterisks (*  *  *  *)** indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Environmental and Land Use Findings.

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

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

(c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. _____, and the Board incorporates such reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. _____.

Section 2. Articles 1, 2, 3, 7, and 8 of the Planning Code are hereby amended by revising Sections 102, 186, 202.2, 202.9, 209.1, 209.2, 209.4, 210.3, 231, 249.25, 249.60, 249.64, 303.1, 303.2, 311, 703, 703.9, 710, 711, 712, 713, 714, 715, 716, 718, 719, 720, 722,

723, 724, 725, 726, 727, 728, 729, 730, 734, 738, 739, 740, 741, 744, 750, 751, 752, 753, 754, 755, 756, 757, 758, 762, 763, 764, 780.1, 780.3, 781.1, 781.5, 781.6, 781.7, 781.9, 810, 811, and 812; adding Section 194; and deleting Section 179.2, to read as follows:

**SEC. 102. DEFINITIONS.**

* * * *

***Bar***. A Retail Sales and Service Use that provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine, and/or liquor to the customer where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] license types 23, 42, 48, or 61), drinking establishments serving beer where minors are present (with ABC license types 40 or 60) in conjunction with other uses such as Movie Theaters and General Entertainment, and bars serving wine operated by licensed winegrowers (with ABC license type 02). Such businesses shall operate with the specified conditions in Section 202.2(a). A non-profit theater that provides on-site alcoholic beverage sales only for consumption by ticket-holding patrons on the premises, with ABC license type 64, shall not be considered a Bar use. *A music entertainment facility that is authorized to sell beer, wine, and distilled spirits at retail for consumption on the premises, with ABC license type 90, shall not be considered a Bar use.*

* * * *

***Design Professional.*** A Non-Retail Sales and Service Use that provides professional design services to the general public or to other businesses and includes architectural, landscape architectural, engineering, interior design, and industrial design services. It does not include (1) the design services of graphic artists or other visual artists which are included in the definition of Arts Activities; or (2) the services of advertising agencies or other services which are included in the definition of Professional Service ~~*or Non-Retail Professional Service*~~,

Financial Service, or Health Service. Design Professional in Neighborhood Commercial Districts is subject to the operating restrictions outlined in Section 202.2(i).

* * * *

***Entertainment, General.*** A Retail Entertainment, Arts and Recreation Use that provides entertainment or leisure pursuits to the general public including dramatic and musical performances where alcohol is not served during performances, arcades that provide eleven or more amusement game devices (such as video games, pinball machines, or other such similar mechanical and electronic amusement devices), billiard halls, bowling alleys, skating rinks, and mini-golf, when conducted within a completely enclosed building, and which is adequately soundproofed or insulated so as to confine incidental noise to the premises. Mechanical amusement devices are further regulated in Sections 1036 through 1036.24 of the Police Code. *The use may include a non-profit theater with ABC license Type 64 and a music entertainment facility with ABC license Type 90, provided that alcohol is not served during performances.*

***Entertainment, Nighttime.*** A Retail Entertainment, Arts and Recreation Use that includes dance halls, discotheques, nightclubs, private clubs, and other similar evening-oriented entertainment activities which require dance hall keeper police permits or Place of Entertainment police permits, as defined in Section 1060 of the Police Code, which are not limited to non-amplified live entertainment, including Restaurants and Bars which present such activities. Nighttime Entertainment uses do not include any Arts Activity, any theater performance space which does not serve alcoholic beverages during performances, or any temporary uses permitted pursuant to Sections 205 through 205.5 of this Code. This use is also subject to the controls in Section 202.11. Nighttime Entertainment uses are subject to the Entertainment Commission's Good Neighbor Policy. *The use may include a non-profit theater with ABC license Type 64 and a music entertainment facility with ABC license Type 90.*

* * * *

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

(1) Arts Activities;

(2) Restaurant, Limited;

(3) Retail Sales and Services, General;

(4) Service, Personal;

(5) Service, ~~*Retail*~~ Professional; and

(6) Trade Shop.

* * * *

***Office Use.*** A grouping of uses that includes General Office~~*, Retail Professional Services,*~~ and ~~*Non-Retail*~~Professional Services. This use shall exclude: retail uses other than ~~*Retail*~~ Professional Services; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods.

* * * *

***Sales and Services, Non-Retail.*** A Commercial Use category that includes Uses that involve the sale of goods or services to other businesses rather than the end user, or that does not provide for direct sales to the consumer on site. Uses in this category include, but are not limited to: Business Services, Catering, Commercial Storage, Design Professional, General Office, Laboratory, Life Science, ~~*Non-Retail Professional Service,*~~ Trade Office, Wholesale Sales, and Wholesale Storage.

***Sales and Services, Retail.*** A Commercial Use category that includes Uses that involve the sale of goods, typically in small quantities, or services directly to the ultimate consumer or end user with some space for retail service on site, excluding Retail Entertainment Arts and Recreation, and Retail Automobile Uses and including, but not limited to: Adult Business, Animal Hospital, Bar, Cannabis Retail, Chair and Foot Massage, Tourist Oriented Gift Store, General Grocery, Specialty Grocery, Gym, Hotel, Jewelry Store, Kennel, Laundromat, Liquor Store, Massage Establishment, Mortuary (Columbarium), Motel, Non-Auto Sales, Pharmacy, Restaurant, Limited Restaurant, General Retail Sales and Service, Financial Service, Fringe Financial Service, Limited Financial Service, Health Service, Personal Service, ~~*Retail*~~Professional Service, Self-Storage, Tobacco Paraphernalia Establishment, and Trade Shop.

* * * *

~~***Service, Non-Retail Professional.*** *A Non-Retail Sales and Service Office Use that provides professional services primarily to other businesses including, but not limited to, accounting, legal, consulting, insurance, real estate brokerage, advertising agencies, public relations agencies, computer and data processing services, employment agencies, management consultants and other similar consultants, telephone message services, and travel services. This use may also provide services to the general public but is not required to. This use shall not include research services of an industrial or scientific nature in a commercial or medical laboratory, other than routine medical testing and analysis by a health-care professional or hospital.*~~

* * * *

***Service, Professional.*** *A Retail Sales and Service Use that provides professional services including, but not limited to, accounting, legal, consulting, insurance, real estate brokerage, advertising agencies, public relations agencies, computer and data processing services, employment agencies, management consultants and other similar consultants, telephone message services, and*

*travel services. This use includes any combination of permitted Professional Service uses in a co-working space, which may include offices or conference rooms for hire on a daily or hourly basis. This use shall not include research services of an industrial or scientific nature in a commercial or medical laboratory, other than routine medical testing and analysis by a health-care professional or hospital.*

~~***Service, Retail Professional.*** *A Retail Sales and Service Use that provides primarily 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 102.*~~

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

* * * *

~~***SEC. 179.2. FLEXIBLE RETAIL USES.***~~

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

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

**SEC. 186. EXEMPTION OF LIMITED COMMERCIAL AND INDUSTRIAL NONCONFORMING USES IN RH, RM, RTO, AND RED DISTRICTS.**

* * * *

(a) **Exemption from Termination Provisions.** The following nonconforming uses in R Districts shall be exempt from the termination provisions of Section 185, provided such uses comply with all the conditions specified in subsection (b) below:

(1) Any nonconforming use at any Story in an RTO, RH, or RM District which is located more than one-quarter of one mile from any of the Restricted Use Subdistricts specified in subsection (a)(3) below, and which complies with the use limitations specified for the First Story and below of an NC-1 District, as set forth in Section 710 of this Code.

(2) Any nonconforming use in an RTO, RH, or RM District which is located within one-quarter of one mile from any of the Restricted Use Subdistricts specified in subsection (a)(3) below and which complies with the most restrictive use limitations specified for the First Story and below of:

(A) an NC-1 District, as set forth in Section 710 of this Code;

(B) Any of the specified Restricted Use Subdistricts specified in subsection (a)(3) below.

(3) Subsections (a)(1) and (a)(2) above apply to the following Restricted Use Subdistricts: the Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict set forth in Section 781.4 of this Code; the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict set forth in Section 781.6 of this Code; the Lower Polk Street Alcohol Restricted Use District set forth in Section 788 of this Code; and the Third Street Formula Retail Restricted Use District set forth in Section 786 of this Code; and the Mission Street Formula Retail Restaurant Subdistrict as set forth in Section 781.5 of this Code.

* * * *

(b) **Conditions on Limited Nonconforming Uses.** The limited nonconforming uses described above shall meet the following conditions:

(1) The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood;

(2) Any signs on the property shall be made to comply with the requirements of Section 606(c) of this Code for Limited Commercial uses;

(3) The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m., however, the Planning Commission may extend the hours of operation to 12:00 a.m. through Conditional Use authorization, as outlined in Section 303 of this Code;

(4) *A limited nonconforming use may have an Outdoor Activity Area meeting the requirements in Section 202.2(a)(7).* Public sidewalk space may be occupied in connection with the use provided that it is occupied only with tables and chairs as permitted by this Municipal Code;

(5) Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants, and other public features;

(6) Noise, odors, and other nuisance factors shall be adequately controlled; ~~*and*~~

*(7) An Outdoor Activity Area is principally permitted if it is located at the front of the building. An Outdoor Activity Area that is located at the rear of the building is principally permitted only if it complies with the operating restrictions in Section 202.2(a)(7). Operation of an Outdoor Activity Area at the rear of the building beyond the limitations set in 202.2(a)(7) is not permitted; and*

(*8*~~*7*~~) All other applicable provisions of this Code shall be complied with.

* * * *

***SEC. 194. LEGALIZATION OF EXISTING OUTDOOR ACTIVITY AREA.***

*(a) An existing Outdoor Activity Area that was not established in accordance with this Code may be legalized by obtaining a building permit, provided the Zoning Administrator or designee determines that the Outdoor Activity Area has been regularly operating or functioning without a substantial gap in operation for at least 10 years prior to the effective date of this Section 194; and*

*(b) The Zoning Administrator's determination shall be made based upon the existence of supporting evidence that may include, but is not necessarily limited to, the following: rental or lease agreements, building or other permits, liquor license records, or relevant media coverage.*

*(c) A "substantial gap in operation" shall not be interpreted to include any of the following:*

*(1) a change in ownership of a premises;*

*(2) the temporary closure of a premises for repair, renovation, restoration, or remodeling, including, but not limited to, restoration or repair of a premises after total or partial destruction or damage due to fire, riot, insurrection, toxic accident, or act of God; or*

*(3) the temporary closure of a premises to comply with restrictions connected to the COVID-19 pandemic.*

*(d) An application for a building permit to establish an Outdoor Activity Area under this Section must be filed within 365 days of the effective date of this Section 194.*

*(e) Notwithstanding any other provision of this Code, no Conditional Use Authorization or any otherwise applicable neighborhood notification requirements shall be required.*

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

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

* * * *

(7) **Outdoor Activity Area.** An Outdoor Activity Area shall be principally permitted *in the WMUG, WMUO, SALI, and RED-MX Districts, at the rear of a building* in any Neighborhood

Commercial District or Neighborhood Commercial Transit District, and ~~*in the WMUG, WMUO, SALI, and RED-MX Districts,*~~*at the rear of a building in association with a limited commercial use or limited corner commercial use as defined in Sections 186 and 231 respectively*, if it meets all of the following conditions:

(A) The Outdoor Activity Area is located on the ground level;

(B) The Outdoor Activity Area is in operation only between 9:00 a.m. and 10:00 p.m.;

(C) The Outdoor Activity Area is not operated in association with a Bar use;

(D) Where associated with a Limited Restaurant or Restaurant Use, the Outdoor Activity Area includes only seated, not standing, areas for patrons; and

(E) Alcohol is dispensed to patrons only inside the premises or through wait staff services at the patron's outdoor seat in the Outdoor Activity Area.

Any Outdoor Activity Area *at the rear of a building* seeking to operate beyond these limitations *within a Neighborhood Commercial District or Neighborhood Commercial Transit District* requires a Conditional Use Authorization, unless such Outdoor Activity Area is permitted by Planning Code Section 145.2. *Any Outdoor Activity Area at the rear of a building seeking to operate beyond these limitations in association with a limited commercial use or limited corner commercial use as defined in Sections 186 and 231 respectively is not permitted.*

* * * *

~~*(i)* ***Non-Retail Sales and Service Use; Design Professional.*** *In order to preserve and enhance active commercial frontage in the City's Neighborhood Commercial Districts, a Design Professional use located on the First Story or below within any Neighborhood Commercial or Neighborhood Commercial Transit District must provide its services to the general public.*~~

*(i)* ***Multiple Uses.*** *Multiple Uses may exist simultaneously on one Lot or in one Structure. If there are two or more Uses on a Lot, any Use classified under this Code as an Accessory Use will be*

*subject to applicable provisions concerning Accessory Uses. Any Use not classified as an Accessory Use will be considered separately as an independent Principal, Conditional, or temporary Use, subject to applicable provisions of this Code concerning each independent Use.*

**SEC. 202.9. FLEXIBLE RETAIL USES.**

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

~~*(1)* ***Zone 1:*** *shall comprise all of that portion of the City and County commencing at the point of the intersection of the shoreline of the Pacific Ocean and the eastern boundary of Lincoln Park, and proceeding southerly along the eastern boundary of Lincoln Park to California Street, and proceeding easterly along California Street to 26th Avenue, and proceeding northerly along 26th Avenue to Lake Street, and proceeding easterly along Lake Street to Arguello Boulevard, and proceeding southerly along Arguello Boulevard to Euclid Avenue, and proceeding easterly along Euclid Avenue to Bush Street, and proceeding easterly along Bush Street to Gough Street, and proceeding southerly along Gough Street to Geary Boulevard, and proceeding easterly along Geary Boulevard to Van Ness Avenue, and proceeding southerly along Van Ness Avenue to Oak Street, and proceeding westerly along Oak Street to Buchanan Street, and proceeding southerly along Buchanan Street to Hermann Street, and proceeding westerly along Hermann Street to Steiner Street, and proceeding northerly along Steiner Street to Waller Street, and proceeding westerly along Waller Street to Buena Vista Avenue East, and proceeding westerly along Buena Vista Avenue East to Haight Street, and proceeding westerly along Haight Street to Buena Vista Avenue West, and proceeding southerly along Buena Vista Avenue West to Frederick Street, and proceeding westerly along Frederick Street to Ashbury Street, and proceeding southerly along Ashbury Street to Clayton Street, and proceeding southerly along Clayton Street to Twin Peaks Boulevard, and proceeding southerly along Twin Peaks Boulevard to Clarendon Avenue, and proceeding westerly along Clarendon Avenue to*~~

~~*Stanyan Street, and proceeding northerly along Stanyan Street to Belgrave Avenue, and proceeding westerly along Belgrave Avenue to a westerly extension of Belgrave Avenue, and proceeding southerly and westerly to the intersection of said line and Johnstone Drive, and proceeding westerly along Johnstone Drive to Medical Center Way, and proceeding northerly along Medical Center Way to Parnassus Avenue, and proceeding westerly along Parnassus Avenue to 4th Avenue, and proceeding southerly along the southern extension of 4th Avenue to Kirkham Street, and proceeding westerly along Kirkham Street to 9th Avenue, and proceeding northerly along 9th Avenue to Judah Street, and proceeding westerly along the southern edge of Judah Street to 19th Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding westerly along the northern edge of Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific Ocean proceeding northerly along said shoreline to the point of commencement.*~~

~~*(2)* ***Zone 2:*** *shall comprise all of that portion of the City and County commencing at the point of the intersection of Junipero Serra Boulevard and Brotherhood Way, and proceeding northerly along the eastern edge of Junipero Serra Boulevard to Garfield Street, and proceeding easterly along Garfield Street to Grafton Avenue, and continuing easterly along Grafton Avenue to Mount Vernon Avenue, and proceeding easterly along Mount Vernon Avenue to Howth Street, and proceeding northerly along Howth Street to Geneva Avenue, and proceeding easterly along Geneva Avenue to Interstate 280, and proceeding northerly along Interstate 280 to the straight-line extension of Tingley Street, and proceeding southerly along said line to Tingley Street, and proceeding southerly along Tingley Street to Alemany Boulevard, and proceeding easterly along Alemany Boulevard to Congdon Street, and proceeding southerly along Congdon Street to Silver Avenue, and proceeding easterly along Silver Avenue to Madison Street, and proceeding southerly along Madison Street to Burrows Street, and proceeding westerly along Burrows Street to Prague Street, and proceeding southerly along Prague Street to Persia Avenue, and proceeding easterly along Persia Avenue to Mansell Street, and continuing easterly along Mansell Street to San Bruno Avenue, and proceeding*~~

~~*northerly and easterly along San Bruno Avenue to Ware Street, and proceeding easterly along Ware Street to Bayshore Boulevard, and proceeding northerly along Bayshore Boulevard to a straight line extension from Bayshore Boulevard to San Bruno Avenue, and proceeding northerly along San Bruno Avenue to 23rd Street, and proceeding easterly along 23rd Street to Vermont Street, and proceeding northerly along Vermont Street to 16th Street, and proceeding easterly along 16th Street to a straight-line extension from 16th Street, and proceeding easterly along said extension to the shoreline to the San Francisco Bay, and proceeding southerly along shoreline to the San Francisco/San Mateo county border, and proceeding westerly along the San Francisco/San Mateo county border to Saint Charles Avenue, and proceeding northerly along Saint Charles Avenue to Interstate 280, and proceeding northeasterly along Interstate 280 to a northerly straight-line extension to Orizaba Avenue, and proceeding northerly along said line to Alemany Boulevard, and proceeding westerly along Alemany Boulevard to Brotherhood Way, and proceeding westerly along Brotherhood Way to the point of commencement.*~~

(b) **Requirements.**

(1) **Underlying Uses incorporated into Flexible Retail.** Flexible Retail, as defined in Section 102, incorporates two or more specific uses. Each such use must be Principally Permitted in the underlying zoning district. If a use requires a Conditional Use Authorization in the underlying zoning district, then a Conditional Use Authorization must be obtained before such use may be permitted as part of a Flexible Retail Use.

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

**SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.**

* * * *

**RH-2 Districts: Two-Family.** These Districts are devoted to one-family and two-family houses, with the latter commonly consisting of two large flats, one occupied by the owner and

the other available for rental. Structures are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. Building styles are often more varied than in historically single-family areas, but certain streets and tracts are quite uniform. Considerable ground-level open space is available, and it frequently is private for each unit. The Districts may have easy access to shopping facilities and transit lines. In ~~*In*~~ some cases, Group Housing and institutions are found in these areas, although nonresidential uses tend to be quite limited.

* * * *

**Table 209.1**
**ZONING CONTROL TABLE FOR RH DISTRICTS**

| Zoning Category | § References | RH-1(D) | RH-1 | RH-1(S) | RH-2 | RH-3 |
|---|---|---|---|---|---|---|
| **BUILDING STANDARDS** | | | | | | |
| * * * * | | | | | | |
| **Miscellaneous** | | | | | | |
| * * * * | | | | | | |
| Awning | § 136.1 | P (1) | P (1) | P (1) | P (1) | P (1) |
| * * * * | | | | | | |
| **NON-RESIDENTIAL STANDARDS AND USES** | | | | | | |
| **Development Standards** | | | | | | |
| * * * * | | | | | | |
| Limited Commercial Uses | §§ 186, 186.3 | Continuing nonconforming uses are permitted, subject to the requirements of §<br><br>186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3. | | | | |
| *Limited Corner Commercial Uses* | *§ 231* | *P on a Corner Lot, with no part of the use extending more than 50 feet in depth from said corner.* | | | | |
| ***Commercial Use Characteristics*** | | | | | | |
| *Drive-up Facility* | *§ 102* | *NP* | | | | |
| *Formula Retail* | *§§ 102, 303.1* | *C* | | | | |
| *Hours of Operation* | *§§ 102, 186, 231* | *For Limited Corner Commercial Uses under § 231: P 6:00 a.m. to 10:00 p.m.; NP 10:00 p.m. to 6:00 a.m.* | | | | |

| | | |
|---|---|---|
| | | *For limited commercial uses under § 186: 6:00 a.m. to 10:00 p.m.; C 10:00 p.m. to 12:00 a.m.; NP 12:00 a.m. to 6:00 a.m.* |
| *Maritime Use* | *§ 102* | *NP* |
| *Open Air Sales* | *§ 102* | *NP* |
| *Outdoor Activity Area* | *§§ 102, 145.2, 186, 202.2, 231* | *P if located in front of building; P at the rear of the building if compliant with § 202.2(a)(7); NP otherwise.* |
| *Walk-up Facility* | *§ 102* | *P* |
| * * * * | | |

* * * *

(1) P for Limited Commercial Uses *and Limited Corner Commercial Uses* per § 136.1~~*(a)*~~ only; otherwise NP.

* * * *

**SEC. 209.2. RM (RESIDENTIAL, MIXED) DISTRICTS.**

* * * *

**Table 209.2**

**ZONING CONTROL TABLE FOR RM DISTRICTS**

| Zoning Category | § References | RM-1 | RM-2 | RM-3 | RM-4 |
|---|---|---|---|---|---|
| **BUILDING STANDARDS** | | | | | |
| * * * * | | | | | |
| **Miscellaneous** | | | | | |
| * * * * | | | | | |
| Awning | § 136.1 | P (1) | P (1) | P (1) | P (1) |
| * * * * | | | | | |
| **NON-RESIDENTIAL STANDARDS AND USES** | | | | | |
| **Development Standards** | | | | | |
| * * * * | | | | | |
| ~~*Limited Corner Commercial Uses*~~ | ~~*§ 231*~~ | ~~*NP*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*P*~~ |

| | | | |
|---|---|---|---|
| *Limited Corner Commercial Uses* | *§ 231* | *P on a Corner Lot, with no part of the use extending more than 50 feet in depth from said corner.* | *P on a Corner Lot, with no part of the use extending more than 100 feet in depth from said corner.* |
| Limited Commercial Uses | §§ 186, 186.3 | Continuing nonconforming uses are permitted, subject to the requirements of § 186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3. | |
| ***Commercial Use Characteristics*** | | | |
| *Drive-up Facility* | *§ 102* | *NP* | |
| *Formula Retail* | *§§ 102, 303.1* | *C* | |
| *Hours of Operation* | *§§ 102, 186, 231* | *For Limited Corner Commercial Uses under § 231: P 6:00 a.m. to 10:00 p.m.; NP 10:00 p.m. to 6:00 a.m.*<br>*For limited commercial uses under § 186: 6:00 a.m. to 10:00 p.m.; C 10:00 p.m. to 12:00 a.m.; NP 12:00 a.m. to 6:00 a.m.* | |
| *Maritime Use* | *§ 102* | *NP* | |
| *Open Air Sales* | *§ 102* | *NP* | |
| *Outdoor Activity Area* | *§§ 102, 145.2, 186, 202.2, 231* | *P if located in front of building; P at the rear of the building if compliant with § 202.2(a)(7); NP otherwise.* | |
| *Walk-up Facility* | *§ 102* | *P* | |
| * * * * | | | |

* * * *

(1) P for Limited Commercial Uses *and Limited Corner Commercial Uses* per § 136.1~~*(a)*~~ only, otherwise NP.

* * * *

**SEC. 209.4. RTO (RESIDENTIAL TRANSIT ORIENTED) DISTRICTS.**

These Districts are intended to recognize, protect, conserve, and enhance areas characterized by a mixture of houses and apartment buildings, covering a range of densities and building forms. RTO and RTO-M *(Residential Transit Oriented, Mission)* Districts are composed of multi-family moderate-density areas, primarily areas formerly designated RM and RH-3, and are well served within short walking distance, generally less than one-quarter mile, of transit and neighborhood commercial areas. Transit available on nearby streets is frequent and/or provides multiple lines serving different parts of the City or region. Limited small-scale neighborhood-oriented retail and services is common and permitted throughout the neighborhood on Corner Lots only to provide goods and services to residents within walking distance, but the districts are otherwise residential. Only retail compatible with housing, generally those permitted in NC-1 Districts, is permitted and auto-oriented uses are not permitted. Hours of operation are restricted and off-street parking is not permitted for these very locally-oriented uses.

* * * *

**Table 209.4**

**ZONING CONTROL TABLE FOR RTO DISTRICTS**

| **Zoning Category** | **§ References** | **RTO** | **RTO-M** |
|---|---|---|---|
| **BUILDING STANDARDS** | | | |
| * * * * | | | |
| **Miscellaneous** | | | |
| * * * * | | | |
| Awning | §§ 136, 136.1 | P (1) | P (1) |
| * * * * | | | |
| **NON-RESIDENTIAL STANDARDS AND USES** | | | |

| | | | |
|---|---|---|---|
| * * * * | | | |
| **Institutional Use Category** | | | |
| * * * * | | | |
| Community Facility | § 102 | *P~~C~~* | *P~~C~~* |
| * * * * | | | |

* * * *

(1) P for Limited Commercial Uses ~~*per § 136(a)*~~ and Limited Corner Commercial Uses per *§ 136.1*~~*§ 231*~~, otherwise NP.

* * * *

**SEC. 210.3. PDR DISTRICTS.**

* * * *

**Table 210.3**

**ZONING CONTROL TABLE FOR PDR DISTRICTS**

| Zoning Category | § References | PDR-1-B | PDR-1-D | PDR-1-G | PDR-2 |
|---|---|---|---|---|---|
| * * * * | | | | | |
| **NON-RESIDENTIAL STANDARDS AND USES** | | | | | |
| * * * * | | | | | |
| **Sales and Service Category** | | | | | |
| * * * * | | | | | |
| Gym | §§ 102, 210.3C | *C~~NP~~* | NP (20) | NP (20) | ~~(~~NP~~)~~ |
| * * * * | | | | | |

* * * *

(20) NP except as provided in Section 210.3C.

* * * *

**SEC. 231. LIMITED CORNER COMMERCIAL USES IN *RH*, RTO, AND RM DISTRICTS.**

(a) **Purpose.** Corner stores enhance and support the character and traditional pattern of *development in San Francisco*~~*RTO and RM Districts*~~. These small neighborhood-oriented establishments provide convenience goods and services on a retail basis to meet the frequent

and recurring needs of neighborhood residents within a short walking distance of their homes. These uses tend to be small in scale, to serve primarily walk-in trade, and cause minimum interference with nearby streets and properties. These uses are permitted only on the ground floor of corner buildings, and their intensity and operating hours are limited to ensure compatibility with the predominantly residential character of the district. Accessory off-street parking is prohibited for these uses to maintain the local neighborhood walk-in character of the uses.

(b) **Location.** Uses permitted under this section must be located:

(1) completely within an *RH*, RTO, RTO-M, *or* RM-~~*3, or RM-4*~~ District;

(2) on or below the ground floor; and

(3) in *RH, RM-1, RM-2, and* RTO Districts, on a Corner Lot, with no part of the use extending more than 50 feet in depth from said corner, as illustrated in Figure 231.

* * * *

(4) in RM-3, RM-4, and RTO-M Districts, on a Corner Lot, with no part of the use extending more than 100 feet in depth from said corner.

(c) **Permitted Uses.** Any use is permitted which complies with the use limitations for the First Story and below of an NC-1 District, as set forth in Section 710 of this Code.

(d) **Use Size.** No more than 1,200 square feet of Occupied Floor Area of commercial area in a RTO District and no more than 2,500 occupied square feet of Commercial Use in a RM-3, RM-4 or RTO-M District shall be allowed per Corner Lot, except those lots which occupy more than one corner on a given block and which may provide an additional 1,200 square feet of Occupied Floor Area of Commercial Use per additional corner, so long as the commercial space is distributed equitably throughout appropriate parts of the parcel or project.

* * * *

(j) **Awnings.** Awnings are permitted, subject to the standards in Section 136.1(a) of this Code. Canopies and marquees are not permitted.

*(k)* ***Outdoor Activity Area.*** *An Outdoor Activity Area is principally permitted if it is located at the front of the building. An Outdoor Activity Area that is located at the rear of the building is principally permitted only if it complies with the operating restrictions in Section 202.2(a)(7). Operation of an Outdoor Activity Area at the rear of the building beyond the limitations set in 202.2(a)(7) is not permitted.*

**SEC. 249.25. JACKSON SQUARE SPECIAL USE DISTRICT.**

* * * *

(B) **Restaurants, Limited Restaurants, and Bars.** Restaurant, Limited Restaurant, and Bar uses may be permitted as a Conditional Use on the First Story through the procedures set forth in Section 303 ~~*only if the Zoning Administrator first determines that the proposed new Restaurant, Limited Restaurant, or Bar would occupy a space that is currently or was last legally occupied by one of the uses described below; provided that its last use has not been discontinued or abandoned pursuant to Sections 186.1(d) or 178(d) of this Code and that the proposed new use will not enlarge the space; and provided further*~~*except* that no *new* Conditional Use *authorization* shall be required if the use remains the same as the prior authorized use, with no enlargement or intensification of use.~~:~~

~~*(i) A Bar may occupy a space that is currently or last legally occupied by a Bar;*~~

~~*(ii) A Restaurant may occupy a space that is currently or was last legally occupied by a Restaurant or Bar; and*~~

~~*(iii) A Limited Restaurant may occupy a space that is currently or was last legally occupied by a Limited Restaurant, Restaurant, or Bar.*~~

~~*(iv) Except as provided herein, no other use shall be allowed to convert to a Limited Restaurant, Restaurant, or Bar.*~~

(C) **Exception for Certain Proposed Limited Restaurant Uses.** A proposed Limited Restaurant use is Principally Permitted~~,~~*and* shall not be required to obtain a Conditional Use authorization pursuant to subsection (b)(2)(B) above~~*, and shall not be subject to the limitation of subsection (b)(2)(B)(iii) above*~~ if an application for a building permit necessary for the establishment of such use was filed with the City by July 19, 2018.

* * * *

**SEC. 249.60. MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT.**

* * * *

The following restrictions shall apply within such district:

(a) **Prohibition of New Liquor Stores.** No new Liquor Store, shall be permitted in the SUD, except that an existing Liquor Store may relocate pursuant to subsection (c) below.

(b) **Allowed Alcohol-related Uses.** Certain uses which are not likely to generate negative impacts on the surrounding area shall be allowed within the SUD as set forth below:

(1) The following uses shall be eligible for liquor licenses transferred from within the SUD as well as licenses transferred from outside the SUD:

(A) **Bona Fide Eating Places.** A Restaurant Use operating as a Bona Fide Eating Place shall be permitted to serve alcoholic beverages in this SUD.

(B) **Non-Profit Theaters.** A non-profit theater shall be permitted to serve alcoholic beverages in this SUD. A "non-profit theater" shall mean a building or part of a building intended to be used for the specific purposes of presenting any act, play, revue, pantomime, scene, song, dance act, or song and dance act, conducted or participated in by one or more persons, whether or not such person or persons are compensated for such performance, and which is exempted from payment of income tax under Section 23701d of the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue Code of the United States. A "non-profit theater" shall not include any dance hall, as defined

in Section 1022 of the Police Code, a billiard parlor, pool hall, bowling alley, or Adult Business.

(C) **Bowling Alleys and Mini-Golf Courses.** A bowling alley or a mini-golf course shall be permitted to serve alcoholic beverages along with any Restaurant use which is functionally and/or physically integrated with such bowling alley or mini-golf course. General Entertainment uses, excluding those uses that require a Place of Entertainment permit, shall be permitted to serve alcoholic beverages along with any Restaurant use which is functionally and/or physically integrated with such General Entertainment use.

(D) **Single Screen Movie Theaters.** A single screen Movie Theater shall be permitted to serve alcoholic beverages, provided that (i) such use contains only a single screen and auditorium, (ii) only beer and wine are offered for consumption, and (iii) such beer and wine are: a. only consumed on the premises and primarily in the main theater auditorium, b. only sold and consumed by ticketholders and only immediately before and during performances, and c. only offered in conjunction with the screening of films and not as an independent element of the establishment that is unrelated to the viewing of films.

*(E)* ***Music Entertainment Facility.*** *A music entertainment facility with a California Department of Alcoholic Beverage Control (ABC) Type 90 license shall be permitted to serve alcoholic beverages in this SUD.*

* * * *

**SEC. 249.64. PARKMERCED SPECIAL USE DISTRICT.**

* * * *

(b) **Development Controls.** Development in the Parkmerced Special Use District shall be regulated by the controls contained in the Parkmerced Design Standards and Guidelines, as adopted by the Planning Commission and periodically amended, except for those controls specifically enumerated in this Section. Where not explicitly superseded by definitions

established in the Parkmerced Design Standards and Guidelines, the definitions in this Code shall apply. All procedures and requirements in Article 3 shall apply to development in this Special Use District to the extent that they are not in conflict with this Special Use District or the Development Agreement, approved by the Board of Supervisors in Ordinance No. 89-11. The Planning Commission may amend the Parkmerced Design Standards and Guidelines upon initiation by the Planning Department or upon application by an owner of property within Parkmerced (or *owner's*~~*his or her*~~ authorized agent) to the extent that such amendments are consistent with this Special Use District, the General Plan, and the approved Development Agreement.

* * * *

(2) **Uses.**

(A) **Principally Permitted Uses.** The following uses are principally permitted:

* * * *

(ii) **Parkmerced Mixed Use – Social Heart (PM-MU1).** All uses permitted in PM-R; locally serving Retail Sales and Service uses not larger than 15,000 occupied square feet per business establishment; one General Grocery Store not larger than 50,000 occupied square feet; and Business Service, Design Professional, and ~~*Non-Retail*~~ Professional Service Uses, provided such *use*~~*Non-Retail Uses*~~ shall not exceed 10,000 occupied square feet per business if located on the ground floor of any building;

(iii) **Parkmerced Mixed Use – Neighborhood Commons (PM-MU2).** All uses permitted in PM-R; locally serving Retail Sales and Service Uses not larger than 5,000 occupied square feet per business establishment; and Business Service, Design Professional, and ~~*Non-Retail*~~ Professional Service Uses not larger than 5,000 occupied square feet per business, provided that such use does not occupy more than 2,000 occupied square feet per business establishment on the ground floor;

* * * *

**SEC. 303.1. FORMULA RETAIL USES.**

* * * *

(e) **Conditional Use Authorization Required.** A Conditional Use Authorization shall be required for a Formula Retail use in the following zoning districts unless explicitly exempted:

* * * *

(10) ~~*The*~~ C-3-G District with frontage on Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street; ~~*and*~~

(11) ~~*The*~~ Central SoMa Special Use District as defined in Section 848, except for those uses not permitted pursuant to subsection (f) below*; and*~~.~~

*(12) Mission Street Formula Retail Restaurant Subdistrict as defined in Section 781.5.*

(f) **Formula Retail Uses Not Permitted.** Formula Retail uses are not permitted in the following zoning districts:

* * * *

~~*(6) Mission Street Formula Retail Restaurant Subdistrict does not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses;*~~

(*6*~~*7*~~) Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict does not permit Formula Retail uses that are also either a Retail Pet Supply Store or an Eating and Drinking uses as set forth in Section 781.4;

(*7*~~*8*~~) Taraval Street Restaurant Subdistrict does not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses;

(*8*~~*9*~~) Chinatown Mixed Use Districts do not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses; and

(*9*~~*10*~~) Central SoMa Special Use District does not permit Formula Retail Uses that are also Bar, Restaurant, or Limited Restaurant Uses as defined in Section 102.

* * * *

**SEC. 303.2. PRIORITY PROCESSING FOR CERTAIN USES IN COMMERCIAL SPACE: EXPEDITED CONDITIONAL USE REVIEW AND APPROVAL PROCESS AND REDUCED APPLICATION FEE.**

* * * *

(b) **Priority Processing for Certain Uses.** Applications for Conditional Use authorization that comply with the requirements of subsection (c) are eligible for priority processing and a prorated application fee. Eligibility for priority processing shall not require any application separate from a completed application for Conditional Use authorization. Unless modified by this Section 303.2 , the provisions of Section 303 shall apply.

(c) **Eligibility for Priority Processing.** An application for a Conditional Use authorization qualifies for priority processing ("eligible application") pursuant to this Section 303.2 if it *is seeking to establish, alter, enlarge, or intensify a commercial use on the first story or below, or on the second story where the commercial use would operate on both the first and second stories, in the subject building and if it* complies with all of the following requirements:

(1) It pertains exclusively to Non-Residential Uses;

(2) It is limited to changes of use, tenant improvements, or other interior or storefront work;

(3) It does not involve the removal of any Dwelling Units;

(4) It does not involve a Formula Retail use;

(5) It does not propose or require the consolidation of multiple storefronts;

(6) It does not seek to provide off-street parking in a quantity beyond that allowed as of right; *and*

~~*(7) It does not seek to establish, expand, or intensify activities during hours of operation beyond those permitted as of right;*~~

~~*(8) It does not seek to sell alcoholic beverages for either on-site or off-premises consumption, excepting beer and/or wine sold in conjunction with the operation of a Bona Fide Eating Place;*~~

*(7)*~~*(9)*~~ It does not seek to establish or expand any of the following uses:

(A) Adult Entertainment.

~~*(B) Bar.*~~

*(B)*~~*(C)*~~ Drive-up Facility.

*(C)*~~*(D)*~~ Fringe Financial Service.

*(D)*~~*(E)*~~ Medical Cannabis Dispensary.

~~*(F) Nighttime Entertainment.*~~

~~*(G) Non-Retail Sales and Service that is closed to the general public.*~~

*(E)*~~*(H)*~~ Tobacco Paraphernalia Establishment.

*(F)*~~*(I)*~~ Wireless Communication Facility; and

*(8)*~~*(10)*~~ Is not within the Calle 24 Special Use District, as described and set forth in Section 249.59 of this Code.

If the application qualifies for priority processing, the Department shall notify the applicant of the date of acceptance of the complete application and of the applicant's eligibility for priority processing. The application fee shall be prorated pursuant to subsection (f).

(d) **Expedited Commission Hearing.** An eligible application shall be scheduled for a public hearing on the Planning Commission's consent calendar within 90 days from the date that the application has been deemed complete, unless the hearing date is extended pursuant to subsection (e). An application is deemed complete when the application and filing fee have been accepted by the Department. The Planning Commission shall develop rules and

regulations to ensure that eligible applications are heard and determined within 90 days without compromising the review times of other applications. *In order to aid the expedited processing of these applications, the Planning Department shall create and use an abbreviated case report for applications that are eligible for this program.*

* * * *

**SEC. 311. PERMIT REVIEW PROCEDURES.**

* * * *

(b) **Applicability.** Except as indicated in this subsection (b), all building permit applications in Residential, NC, *and* NCT~~*, and Eastern Neighborhoods Mixed Use*~~ Districts for a change of use~~;~~ *shall be subject to the notification and review procedures required by this Section 311. Except as indicated in this subsection (b), all building permit applications in Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for* establishment of a Micro Wireless Telecommunications Services Facility; establishment of a Formula Retail Use; demolition, new construction, or alteration of buildings; and the removal of an authorized or unauthorized residential unit, shall be subject to the notification and review procedures required by this Section 311. In addition, with the exception of Grandfathered MCDs converting to Cannabis Retail use pursuant to Section 190(a), all building permit applications that would establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district, shall be subject to the notification and review procedures required by this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a Child Care Facility, as defined in Section 102, shall not be subject to the review requirements of this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, building permit applications to construct an Accessory Dwelling Unit pursuant to Section 207(c)(6) shall not be subject to the notification or review requirements of this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311,

a change of use to a principally permitted use in an NC or NCT District, or in a limited commercial use or a limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be subject to the review or notice requirements of this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, building permit applications to change any existing Automotive Use to an Electric Vehicle Charging Location shall not be subject to the review or notification requirements of this Section 311.

(1) **Change of Use.** ~~*Subject to the foregoing provisions of subsection (b), for the purposes of this Section 311, a change of use is defined as follows:*~~

(A) **Residential, NC, and NCT Districts.** *Subject to the foregoing provisions of subsection (b), for the purposes of this Section 311, f*~~F~~or all Residential, NC, and NCT Districts, a change of use is defined as a change to, or the addition of, any of the following land uses as defined in Section 102 of this Code: Adult Business, Bar, Cannabis Retail, General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Massage Establishment, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity Area, Post-Secondary Educational Institution, Private Community Facility, Public Community Facility, Religious Institution, Residential Care Facility, Restaurant, School, Tobacco Paraphernalia Establishment, Trade School, and Wireless Telecommunications Facility. A change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions of this Section 311. Any accessory massage use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the provisions of this Section 311. A change of use to a principally permitted use in an NC or NCT District, or in a limited commercial use or a limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be subject to the provisions of this Section 311.

* * * *

~~*(B) Eastern Neighborhood Mixed Use Districts. In all Eastern Neighborhood Mixed Use Districts a change of use shall be defined as a change in, or addition of, a new land use category. A "land use category" shall mean those categories used to organize the individual land uses that appear in the use tables, immediately preceding a group of individual land uses, including but not limited to the following: Residential Use; Institutional Use; Retail Sales and Service Use; Assembly, Recreation, Arts and Entertainment Use; Office Use; Live/Work Units Use; Motor Vehicle Services Use; Vehicle Parking Use; Industrial Use; Home and Business Service Use; or Other Use.*~~

(*B*~~*C*~~) A change of use to a principally permitted use in the Western SoMa Plan Area, Central SoMa Plan Area, or East SoMa Plan Area shall not be subject to the provisions of this Section 311.

* * * *

**SEC. 703. NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS.**

* * * *

(d) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwellings in All Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, Accessory Uses as defined in Section 102 shall be permitted when located on the same lot. Notwithstanding the foregoing, a Retail Workspace, as defined in Section 102, shall be permitted as an Accessory Use in connection with any Eating and Drinking Use regardless of the floor area occupied by such Accessory Use, so long as (1) the hours of operation for the accessory Retail Workspace use are limited to 9 a.m. to 5 p.m. and (2) such Eating and Drinking Use is also open for business to the general public on each day during which the accessory Retail Workspace use is open. Any Use that does not qualify as an Accessory Use shall be classified as a Principal or Conditional Use unless it qualifies as a temporary use under Sections 205 through 205.4 of this Code.

No Use will be considered accessory to a permitted Principal or Conditional Use that involves or requires any of the following:

(1) The use of more than one-third of the total floor area occupied by such use and the Principal or Conditional use to which it is accessory, except in the case of accessory off-street parking and loading and as specified in subsection (d)(3) below as accessory wholesaling, manufacturing, or processing of foods, goods, or commodities:

(2) Any Bar or Restaurant, or any other retail establishment which serves liquor for consumption on-site; however, this shall not prohibit take-out food activity which operates in conjunction with a Limited Restaurant, Restaurant, General Grocery, and Specialty Grocery. This shall also not prohibit a Limited Restaurant as an Accessory Use to a permitted Principal or Conditional Use except as specified ~~*in subsection (d)(7)*~~ below;

(3) The wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises of an establishment that does not also use or provide for retail sale of such foods, goods, or commodities at the same location where such wholesaling, manufacturing, or processing takes place, with the following exceptions:

(A) In the North Beach Special Use District where such activities are limited to 15% of the total floor area occupied by the Principal or Conditional Use to which it is accessory unless the Principal or Conditional Use is Specialty Foods Manufacturing as defined in Section 780.3 of this Code; and

(B) Notwithstanding the floor area limitation in subsection (d)(1), a Catering Use limited to food and beverage Catering shall be permitted as an Accessory Use to Restaurants and Limited Restaurants if the following requirements are met:

(i) The Catering Use does not operate more than 75% of the total time within the Restaurant's or Limited Restaurant's Hours of Operation on any given day; and

(ii) The Catering Use does not distribute or deliver individual meals to customers directly from the subject lot, either by its own means, or through a third-party delivery service.

(4) Any retail Liquor Store.

(5) Medical Cannabis Dispensaries.

(6) Any General Entertainment or Nighttime Entertainment use, except for one that involves a Limited Live Performance Permit as set forth in Police Code Section 1060 et seq., or one that does not require a Limited Live Performance Permit as set forth in Police Code Section 1060.1(e).

~~*(7) Within the North Beach SUD and NCD, a Limited Restaurant.*~~

*(7)*~~*(8)*~~ A Health Service use as an Accessory Use in the Sacramento Street Neighborhood Commercial District requires a Conditional Use authorization on the ground story and is permitted above the ground story pursuant to Section 724 of this Code.

*(8)*~~*(9)*~~ Cannabis Retail that does not meet the limitations set forth in Section 204.3(a)(3) of this Code.

*(9)*~~*(10)*~~ An Adult Sex Venue as defined in Section 102 of this Code.

* * * *

**SEC. 703.9. PRESERVATION OF HISTORIC BUILDINGS WITHIN THE FOLSOM STREET NCT AND RCD DISTRICTS.**

* * * *

(b) **Permitted uses.** ~~*Non-Retail Professional Service, Retail*~~ Professional Service, Community Facility, Private Community Facility, Social Service and Philanthropic Facility, Financial Services, Gym, Limited Financial Service, Health Service, Personal Service, and Instructional Service uses, as defined in Section 102, are Principally Permitted. In the RCD District only, in addition to the above uses, Nighttime Entertainment uses as defined in Section 102 require

Conditional Use authorization on the third floor and above, except that Nighttime Entertainment uses are Principally Permitted in Article 10 Landmark Building No. 120 (St. Joseph's Church at 1401 Howard Street). For all uses listed above, prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Historic Preservation Commission, shall determine that allowing the use will enhance the feasibility of preserving the building. The project sponsor must also submit a Preservation, Rehabilitation, and Maintenance Plan that describes any proposed preservation and rehabilitation work and that guarantees the maintenance and upkeep of the historic resource for approval by the Department. This Plan shall include:

(i) a plan for the ongoing maintenance of the subject property;

(ii) information regarding the nature and cost of any rehabilitation, restoration, or preservation work to be conducted at the subject property, including information about any required seismic, life safety, or disability access work;

(iii) a construction schedule; and

(iv) such other information as the Department may require in order to determine compliance with this subsection 703.9(b).

* * * *

**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 STANDARDS AND USES | | |
| * * * * | | |

| NON-RESIDENTIAL USES | | Controls by Story | | |
|---|---|---|---|---|
| | | 1st | 2nd | 3rd+ |
| * * * * | | | | |
| **Entertainment, Arts and Recreation Use Category** | | | | |
| * * * * | | | | |
| Arts Activities | § 102 | P~~*(7)*~~ | P~~*(8)*~~ | P~~*(8)*~~ |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP(7)*~~ | NP | NP |
| * * * * | | | | |
| Kennel | § 102 | *C*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Restaurant | §§ 102, 202.2(a) | P(3) | P(3) | NP |
| Restaurant, Limited | §§ 102, 202.2(a) | P(3) | P*(3)* | NP |
| Services, Financial | § 102 | *C*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

(3) TARAVAL STREET RESTAURANT SUBDISTRICT. Applicable only for the Taraval Street NC-1 District between 40th and 41st Avenues and between 45th and 47th Avenues as mapped on Sectional Maps 5 SU and 6 SU. Within the Taraval Street Restaurant Subdistrict, ~~*restaurants and Limited Restaurants are C;*~~ Formula Retail Restaurants and Formula Retail Limited Restaurants are NP.~~;~~ Formula Retail Restaurants and Formula Retail Limited

Restaurants are NP if located within one quarter of one mile from the Taraval Street Restaurant Subdistrict.

* * * *

(7) *[Note deleted.]*~~*P in the geographic area described as Flexible Retail Zones in Section 202.9.*~~

(8) *[Note deleted.]*~~*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 | | |
|---|---|---|---|---|
| * * * * | | | | |
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| **NON-RESIDENTIAL USES** | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP(10)*~~ | NP | NP |
| * * * * | | | | |
| Restaurant | §§ 102, 202.2(a) | P(4) | P(4) | NP |
| Restaurant, Limited | §§ 102, 202.2(a) | P(4) | P(4) | NP |
| Services, Financial | § 102 | P(5) | C(5) | NP |
| Services, Fringe Financial | § 102 | P(5)(6) | NP | NP |

| | | | | |
|---|---|---|---|---|
| Services, Limited Financial | § 102 | P(5) | NP | NP |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

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

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

* * * *

(10) *[Note deleted.]*~~*P in the geographic area described as Flexible Retail Zones in Section 202.9.*~~

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

* * * *

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

* * * *

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

| | | | | |
|---|---|---|---|---|
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP(9)*~~ | NP | NP |
| * * * * | | | | |
| Retail Sales and Service, General | § 102 | P(5) | P(5) | P(3) |
| * * * * | § 102 | P | P | NP |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*C*~~ | ~~*P*~~ | ~~*C*~~ |
| * * * * | | | | |

* * * *

(3) THIRD STREET SPECIAL USE DISTRICT

**Boundaries:** Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3.

**Controls:** Off-sale retail liquor sales are NP; drive-up facilities for Restaurants and Limited-Restaurants are C.

* * * *

(5) GEARY BOULEVARD FORMULA RETAIL PET SUPPLY STORE AND FORMULA RETAIL EATING AND DRINKING SUBDISTRICT: Applicable only for the portion of the Geary Boulevard NC-3 District between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU. Formula Retail pet supply stores and *F*~~*f*~~ormula ~~*R*~~*r*etail *E*~~*e*~~ating and *D*~~*d*~~rinking uses are NP.

* * * *

(9) *[Note deleted.]*~~*P in the geographic area described as Flexible Retail Zones in Section 202.9.*~~

* * * *

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

* * * *

**Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS | | | | |
| * * * * | | | | |
| **NON-RESIDENTIAL USES** | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP(6)*~~ | NP | NP |
| * * * * | | | | |
| Restaurant, Limited | §§ 102, 202.2(a) | P~~*(1)*~~ | P~~*(1)*~~ | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*C*~~ | ~~*P*~~ | ~~*NP(1)*~~ |
| * * * * | | | | |

* * * *

(1) LAKESHORE PLAZA SPECIAL USE DISTRICT

**Boundaries:** Applicable only for the Lakeshore Plaza NC-S District as mapped on Sectional Map SU13 and HT13.

**Controls:** Special controls on various features and uses, and residential standards per Section 780.1, and special Height controls per Section 253.3.

* * * *

(6) *[Note deleted.]*~~*P in the geographic area described as Flexible Retail Zones in Section 202.9.*~~

* * * *

**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

* * * *

The Broadway District controls are designed to encourage development that is compatible with the existing moderate building scale and mixed-use character, and maintain the district's balance of entertainment uses, restaurants, and small-scale retail stores. New buildings exceeding 40 feet in height will be carefully reviewed and rear yards at residential levels are protected. Most commercial uses in new buildings are permitted at the first two stories. Neighborhood-serving businesses are strongly encouraged. In order to protect the livability of the area, limitations apply to new fast-food restaurants and adult entertainment uses at the first and second stories, as well as late-night activity. Financial services are allowed on the ground story subject to certain limitations. Nonretail offices are *limited*~~*prohibited*~~ in order to prevent encroachment of the adjoining downtown office uses. Due to the high traffic volume on Broadway, most automobile and drive-up uses are prohibited in order to prevent further traffic congestion. Parking garages are permitted if their ingress and egress do not disrupt the traffic flow on Broadway.

* * * *

**Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

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

| | | | | |
|---|---|---|---|---|
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

**SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

* * * *

**Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Services Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |

| | | | | |
|---|---|---|---|---|
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

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

* * * *

The Inner Clement Street District controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that supports the district's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories, although certain limitations apply to uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and protect adjacent residential livability. These controls *limit*~~*prohibit*~~ additional financial service *uses*,~~*and limit*~~ additional eating and drinking establishments, and late-night commercial uses. In order to maintain the street's active retail frontage, controls also prohibit most new automobile and drive-up uses.

* * * *

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

* * * *

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

| | | 1st | 2nd | 3rd+ |
|---|---|---|---|---|
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | P | NP | NP |
| | | | | |
| Services, Financial | § 102 | *C*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

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

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**Table 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |

| | | | | |
|---|---|---|---|---|
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

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

* * * *

The Haight Street District controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. The building standards regulate large-lot and use development and protect rear yards above the ground story and at residential levels. To promote the prevailing mixed-use character, most commercial uses are directed primarily to the ground story with some upper-story restrictions in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving commercial uses and regulate the more intensive commercial uses which can generate congestion and nuisance problems, special controls *limit*~~*prohibit*~~ additional drinking uses and tourist hotels. Prohibitions of most automobile and drive-up uses protect the district's continuous retail frontage.

* * * *

**Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

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

| | | | | |
|---|---|---|---|---|
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Bar | §§ 102, 202.2(a) | *C~~NP~~* | NP | NP |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | P | NP | NP |
| * * * * | | | | |
| Restaurant | §§ 102, 202.2(a) | *P~~NP(3)(4)~~* | NP | NP |
| * * * * | | | | |
| Services, Health | § 102 | *C~~NP~~* | C | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

(3) HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT: Retail establishments selling off-sale or on-sale alcoholic beverages are ~~*not*~~ permitted *as a Conditional Use* pursuant to Section 781.9.

(4) *[Note deleted.]~~HAIGHT STREET RESTAURANTS~~*

~~*Boundaries: Applicable to the Haight Street Neighborhood Commercial District and Haight Street Alcohol Restricted Use Subdivision.*~~

~~*Controls: A Restaurant may be permitted as a Conditional Use on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission has approved no more than a total of 3 Restaurants in accordance with this Section. Should a Restaurant permitted under this Section cease operation and complete a lawful change of use to another principally or conditionally permitted use, the Commission may consider a new Restaurant in accordance with the terms of this Section.*~~

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**SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL DISTRICT.**

* * * *

**Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Institutional Use Category** | | | | |
| * * * * | | | | |
| Job Training | § 102 | *C*~~*NP*~~ | P | P |
| * * * * | | | | |
| Social Service or Philanthropic Facility | § 102 | *C*~~*NP*~~ | P | P |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | P | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*C*~~ | ~~*P*~~ | ~~*C*~~ |
| * * * * | | | | |

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**SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| * * * * | | | | |
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Bar | §§ 102, 202.2(a), 780.3 | C(5)(6) | NP | NP |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Restaurant | §§ 102, 202.2(a), 780.3 | C(5)(6) | NP | NP |
| Restaurant, Limited | §§ 102, 202.2(a), 780.3 | ~~*C*~~*P*(5) | NP | NP |
| Services, Financial | § 102, 781.6 | C(7) | NP | NP |
| * * * * | | | | |
| Services, Limited Financial | § 102 | C(2)(7) | NP | NP |
| Services, ~~*Retail*~~ Professional | § 102 | P~~*(7)*~~ | P | P |
| * * * * | | | | |
| Design Professional | § 102, 781.6 | *P*~~*C*~~(7) | P | NP |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

(5) NORTH BEACH SPECIAL USE DISTRICT (Section 780.3):

* * * *

~~*(E) Existing retail or commercial spaces or storefronts may be consolidated or merged with an existing Public Facility for San Francisco Police Department functions or auxiliary space associated with such use. Any increase or decrease in square footage resulting from such consolidation or merger is Principally Permitted and does not require a Conditional Use authorization. This subsection (E) shall expire three years after its effective date unless extended by ordinance, pursuant to Section 780.3(c)(3).*~~

(6) NORTH BEACH LIQUOR LICENSES FOR RESTAURANTS (Section 780.3): A Restaurant Use may only add ABC license types 02, 23, 41, 47, 49, 59 or 75 as a Conditional Use on the First Story if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the Restaurant is operating as a Bona Fide Eating Place as defined in Section 102. Should a Restaurant fail to operate as a Bona Fide Eating Place for any length of time, the Conditional Use authorization shall be subject to immediate revocation. To verify that the Restaurant is continuing to operate as a Bona Fide Eating Place, records of the Restaurant's gross receipts *or gross sales*~~*, showing that a minimum of 51% of its gross receipts within the last year is from food sales prepared and sold to guests on the premises,*~~ shall be provided to the Department upon request. All records and information shall be submitted to the Department under penalty of perjury.

(7) NORTH BEACH FINANCIAL SERVICE, LIMITED FINANCIAL SERVICE, AND BUSINESS OR PROFESSIONAL SERVICE SUBDISTRICT (Section 781.6)

**Boundaries:** Applicable only for portions of the North Beach NCD south of Greenwich Street as mapped on Sectional Map SU01.

**Controls:** Financial Services and Limited Financial Services are NP at all stories; ~~*Retail Professional Services, Design Professional, and*~~ Trade Office*s* are NP at the First story. *Design Professional uses are C at the First story.*

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

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

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES (7) | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | 1st | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P~~NP~~* | NP | NP |
| * * * * | | | | |
| Services, Health | § 102 | *C~~NP~~* | C | C |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

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

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The Sacramento Street District controls are designed to promote adequate growth opportunities for development that is compatible with the surrounding low-density residential neighborhood. The building standards monitor large-scale development and protect rear yards at the grade level and above. Most new commercial development is permitted at the first story; general retail uses are permitted at the second story only if such use would not involve conversion of any existing housing units. Special controls are designed to protect existing neighborhood-serving ground-story retail uses. ~~*New Health Service uses, whether Principal or Accessory, require a Conditional Use authorization on the ground story and are permitted above the ground story.*~~ Limits on financial service uses are intended to minimize the environmental impacts generated by the growth of such uses. The daytime orientation of the district is encouraged by *requiring conditional use authorization for* ~~*prohibiting*~~ bars and restricting late-night commercial activity. New hotels and parking facilities are limited in scale and operation to minimize disruption to the neighborhood. Most new automobile and drive-up uses are prohibited to promote continuous retail frontage.

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**Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

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

| Sales and Service Use Category | | | | |
|---|---|---|---|---|
| * * * * | | | | |
| Bar | §§ 102, 202.2(a) | *C~~NP~~* | NP | NP |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P~~NP~~* | NP | NP |
| Gym | § 102 | *P~~C~~* | NP | NP |
| * * * * | | | | |
| Services, Health | § 102 | *P~~C(4)~~* | P | P |
| * * * * | | | | |
| Services, Personal | § 102 | *P~~C~~* | NP | NP |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| Design Professional | § 102 | C~~*(4)*~~ | NP | NP |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

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(4) *[Note deleted.]*~~*A Health Service Use requires a Conditional Use authorization on the ground story whether it is Principal or Accessory.*~~

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**SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

* * * *

The Union Street District controls are designed to provide sufficient growth opportunities for commercial development that is in keeping with the existing scale and character, promote continuous retail frontage, and protect adjacent residential livability. Small-scale buildings and neighborhood-serving uses are promoted, and rear yards above the ground story and at all residential levels are protected. Most commercial development is permitted at the first two stories of new buildings, while retail service uses are monitored at the third story and above. Controls are necessary to preserve the remaining convenience

businesses and to reduce the cumulative impacts which the growth of certain uses have on neighborhood residents. Such controls *require Conditional Use authorization for* ~~*prohibit*~~ additional drinking establishments and limit additional entertainment, and financial service uses. Most automobile and drive-up uses are prohibited in order to maintain continuous retail frontage and minimize further traffic congestion.

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**Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Bar | §§ 102, 202.2(a) | *C*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

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

* * * *

**Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES (6) | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Bar | §§ 102, 202.2(a) | C~~NP~~ | NP | NP |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | P~~NP~~ | NP | NP |
| * * * * | | | | |
| Services, Health | § 102 | C~~NP~~ | C | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

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**SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.**

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Commercial use provisions encourage the full range of neighborhood-serving convenience retail sales and services provided that the use size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability

are prohibited, such as auto uses, ~~*financial services,*~~general advertising signs, drive-up facilities, hotels, and late-night activity.

* * * *

| **Table 727.<br>LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE** | | | | |
|---|---|---|---|---|
| | | Lakeside Village NCD | | |
| *Zoning Category* | *§ References* | Controls | | |
| * * * * | | | | |
| Zoning Category | § References | Controls | | |
| **NON-RESIDENTIAL STANDARDS** | | | | |
| * * * * | | | | |
| **NON-RESIDENTIAL USES** | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, Financial | § 102 | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

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

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**Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

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

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Special controls on commercial uses are designed to protect the existing mix of ground-story retail uses and prevent further intensification and congestion in the district. ~~*No new financial services are permitted.*~~Because the district and surrounding neighborhoods are well served by the existing number of eating and drinking establishments, new bars are discouraged: any proposed new establishment should be carefully reviewed to ensure that it is neighborhood-serving and family-oriented, and will not generate traffic, parking, or litter problems. Medical, business or professional services are permitted at the first two stories, but

additional ground-story locations are to be closely monitored to ensure that the current balance between retail and office uses is maintained. Existing service stations are encouraged to continue operating, but changes in their size, operation, or location are subject to review. Other automotive uses are prohibited. The neighborhood-oriented, retail character of the district is further protected by prohibiting hotels and *limiting* nonretail uses. The daytime orientation of the district is maintained by prohibition of late-night commercial operating hours.

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

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Entertainment, Arts and Recreation Use Category** | | | | |
| * * * * | | | | |
| Movie Theater | §§ 102, 202.4 | *P*~~C~~ | *P*~~C~~ | *P*~~C~~ |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~NP~~ | NP | NP |
| * * * * | | | | |
| Services, Financial | § 102 | *C*~~NP~~ | NP | NP |
| * * * * | | | | |
| Services, Health | § 102 | *P*~~C~~ | P | NP |
| * * * * | | | | |

| | | | | |
|---|---|---|---|---|
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| Design Professional | § 102 | *P*~~*C*~~ | P | NP |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

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

* * * *

**Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

*** * * ***

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Automotive Use Category** | | | | |
| **Automotive Uses*** | §§ 102, 187.1, 202.2(b) | *C*~~*NP*~~ | NP | NP |
| Automotive Repair | § 102 | C | NP | NP |
| Electric Vehicle Charging Location | §§ 102, 202.2(b), 202.13 | C(7) | C(7) | C(7) |
| Fleet Charging | § 102 | C | C | C |
| Parking Garage, Private | § 102 | C | C | C |
| Parking Garage, Public | § 102 | C | C | C |
| Parking Lot, Private | §§ 102, 142, 156 | C | C | C |
| Parking Lot, Public | §§ 102, 142, 156 | C | C | C |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |

| | | | | |
|---|---|---|---|---|
| Flexible Retail | §§ 102, *202.9* | P | NP | NP |
| * * * * | | | | |
| Services, Health | § 102 | *P*~~*C*~~ | C | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* Not listed below

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(7) P where existing use is any Automotive Use.

**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 STANDARDS AND USES** | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | P | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | *P*~~*NP*~~ | P | NP |
| * * * * | | | | |

| | | | |
|---|---|---|---|
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

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**SEC. 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

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**Table 738. CORTLAND AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| **NON-RESIDENTIAL STANDARDS AND USES** | | | | |
| * * * * | | | | |
| **NON-RESIDENTIAL USES** | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

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

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

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| **NON-RESIDENTIAL STANDARDS AND USES** | | | | |
| * * * * | | | | |
| **NON-RESIDENTIAL USES** | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P~~NP(6)~~* | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*C*~~ | ~~*P*~~ | ~~*C*~~ |
| * * * * | | | | |

* * * *

(3) GEARY BOULEVARD FORMULA RETAIL PET SUPPLY STORE AND FORMULA RETAIL EATING AND DRINKING SUBDISTRICT: Applicable only for the portion of the Geary Boulevard NCD between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU. Formula Retail pet supply stores and *F*~~*f*~~ormula *R*~~*r*~~etail *E*~~*e*~~ating and *D*~~*d*~~rinking uses are NP.

* * * *

(6) *[Note deleted.]*~~*P in the geographic area described as Flexible Retail Zones in Section 202.9.*~~

(7) *[Note deleted.]*~~*C in the geographic area described as Flexible Retail Zones in Section 202.9.*~~

* * * *

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

* * * *

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

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS | | | | |
| * * * * | | | | |
| **NON-RESIDENTIAL USES** | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP(3)*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*C*~~ | ~~*P*~~ | ~~*C*~~ |
| * * * * | | | | |

* * * *

**SEC. 741. SAN BRUNO AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

* * * *

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

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| **NON-RESIDENTIAL USES** | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

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

* * * *

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

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| **NON-RESIDENTIAL USES** | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |

| | | | |
|---|---|---|---|
| * * * * | § 102 | C | C | C |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*C*~~ | ~~*P*~~ | ~~*C*~~ |
| * * * * | | | | |

* * * *

**SEC. 750. NCT-1 – NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT.**

* * * *

NCT-1 commercial use provisions encourage the full range of neighborhood-serving convenience retail sales and services at the First Story provided that the Use Size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability are prohibited, such as auto uses, ~~*financial services,*~~ general advertising signs, drive-up facilities, hotels, and late-night activity~~;;~~.

* * * *

**Table 750. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1 ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP(7)*~~ | NP | NP |
| * * * * | | | | |

| | | | | |
|---|---|---|---|---|
| Services, Financial | § 102 | *C~~NP~~* | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

(7) *[Note deleted.]*~~*P in the geographic area described as Flexible Retail Zones in Section 202.9.*~~

* * * *

**SEC. 751. NCT-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

* * * *

**Table 751. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2 ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §*§* 102*, 202.9* | *P~~NP(5)~~* | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |

| | | | | |
|---|---|---|---|---|
| * * * * | | | | |

* * * *

(5) *[Note deleted.]*~~*P in the geographic area described as Flexible Retail Zones in Section 202.9.*~~

* * * *

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

* * * *

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

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP(5)*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| **Non-Retail Sales and Service*** | § 102 | NP | NP | NP |
| *Catering* | *§ 102* | *P(11)* | *NP* | *NP* |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*C*~~ | ~~*P*~~ | ~~*C*~~ |

| | | | | |
|---|---|---|---|---|
| * * * * | | | | |

* * * *

*(11) A Catering Use in this district may not distribute or deliver individual meals to customers directly from the lot, either by its own means, or through a third-party delivery service.*

* * * *

**SEC. 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

* * * *

**Table 753. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P~~NP~~* | NP | NP |
| * * * * | | | | |
| *Services, Professional* | *§ 102* | *P* | *P* | *P* |
| * * * * | | | | |

* * * *

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

* * * *

(c) **Controls.**

* * * *

(2) **Commercial Mergers.** The consolidation or merger of existing ground floor commercial spaces that would result in greater than 1,500 gross square feet of consolidated or merged space shall *require conditional use authorization pursuant to Section 303.* ~~*be prohibited, except for Legacy Businesses, Arts Activities Uses, and Institutional Community Uses. The prohibition shall not apply to projects that submitted a development application, as defined in Section 401, to the Planning Department prior to July 31, 2018.*~~

* * * *

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

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Bar | §§ 102, 202.2(a) | C(7) | C(7) | NP |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Restaurant | §§ 102, 202.2(a), 249.60(f)(1) | C(7) | NP | NP |
| Restaurant, Limited | §§ 102, 202.2(a) | P(7) | NP | NP |
| * * * * | | | | |
| Services, Limited Financial | § 102 | P | P | NP |
| *Services, Professional* | *§ 102* | *P* | *P* | *P* |
| * * * * | | | | |

* * * *

(7) The total number of *E*~~e~~ating and *D*~~d~~rinking uses (Restaurants, Limited Restaurants, and Bars) within the District shall not exceed *197*~~167~~. A new Restaurant, Limited Restaurant, or Bar shall not be permitted if it would result in a net total of more than *197*~~167~~ *E*~~e~~ating and *D*~~d~~rinking uses in the District. Accessory Limited Restaurants are not subject to and do not count toward the *197*~~167~~cap on *E*~~e~~ating and *D*~~d~~rinking uses.

* * * *

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

* * * *

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

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

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

* * * *

**Table 756. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102*, 202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

**SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

* * * *

**Table 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

* * * *

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

| | | | | |
|---|---|---|---|---|
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P~~*(7)*~~ | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

(7) *[Note deleted.]*~~*Must be primarily open to the general public on a client- oriented basis, NP if not.*~~

* * * *

**SEC. 758. REGIONAL COMMERCIAL DISTRICT.**

* * * *

**Table 758. REGIONAL COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

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

| | | | | |
|---|---|---|---|---|
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P~~*(6)*~~ | P | P |
| | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*P*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

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

* * * *

**SEC. 762. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

* * * *

The Valencia Street District has a pattern of large lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. Continuous retail frontage is promoted by prohibiting drive-up facilities *and*~~,~~ some automobile uses, and *limiting* new nonretail commercial uses. Parking is not required, and any new parking is required to be set back or below ground. Active, pedestrian-oriented ground floor uses are required.

* * * *

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

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| **NON-RESIDENTIAL STANDARDS AND USES** | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

**SEC. 763. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

* * * *

The 24th Street – Mission Neighborhood Commercial Transit District controls are designed to provide potential for new development consistent with the existing scale and character. Small-scale buildings and neighborhood-serving uses are encouraged, and rear yard corridors above the ground story and at residential levels are protected. Most

commercial uses are encouraged at the ground story, while service uses are permitted with some limitations at the second story. Special controls are necessary to preserve the unique mix of convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent livability, new bars are *limited*~~*prohibited*~~, and limitations apply to the development and operation of ground-story restaurants and entertainment uses. Continuous retail frontage along 24th Street is maintained and encouraged by prohibiting most automobile and drive-up uses, banning curb cuts, and requiring active, pedestrian-oriented ground floor uses. Parking is not required, and any new parking required to be set back or below ground.

* * * *

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

* * * *

| Zoning Category | § References | Controls |
|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | |
| **Development Standards** | | |
| * * * * | | |
| *Mergers* | *§ 249.59* | *C for any merger of first story commercial use space where the merger would result in first story commercial use space greater than 799 gross square feet in Calle 24 Special Use District.* |
| **Commercial Use Characteristics** | | |
| * * * * | | |
| *Legacy Business* | *§ 249.59* | *Requirements apply in Calle 24 Special Use District.* |

| | | | | |
|---|---|---|---|---|
| *Compatibility of Uses* | *§ 249.59* | *Requirements apply in Calle 24 Special Use District.* | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Entertainment, Arts and Recreation Use Category** | | | | |
| **Entertainment, Arts and Recreation Uses*** | § 102 | NP*(3)* | NP | NP |
| Entertainment, General | § 102 | C*(3)* | NP | NP |
| Entertainment, Nighttime | § 102 | C*(3)* | NP | NP |
| Movie Theater | §§ 102, 202.4 | P*(3)* | NP | NP |
| Open Recreation Area | § 102 | C | C | C |
| Passive Outdoor Recreation | § 102 | C | C | C |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| **Retail Sales and Service Uses*** | §§ 102, 202.2(a), 202.3 | P*(2)(3)* | NP | NP |
| Bar | §§ 102, 202.2(a) | *C(2)(3)*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Flexible Retail | §*§* 102*, 202.9* | *P(3)*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Restaurant | §§ 102, 202.2(a) | C*(2)(3)* | NP | NP |
| * * * * | | | | |
| Services, Health | § 102 | P*(10)* | C | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | C | NP |
| * * * * | | | | |

* * * *

(2) ~~*[Note deleted.]*~~*Additional limitations apply in the Calle 24 Special Use District per the requirements of Section 249.59.*

(3) ~~[Note deleted.]~~*Additional limitations apply in the Mission Alcoholic Beverage Special Use District per the requirements of Section 249.60.*

* * * *

*(10) Health Service Uses are C on first story in the Calle 24 Special Use District per the requirements of Section 249.59.*

* * * *

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

* * * *

**Table 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |

* * * *

**SEC. 780.1. LAKESHORE PLAZA SPECIAL USE DISTRICT.**

* * * *

(b) **Controls.** The controls for the NC-S District, as set forth in Section 713 of this Code, shall apply to the Lakeshore Plaza Special Use District, except as provided below:

| **Zoning Category No.** | **Controls** |
|---|---|
| * * * * | |
| *.44* | ~~*Limited Restaurants are permitted as Conditional Uses at the First and Second Stories.*~~ |
| * * * * | |
| .69A | Restaurants are permitted as *principal uses*~~*Conditional Uses*~~ at the first *story* and *as Conditional Uses at the* second story~~*ies*~~. |
| * * * * | |

**SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.**

(a) **Purposes.** In order to (1) preserve and maintain the mix and variety of ~~*neighborhood- serving*~~*neighborhood-serving* retail sales and personal services of a type that supplies commodities or offers personal services to residents of North Beach and nearby neighborhoods; (2) preserve and maintain the District's small-scale, fine grain storefronts; (3) protect and encourage upper-story Residential Uses; (4) preserve and enhance the architectural and cultural heritage of North Beach; and (5) preserve the contributions of Legacy Businesses to the history and identity of North Beach, there shall be a North Beach Special Use District applicable to the North Beach Neighborhood Commercial District, as designated on the Sectional Map SU01 of the Zoning Map of the City and County of San Francisco.

* * * *

(c) **Controls**. The following provisions shall apply within such District:

* * * *

(2) **Alcohol Licenses.**

(A) A Restaurant may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with ABC license types 02, 23, 41, 47, 49, 59 or 75) as a Conditional Use on the First Story if, in addition to the criteria set forth in Section 303, the Planning Commission finds, based on information submitted to the Department by the applicant, that the Restaurant is and will continue to operate as a Bona-Fide Eating Place as defined in Section 102. Should a Restaurant fail to operate as a Bona-Fide Eating Place for any length of time, the Conditional Use authorization shall be subject to immediate revocation per Planning Code Section 303(f). To verify that the Restaurant is continuing to operate as a Bona-Fide Eating Place, records of the Restaurant's gross receipts *or gross sales*~~*, showing that a minimum of 51% of its gross receipts within the last year preceding the Department's request is from food sales prepared and sold to guests on the premises,*~~ shall be provided to the Department upon request. All records and information shall be submitted to the Department under penalty of perjury.

~~*(B) Subject to the requirements set forth in this subsection (B), a Limited Restaurant that existed as of March 1, 2020, may apply for a permit to convert to Restaurant use within six months after the effective date of the ordinance in Board File No. 200673.*~~

~~*(i) The application to convert to Restaurant Use shall include records submitted under penalty of perjury showing that the Limited Restaurant has operated as a Bona Fide Eating Place for at least three full calendar months between November 1, 2019 and September 1, 2020. The Department shall reject the application if the records do not support the application for such conversion; otherwise, it shall approve it.*~~

~~*(ii) If the application to convert is approved pursuant to this subsection, Restaurant Use shall be principally permitted and, notwithstanding any other Section of the Planning Code, shall not require separate Conditional Use Authorization to permit the sale of alcohol on the premises under Section 780.3(c)(2)(A).*~~

~~*(iii) Applications to convert pursuant to this subsection shall be exempt from the notice provisions of Planning Code Section 311 and from the requirement under Section 780.3 that Restaurants only occupy spaces that were previously occupied by a Restaurant or a Bar.*~~

~~*(iv) This subsection 780.3(c)(2)(B) shall expire six months after the effective date of the ordinance in Board File No. 200673, and the City Attorney shall thereafter cause this subsection to be removed from the Planning Code and the remaining subsections of this Section 780.3 to be renumbered accordingly.*~~

*(B) **Music Entertainment Facility.** A music entertainment facility with a Type 90 ABC license shall be permitted to serve alcoholic beverages in this SUD.*

*(C) **Non-Profit Theaters.** A non-profit theater shall be permitted to serve alcoholic beverages in this SUD. A "non-profit theater" shall mean a building or part of a building intended to be used for the specific purposes of presenting any act, play, revue, pantomime, scene, song, dance act, or song and dance act, conducted or participated in by one or more persons, whether or not such person or persons are compensated for such performance, and which is exempted from payment of income tax under Section 23701d of the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue Code of the United States. A "non-profit theater" shall not include any dance hall, as defined in Section 1022.*

(3) **Storefronts.** To preserve and maintain the District's small-scale, fine grain storefronts, (A) the consolidation or merger of existing retail or commercial spaces or storefronts is prohibited, and (B) Specialty Groceries shall not exceed a Non-Residential Use Size of 1,000 square feet.

~~***Exception.*** *Existing retail or commercial spaces or storefronts may be consolidated or merged with an existing Public Facility for San Francisco Police Department functions or auxiliary space associated with such use. Any increase or decrease in square footage resulting from such consolidation or merger is Principally Permitted and does not require a Conditional Use authorization under subsection (c)(9) below. This exception to the storefront merger prohibition shall be in effect for three years from its effective date unless further extended by ordinance. Unless so extended, the City Attorney shall cause this paragraph stating the foregoing exception to be removed from this Code, along with the sentence referencing it in subsection (c)(9).~~

* * * *

(9) **Conditional Use Authorizations.** In addition to the findings required under Section 303 of this Code, for any use or project within the District that is subject to Conditional Use authorization under this Section 780.3, Section 722, or any other section of this Code, the Planning Commission shall find that the proposed project supports the purposes of the North Beach SUD set forth in this Section 780.3. ~~*For the duration of the Exception stated in subsection (c)(3), a Conditional Use authorization is not required for use of consolidated or merged space for a Public Facility for San Francisco Police Department functions or auxiliary space associated with such use.*~~

**SEC. 781.1. TARAVAL STREET RESTAURANT SUBDISTRICT.**

(a) **Purpose.** In order to preserve the mix and variety of goods and services provided to the Sunset and Parkside neighborhoods and City residents, prevent further proliferation of restaurant uses and prevent further aggravation of parking and traffic congestion in this district, there shall be a Taraval Street Restaurant Subdistrict, generally applicable for the NC-1-zoned portion of Taraval Street located between 40th and 41st Avenues and between 45th and 47th Avenues, and for the Inner Taraval Street Neighborhood Commercial District located

between 12th and 19th Avenues, as designated on Sectional Maps SU05 and SU06 of the Zoning Map-.

(b) **Controls.** The following provisions shall apply within such Subdistrict:

(1) Restaurants and Limited-Restaurants are *principally* permitted ~~*as Conditional Uses*~~ on the First Story and below.

(2) Restaurants and Limited-Restaurants also defined as Formula Retail, as defined in Section 303.1 of this Code, shall not be permitted in this Subdistrict.

(3) The provisions of Sections 180 through 186.1 of this Code shall govern Restaurants and Limited-Restaurants also defined as Formula Retail, which existed lawfully at the effective date of this Code in this subdistrict.

**SEC. 781.5. MISSION STREET FORMULA RETAIL RESTAURANT SUBDISTRICT.**

* * * *

(b) **Controls.** The following provisions shall apply within such Subdistrict:

(1) A Limited-Restaurant use or a Restaurant use that are also Formula Retail uses, as defined in Planning Code Section 303.1, *may be permitted as a Conditional Use on the Ground Floor in this Subdistrict pursuant to Sections 303 and 303.1(d).*~~*shall be permitted in this Subdistrict.*~~

(2) The provisions of Sections 180 through 186.1 of this Code shall govern Formula Retail Limited-Restaurants and Restaurants which existed lawfully at the effective date of this Code in this Subdistrict.

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

(a) **Purpose.** In order to preserve the unique mixture of local, citywide and regional sales and services in the North Beach area, there shall be a North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict, generally

applicable for the portion of the North Beach Neighborhood Commercial District south of Greenwich Street, excluding Powell Street south of Union Street, as designated on Sectional Map SU01 of the Zoning Map-.

(b) **Controls.** The following provisions shall apply within such Subdistrict:

(1) A Financial Service or a Limited Financial Service shall not be permitted in this Subdistrict.

(2) A Retail or Professional Service~~*, Design Professional*~~ and Trade Office shall not be permitted in this Subdistrict on the First Story.

*(3) A Design Professional use may be permitted as a Conditional Use on the Ground Floor in this Subdistrict pursuant to Section 303.*

(*4*~~*3*~~) The provisions of Sections 180 through 186.1 of this Code shall govern Financial Services, Limited Financial Services, Retail Professional Services, ~~*Design Professional*~~ and Trade Offices that existed lawfully at the effective date of this Code in this Subdistrict.

**SEC. 781.7. CHESTNUT STREET FINANCIAL SERVICE SUBDISTRICT.**

(a) **Purpose.** In order to preserve the unique mixture of sales and services in the Chestnut Street area, there shall be a Chestnut Street Financial Service Subdistrict, generally applicable for the NC-2-zoned portion of Chestnut Street, including NC-2-zoned portions of cross streets, between Webster and Broderick Streets, as designated on Sectional Map 2SU of the Zoning Map .

(b) **Controls.** The following provisions shall apply within such Subdistrict:

(1) A Financial Service or a Limited Financial Service shall ~~*not*~~ be *conditionally* permitted in this Subdistrict *pursuant to Sections 303 and 303.1(d)*.

(2) The provisions of Sections 180 through 186.2 of the Code shall govern Financial Services and Limited Financial Services which existed lawfully at the effective date of this Code in this Subdistrict.

**SEC. 781.9. HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT.**

* * * *

(c) **Controls.**

(1) **Definitions.**

(A) A "liquor establishment" shall mean any enterprise selling alcoholic beverages, as defined by California Business and Professions Code Section 23004 and 23025, pursuant to a California Alcoholic Beverage Control Board license.

(B) An "on-sale liquor establishment" shall mean any liquor establishment which has obtained Alcoholic Beverage Control Board License type 40 (on-sale beer), type 41 (on-sale beer and wine eating place), type 42 (on-sale beer and wine public premises), type 47 (on-sale general eating place), type 48 (on-sale general-public premises) or type 57 (special on-sale general) selling alcoholic beverages for consumption on the premises. Typical on-sale establishments may include but are not limited to Bars and Restaurants serving alcoholic beverages. It shall not include types 51, 52, 59, 60, 61, *64*, 67, 70, ~~*or*~~ 75, *or 90*.

(C) An "off-sale liquor establishment" shall mean a Liquor Store use.

(D) An "*unpermitted*~~*prohibited*~~ liquor establishment" shall mean any establishment selling alcoholic beverages lawfully existing prior to the effective date of the establishment of the Haight Street Alcohol RUSD and licensed by the State of California for the retail sale of alcoholic beverages for on or off-site consumption, so long as otherwise lawful.

(E) An "eligible movie theater" shall be a Movie Theater use that contains only a single screen and auditorium, has seating for 150 or fewer persons, and is not a Formula Retail Use as defined in Code Section 303.1.

(2) ***Limitation****~~Prohibition~~* **on new Liquor Establishments**. *~~No new~~New* on-sale or off-sale liquor establishments shall be permitted in the Haight Street RUSD *as a Conditional Use.~~, except for up to four additional Restaurants in accordance with the zoning controls set forth in Section 719~~*.

~~*(3)* ***Exemptions.*** *The limitation prohibition on liquor establishments shall not be interpreted to prohibit the following:*~~

~~*(A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or*~~

~~*(B) Establishment of a liquor establishment if application for such liquor establishment is on file with the California Department of Alcoholic Beverage Control prior to the effective date of legislation establishing the Haight Street Alcohol RUSD.*~~

~~*(C) Establishment of a liquor establishment if:*~~

~~*(i) such use is an eligible movie theater,*~~

~~*(ii) only beer and wine are offered for consumption, and*~~

~~*(iii) such beer and wine are:*~~

~~*a. only consumed on the premises and primarily in the main theater auditorium,*~~

~~*b. only sold to and consumed by ticketholders and only immediately before and during performances, and*~~

~~*c. only offered in conjunction with the screening of films and not as an independent element of the establishment that is unrelated to the viewing of films.*~~

(*3*~~*4*~~) **Continuation of existing** ***Unpermitted****~~Prohibited~~* **Liquor Establishments.** In the Haight Street Alcohol RUSD, any *unpermitted~~prohibited~~* liquor establishment may continue in accordance with Sections 180 through 186.2 of this Code, subject to the following provisions:

(A) A*n* *unpermitted~~prohibited~~* liquor liquor establishment lawfully existing and selling alcoholic beverages as licensed by the State of California prior to the effective date of this legislation, or subsequent legislation prohibiting that type of liquor establishment, so long as

otherwise lawful, may continue to operate only under the following conditions, as provided by California Business and Professions Code Section 23790:

(i) Except as provided by subsection (B) below, the premises shall retain the same type of retail liquor license within a license classification; and

(ii) Except as provided by subsection (B) below, the licensed premises shall be operated continuously, without substantial change in mode or character of operation.

(B) A break in continuous operation shall not be interpreted to include the following, provided that the location of the establishment does not change, the square footage used for the sale of alcoholic beverages does not increase, and the type of California Department of Alcoholic Beverage Control Liquor License ("ABC License") does not change except as indicated:

(i) A change in ownership of a prohibited liquor establishment or an owner-to-owner transfer of an ABC License; or

(ii) Re-establishment, restoration or repair of an existing prohibited liquor establishment on the same lot after total or partial destruction or damage due to fire, riot, insurrection, toxic accident or act of God; or

(iii) Temporary closure of an existing *unpermitted*~~*prohibited*~~ liquor establishment for not more than ninety (90) days for repair, renovation or remodeling;

(iv) Relocation of an existing *unpermitted*~~*prohibited*~~ liquor liquor establishment in the Haight Street Alcohol RUSD to another location within the same Haight Street Alcohol RUSD with Conditional Use authorization from the Planning Commission, provided that the original premises shall not be occupied by a*n* *unpermitted*~~*prohibited*~~ liquor liquor establishment, unless by another *unpermitted*~~*prohibited*~~ liquor liquor establishment that is also relocating from within the Haight Street Alcohol RUSD.

(v) A change from a Type 21 (off-sale general) to a Type 20 (off-sale beer and wine) license.

*(vi) A change from an existing ABC license to a Type 64 or Type 90 license.*

* * * *

**SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

* * * *

**Table 810**

**CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| **NON-RESIDENTIAL USES** | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Restaurant | § 102 | *P*~~*C(1)(3)*~~ | C(1)(3) | C(1)(3) |
| Retail Workspace | § 102 | *C*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| *Services, Professional* | *§ 102* | *P* | *P* | *P* |
| * * * * | | | | |
| ~~*Services, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*P*~~ |
| * * * * | | | | |

* * * *

(1) C for Use Size is not required for Restaurants larger than 5000 sq. ft., but C to establish the Use is required as indicated.

* * * *

(3) Formula Retail Restaurants and Limited Restaurants are NP in all Chinatown MUDs.

* * * *

**SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.**

* * * *

**Table 811**

**CHINATOWN VISITOR RETAIL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| **NON-RESIDENTIAL USES** | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| Gym | § 102 | *P*~~*NP*~~ | P | NP |
| * * * * | | | | |
| Restaurant | § 102 | *P*~~*C(1)*~~ | C(1) | NP |
| Retail Workspace | § 102 | *C*~~*NP*~~ | NP | NP |
| Services, Financial | § 102 | *C*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, Health | § 102 | *C*~~*NP*~~ | P | NP |
| * * * * | | | | |
| Services, Personal | § 102 | *C*~~*NP*~~ | P | NP |
| Services, ~~*Retail*~~ Professional | § 102 | *P*~~*NP*~~ | P | NP |

| | | | | |
|---|---|---|---|---|
| * * * * | | | | |

* * * *

(1) C for Use Size is not required for Restaurants larger than 2,500 sq. ft., but C to establish the Use is required as indicated.

* * * *

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

* * * *

**Table 812**

**CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| **NON-RESIDENTIAL USES** | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| **Retail Sales and Service Uses*** | §§ 102, 202.2(a), 202.3 | P | NP | NP |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P~~NP~~* | NP | NP |
| * * * * | | | | |
| Restaurant | § 102 | *P~~C~~*(2) | NP | NP |
| Retail Workspace | § 102 | *C~~NP~~* | NP | NP |
| * * * * | | | | |

| | | | | |
|---|---|---|---|---|
| *Services, Professional* | *§ 102* | *P* | *NP* | *NP* |
| * * * * | | | | |

* * * *

(2) Formula Retail Restaurants and Limited Restaurants are NP in all Chinatown MUDs.

* * * *

Section 3. Article 7 of the Planning Code is hereby amended by revising the Zoning Control Tables in each of the Sections listed below to 1) add Section 202.9 to the "§ References" column for the Flexible Retail row, 2) delete "Retail" from the term "Services, Retail Professional," and 3) delete the entire row for "Service, Non-Retail Professional," as shown in the following sample Zoning Control Table:

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| * * * * | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | * * * * | * * * * | * * * * |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | * * * * | * * * * | * * * * | * * * * |
| * * * * | | | | |
| ~~*Services, Non-Retail Professional*~~ | ~~* * * *~~ | ~~* * * *~~ | ~~* * * *~~ | ~~* * * *~~ |
| * * * * | | | | |

Sec. 717. Outer Clement Street Neighborhood Commercial District.

Sec. 721. Japantown Neighborhood Commercial District.

Sec. 731. Noriega Street Neighborhood Commercial District.

Sec. 732. Irving Street Neighborhood Commercial District

Sec. 733. Taraval Street Neighborhood Commercial District

Sec. 735. Inner Balboa Street Neighborhood Commercial District.

Sec. 736. Outer Balboa Street Neighborhood Commercial District.

Sec. 737. Bayview Neighborhood Commercial District.

Sec. 742. Cole Valley Neighborhood Commercial Districts.

Sec. 743. Lower Haight Street Neighborhood Commercial District.

Sec. 745. Inner Taraval Street Neighborhood Commercial District.

Sec. 759. Divisadero Street Neighborhood Commercial Transit District.

Sec. 760. Fillmore Street Neighborhood Commercial Transit District.

Sec. 761. Hayes-Gough Neighborhood Commercial Transit District.

Section 4. 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.

Section 5. 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 additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ HEATHER GOODMAN
HEATHER GOODMAN
Deputy City Attorney

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EXHIBIT C

# LEGISLATIVE DIGEST
# (SUBSTITUTED 7/25/23)

[Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses]

**Ordinance amending the Planning Code to 1) permit additional commercial, retail, and restaurant uses on the ground floor in certain neighborhood commercial districts (NCDs) and residential districts; 2) principally permit Flexible Retail on the ground floor in NCDs and Chinatown mixed use districts; 3) create Professional Services as a use category that may provide services to the public and businesses and delete Non-Retail Professional Service and Retail Professional Service use subcategories; 4) create regulations for music entertainment venues and non-profit theaters distinct from regulations for Bars; 5) allow Limited Corner Commercial Uses in certain residential districts; 6) conditionally permit Formula Retail and Restaurant uses in certain commercial and residential districts; 7) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts; 8) expand business types that qualify for the Planning Department priority review program; 9) clarify that multiple allowable uses may co-locate on one site; 10) clarify and modify various other use regulations and processes; 11) establish a process to legalize certain unpermitted outdoor activity areas including restaurant patios; 12) permit additional retail and non-retail uses in specified NCDs; and 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 regulates various uses as principally permitted, conditionally permitted, or not permitted. In certain commercial districts, some commercial uses either are not permitted or require conditional use authorization (CUA).

Flexible Retail is allowed only in Neighborhood Commercial Districts (NCDs) in two geographic areas.

Professional Services, such as accounting, advertising, and insurance, are regulated either as Retail (generally open to the public) or Non-Retail (primarily serving other businesses).

Uses are regulated either as principal uses or accessory uses (minor or incidental uses associated with the principal use). If multiple uses are proposed at one site, but the additional uses are not minor enough to be deemed "accessory," each use will be evaluated and regulated as a principal use. In this way, multiple uses may be permitted at one site, even though such combined uses are not explicitly authorized in the Planning Code.

The California Department of Alcoholic Beverage Control (ABC) recently created a new license for music venues, called Type 90, that has not yet been incorporated into the Planning Code. ABC license Type 64 allows alcohol sales at non-profit theaters.

A business with a patio must obtain Conditional Use Authorization if it cannot provide documentation that the patio was properly permitted when it was first established.

Planning Code Section 311 requires neighborhood notices for changes of use in several districts, including Eastern Neighborhoods Mixed Use Districts. Proposition H (2020's Save Our Small Businesses Initiative) eliminated this notice requirement for many other districts.

Certain small and mid-sized businesses qualify for expedited processing under the Community Benefit Priority Processing Program (CB3P). Currently, uses that sell alcohol, such as Nighttime Entertainment and Bars, do not qualify for the program.

Amendments to Current Law

Overall, the amendments in this ordinance would allow more business types on the ground floor in commercial areas and at residential corner commercial buildings. The chart below summarizes these amendments. In addition, this ordinance would explicitly allow multiple principal uses to co-locate at one site, would not require Section 311 neighborhood notice for changes of use in Eastern Neighborhoods Mixed Use Districts, would include Bars and Nighttime Entertainment uses in the expedited CB3P processing program, and would require conditional use authorization for commercial mergers in the Mission Street Neighborhood Commercial District.

| **Use** | **District(s)** | **Current Code*** | **Proposed Control** |
|---|---|---|---|
| Flexible Retail | All NCDs and Chinatown mixed use districts | Permitted only in NCDs in two specified zones | Permitted citywide |
| | | NP, C, or P** | P |
| | | Abandoned after 3 months of non-use | Abandoned after standard 3 years of non-use |
| Professional Services | All | Defined and regulated as "Retail" or "Non-Retail," depending on whether services are primarily provided to the general public or to other businesses | Removes "Retail" and "Non-Retail" distinction. All Professional Services regulated the same |

| Use | District(s) | Current Code* | Proposed Control |
|---|---|---|---|
| | All NCDs and Chinatown mixed use districts | NP, C, or P | P |
| Restaurants | Taraval Street Restaurant Subdistrict; Chinatown mixed use districts; Lakeshore Plaza Special Use District (SUD) | C | P |
| | Haight Street NCD | NP | P |
| | Jackson Square SUD | C with limitations | C |
| | Mission Street NCT | C, up to a cap of 167 eating and drinking uses | C, up to a cap of 197 eating and drinking uses |
| Limited Restaurants | Taraval Street Restaurant Subdistrict; Lakeshore Plaza SUD; North Beach NCD | C | P |
| | Jackson Square SUD | C with limitation | C |
| | Mission Street NCT | P, up to a cap of 167 eating and drinking uses | P, up to a cap of 197 eating and drinking uses |
| Formula Retail Restaurants and Limited Restaurants | Mission Street Formula Retail Restaurant Subdistrict | NP | C |

| Use | District(s) | Current Code* | Proposed Control |
|---|---|---|---|
| Bars | Haight Street NCD; Union Street NCD; Pacific Avenue NCD; Sacramento Street NCD; 24th Street – Mission NCTD | NP | C |
| | Jackson Square SUD | C with limitation | C |
| | Mission Street NCTD | C, up to a cap of 167 eating and drinking uses | C, up to a cap of 197 eating and drinking uses |
| Liquor Stores | Haight Street Alcohol Restricted Use Subdistrict | NP | C |
| Alcohol Sales at Music Venues and Non-Profit Theaters | Mission Alcoholic Beverage SUD; North Beach SUD; Haight Street Alcohol Restricted Use Subdistrict | Not specifically listed, or only Type 64 allowed | Allowed with Type 90 or Type 64 ABC license |
| Limited Commercial Uses and Limited Corner Commercial Uses | Residential, House (RH); Residential, Mixed (RM-1, RM-2) | NP | P; may include patio space |
| Outdoor Activity Areas (Patios) | Citywide | New CUA required if business unable to show original permission | If patio has been in existence over 10 years, may be “legalized” administratively without CUA |

| Use | District(s) | Current Code* | Proposed Control |
|---|---|---|---|
| Design Professional | West Portal Avenue NCD; North Beach NCD | C | P |
| | North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict | NP | C |
| Financial Services | Lakeside Village NCD | NP | P |
| Miscellaneous | Various NCDs; Chinatown mixed use districts; Residential Transit Oriented Districts (RTOs); PDR-1-B District | Various uses in these districts would shift from NP to C, or from C to P. See ordinance for details. | |

* All zoning controls listed refer to ground floor controls

** P – Principally Permitted
C – Conditionally Permitted
NP – Not Permitted

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EXHIBIT D

**Draft Amendments for Temporary Five-Year Impact Fee Waiver**

**SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT PROJECT REQUIREMENTS.**

* * * *

(i) **Waiver for Certain Changes in Use**. A development project that meets the eligibility criteria in subsection (i)(1) of this Section 406 shall receive a waiver from any development impact fee or development impact requirement imposed by this Article, with the exception of the requirements of Section 415.

(1) **Eligibility**. To be eligible for the waiver in this subsection (i), the project shall:

(A) propose a change in use within an existing structure, excluding the establishment of any of the following uses: Office Use, Parcel Delivery Service, and Fleet Charging; and

(B) submit a complete Development Application on or before December 31, 2028.

(2) **Extent of Waiver**. The waiver in this subsection (i) shall be limited to development impact fees or development impact requirements for eligible changes in use within an existing structure and shall not include any additions to an existing structure or new construction.

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# EXHIBIT E

Veronica Flores
Clerk, San Francisco Planning Commission
veronica.flores@sfgov.org
Re: SF BOS File # 230701

August 28, 2023

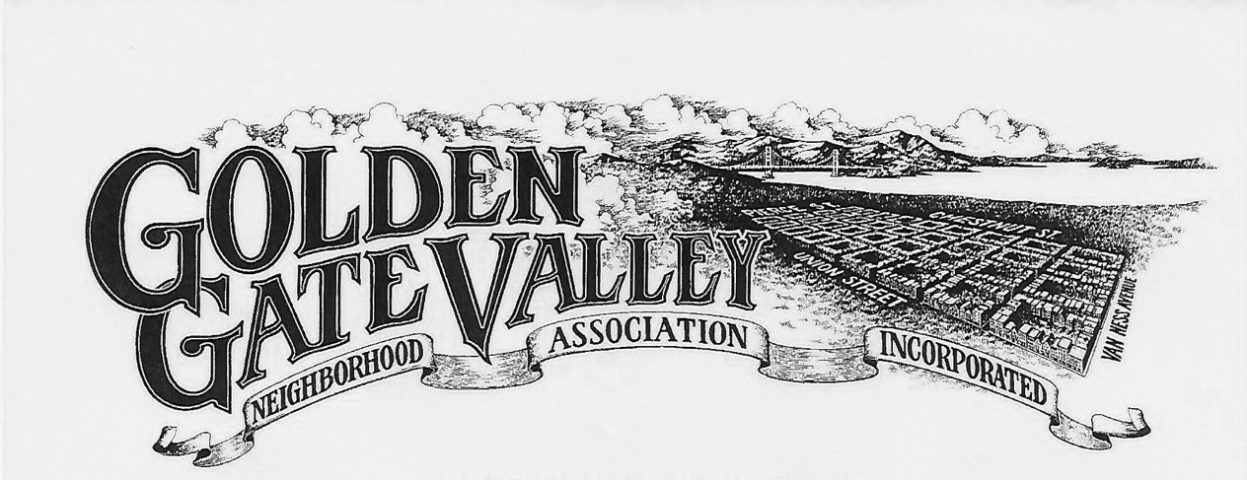
Dear San Francisco Planning Commission members,

The Board of Directors of the Glen Park Merchants Association supports the proposed NCD/NCT zoning ordinance (BOS File 230701). The Glen Park commercial transit district is in District 10, which currently does not allow flexible retail. We believe passage of this ordinance would allow businesses to more easily pivot to adapt rapidly as customer and client patterns continue to change over time. Other changes that are beneficial in our view include: allowing for simplified legalization of existing outdoor patios, reducing the number of hurdles required to apply for certain change of use permits and the inclusion of entertainment related applications in Community Benefit Priority Processing Program.

We urge you to work with the Mayor, the Office of Small Business and Supervisors Engardio, Dorsey and Melgar to ensure SF BOS File #230701 will be as helpful as possible to the small business community as we continue to adapt to a rapidly changing business climate in San Francisco while at the same time working to preserve the unique character of each of our individual neighborhoods.

Sincerely,

Janet Tarlov
President, Glen Park Merchants Association
glenparkmerchantsassociation@gmail.com




P.O. Box 29086
Presidio Station
San Francisco, CA 94129

August 28, 2023

Re: File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Use

Dear Planning Commissioner Flores:

We are writing concerning the proposed ordinance, “Small Business Permitting Improvements Legislation (Board of Supervisors File 230701).” Golden Gate Valley Neighborhood Association opposes the legislation for the following reasons.

Union Street is in the heart of Golden Gate Valley where we reside, so we cannot support lifting restrictions on area bars, as indicated on page 51. This to us is unacceptable. Union Street decades ago had no bar limits, and it did not work, with many drinking establishments and a lot of drunken behavior and unpleasantness. We do not want to return to those times. Moreover, this could discourage other businesses from coming in and alter the character of the boulevard in ways we cannot anticipate. Union Street is doing very well now, with high store occupancy; why change it?

We further object to lifting restrictions on bars along Haight Street, Jackson Square, Pacific Ave and Sacramento Street. A neighborhood should be allowed to establish its own guidelines. Specifically targeting special use districts would probably hurt instead of helping. It further would remove local control and put decision making in the hands of the city, not the people actually in the communities. Removing restaurant restrictions, as proposed in certain neighborhoods like Chinatown, is also questionable.

We also would like to keep outdoor limits on restaurant patios in Union Street in place. These and other conditions in our area were developed over many years, and do the job.

In addition, we do not believe flexible retail should be expanded, and are particularly opposed to multiple retail uses in a single location. The result can often be confusing and disorganized, with one business on the left of the store and something entirely different on the right. That has been limited in the past, sensibly so.

There are aspects of the suggested ordinance we could endorse, such as allowing coworking as part of Professional Services. And we generally would like to see new businesses thrive. But overall, this proposed legislation with 100 changes to the code, is too radical and targets too strongly a number of districts with special restrictions, such as Union Street, Sacramento, Pacific and others. It quiets local voices to a great extent and puts decision making in the hands of city officials elsewhere. It also erases rules many local neighborhoods took years to develop, by trial and error, and that are effective. The result would be chaotic and not terribly successful.

Golden Gate Valley Neighborhood Association urges the city to reject the proposed legislation for the above reasons.

Many thanks for your kind attention.

Sincerely yours,

Phil Faroudja

President, GGVNA

cc.: Supervisor Catherine Stefani

Hotel Council OF SAN FRANCISCO

August 22, 2023

Planning Commission
Commission Chambers, Rm 400
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Members of the Planning Commission,

On behalf of the Hotel Council of San Francisco, I offer our full support for the proposed Ordinance to amend the Planning Code, File No. 230701 [Planning Code – Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses].

We support the proposed changes to the Planning Code to improve the business permitting process and reduce the barriers faced by small businesses when trying to open new establishments or make necessary adjustments in response to changing conditions. The ordinance would allow more businesses to bypass the months-long Conditional Use Authorization process by principally permitting more uses throughout the city and reducing the ability for appeals to cause more delays. Additionally, the ordinance would expand the business use types allowed to open on the ground floor to provide more options in filling vacant commercial ground floor spaces. These changes will make it easier for businesses to open in key areas and provide entrepreneurs greater flexibility in adapting to the disruption caused by the pandemic as well as shifts in consumer behavior in general. The ordinance would also expand options for dining and nightlife establishments, including lifting restrictions on restaurants, limited restaurants and bars in several commercial corridors, incorporating the new state liquor license Type 90 into the Planning Code, which authorizes the sale of alcohol at music entertainment venues, and easing the legalization process for existing outdoor patios.

We recognize the importance of implementing these changes to the Planning Code. Supporting our small businesses is a key component of our city's revitalization efforts, and increasing flexibility for our small business owners will help to strengthen our economic diversity and resilience. Additionally, reducing barriers and expanding options for restaurants and entertainment venues will help to make San Francisco a dynamic destination that is active at all hours, every day, and ensure that our visitors and residents the widest possible range of activities and uses that our city can offer.

Respectfully,

Alex Bastian
President & CEO, Hotel Council of San Francisco

MID-MARKET BUSINESS ASSOCIATION & FOUNDATION

TO: San Francisco Planning Commission

August 22, 2023

**Subject: File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses**

Dear Commissioner Tanner, Commissioner Moore, Commissioner Braun, Commissioner Diamond, Commissioner Koppel, Commissioner Imperial, and Commissioner Ruiz:

On behalf of the Mid-Market Business Association and Foundation, I am writing to you to express our support for the Small Business Permit Legislation that the commission will be considering during your September 7th public hearing. As organizations devoted to initiatives that support the economic vitality of the Mid-Market neighborhood, one of the city's most significant yet challenging sections of Downtown San Francisco, we view this legislation as instrumental for the neighborhood's revitalization. The changes this legislation will enable will dramatically reduce the challenges properties, brokers, and civic partners face in Mid-Market, a neighborhood with 40% ground floor retail vacancy.

Our organization recently launched an ambitious and comprehensive recovery plan and vision for the neighborhood, **Market Street Arts.** Fundamental to the success of this plan are vacancy activations, retail recruitment, and new retail uses in the area that will serve the area's diverse, growing population and align with the booming theater and entertainment destinations that define the area.

Allowing more business uses on the ground floor to help fill commercial vacancies, lifting restrictions on bars and restaurants, removing certain public notice requirements, and enabling priority permit processing for nighttime entertainment, bars, and restaurants will transform Mid-Market and ensure our beloved and at-risk arts and entertainment venues are well-supported.

We urge you to approve this legislation and support the future of small businesses in Mid-Market. The crisis conditions in our neighborhood call for a sort of triage, in which the priority must be to stop the bleeding, reverse the vacancy rate's upward trajectory and restore the functioning of the market for retail space–which becomes ever less likely with each passing month, as perceptions of a fallen and doomed Mid-Market solidify still further.

Thank you for your consideration.

Sincerely,
Steve Gibson

NORTHERN NEIGHBORS

COW HOLLOW, MARINA, PACIFIC HEIGHTS,
LAUREL HEIGHTS, RUSSIAN HILL, & THE PRESIDIO

August 29, 2023

Veronica Flores
San Francisco Planning Department

CC: San Francisco Office of Small Business

**Re: Support for File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Use**

Dear Veronica Flores:

On behalf of Northern Neighbors, we are writing to **express our support for the legislation to legalize and streamline the establishment of more types of business** across the city. We support an ecosystem of lively, prosperous businesses in our commercial corridors and across the city that make our neighborhoods vibrant, interesting, and convenient. Thriving businesses also boost the economy and help people earn a living. However, many business uses are banned or require costly and onerous application processes to open. As a result, San Francisco sees more retail vacancies because entrepreneurs are dissuaded from opening a business and investing in the city.

This legislation would support our organization's goal to lower the costs of starting a business and allow for more businesses to flourish. Greater availability of businesses will improve the quality of life for residents by offering more products and encouraging more competition.

Northern Neighbors is a 300-person urbanist organization representing neighborhoods in Supervisor Districts 2 and 3, from the Presidio and Pacific Heights to North Beach and the Financial District. We support affordable, vibrant, walkable, and safe SF neighborhoods.

Thank you,

Mike Chen, Co-Lead
Liz Miller, Co-Lead

Northern Neighbors
hello@northernneighbors.org
https://www.northernneighbors.org/

SF NEW DEAL

29 August 2023

**re: File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses**

Dear Planning Commission:

It is our pleasure to write a letter of support for the Small Business Permitting Improvements legislation (File 230701) that you are considering on the Planning Commission Agenda on Thursday, September 7, 2023.

SF New Deal is in full support of the entire package of proposed changes to the Planning Code. We believe that the many changes included in the legislation will make it easier for small businesses both to open and operate in San Francisco, including:

- allowing more business uses on the ground floor;
- lifting some restrictions on restaurants and bars;
- easing legalization process for existing outdoor patios;
- removing public notice requirement for some change-of-use projects; and
- enabling nighttime entertainment, bars and restaurants to benefit from priority processing at Planning Department and Commission.

Our small businesses are a key to the cultural and economic vibrancy that will fuel the City's recovery from the pandemic. By making it easier for small businesses to thrive and grow, we can start to fill vacant storefronts and strengthen our neighborhoods.

SF New Deal launched in March 2020 as a rapid response to COVID-19. Using privately donated funds and government-funded service contracts, we paid local restaurants to provide meals for neighbors in need. We now run a host of programs that aim to strengthen neighborhoods by making it easier for under-resourced small business owners to succeed.

We have disbursed over $36 million to more than 700 local businesses through a variety of small business support and feeding programs. We are also the operator – in partnership with the City's Office of Economic and Workforce Development of the recently launched Vacant to Vibrant program, bringing 17 pop-up small businesses, entrepreneurs, artists and cultural organizations to 9 locations in the Financial District for three to six months.

Our vision is for a vibrant San Francisco with diverse and thriving small businesses. Please vote to approve the proposed Planning Code changes included in File 230701.

Respectfully,

Simon Bertrang
Executive Director

hi@sfnewdeal.org www.sfnewdeal.org 415.480.1185

SF YIMBY

SF YIMBY advocates for welcoming communities where everyone can thrive.
sfyimby.org

**San Francisco Planning Department**
49 S Van Ness Ave Suite 1400
San Francisco, CA 94103

**San Francisco Office of Small Business**
49 S Van Ness Ave Suite 1400
San Francisco, CA 94103

*8/30/2023*

**Re: Support for File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Use**

Dear Veronica Flores:

SF YIMBY supports legislation File 230701, which will legalize more business uses for San Francisco's ground floor commercial spaces. In our core work of housing advocacy, we recognize that the city's housing shortage is largely caused by burdensome restrictions on the types of housing that can be built in San Francisco. The solution is to (a) legalize more kinds of housing, like in-law units, duplexes, mid-rise apartments, and tall apartment towers; and (b) reduce the uncertainty and cost for homebuilders so that they can turn a profit. Similarly, we see the commercial vacancy crisis as a shortage of businesses, which the city has discouraged through

labyrinthine application gauntlets and outright bans. The solution is to (a) legalize more kinds of businesses that can occupy storefronts and ground floor spaces, like restaurants, architecture studios, movie theater concessions, and flexible retail; and (b) remove barriers that increase cost and risk for prospective businesses to open and operate.

In these dire economic times, we must do all that we can to encourage businesses to move into our storefronts. We urge the passage of this legislation as soon as possible.

SF YIMBY is a party of YIMBY Action, a network of pro-housing activists fighting for more inclusive housing policies. Our vision is an integrated society where every person has access to a safe, affordable home near jobs, services, and opportunity.

Best regards,

Jane Natoli,
San Francisco Organizing Director

**From:** Aadik Shekar
**To:** Flores, Veronica (CPC)
**Cc:** SFOSB (ECN)
**Subject:** File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
**Date:** Monday, August 28, 2023 12:07:32 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I strongly support this legislation,
and candidly any legislation that gets the SF Planning commission out of the way of people who want to start businesses and bring jobs and revive downtown SF. Today, the SF government and the planning commission is an impediment and corrupt organization (Im confident there are more Mohammed Nuru's and Rodrigo Santos' out there), and I would prefer not to have them trying to determine what businesses people can run,. I'm a SF resident and tax payer in D9, and I promise this will affect my voting and organization in the elections to come.

-Aadik Shekar

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|---|---|
| **From:** | Aaron Weiman |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses" |
| **Date:** | Monday, August 28, 2023 2:57:58 PM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good afternoon,

I'm writing today in strong support for BOS File 230701 – Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses.

As a SF resident and small business owner I am dedicated to seeing San Francisco thrive. To fully recover from the COVID-19 pandemic, we need to fill vacant storefronts and boost foot traffic throughout our corridors. This legislation takes important steps to accomplish those goals. To address the city's high commercial vacancy rate, this legislation allows a wider range of business uses to open in our commercial corridors. It also removes burdensome noticing requirements for businesses trying to open in eastern neighborhoods, ensuring that more small businesses can benefit from the permitting improvements that were approved by voters under Proposition H.

In the current business climate, more people are seeking out experiential/nontraditional retail, and this legislation allows flexible retail citywide. Businesses should be able to try out different combinations of retail, and this gives them the option to serve food/drinks alongside selling clothes or art, etc.

Currently, nighttime entertainment, bars, and restaurants are not assured a timely hearing in front of the city's Planning Commission. This legislation ensures that their applications get calendared at the Planning Commission within six months. Businesses pay rent regardless of whether or not they are open to the public, so ensuring their public hearings are scheduled quickly can minimize the time between getting their permits and starting to generate revenue.
San Francisco needs to make small business permitting as simple and flexible as possible, and this legislation gets us a step closer to that goal.

Please support BOS File 230701!

Thank you,

Aaron Weiman

D1

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|---|---|
| **From:** | Alex Ryan |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 12:59:33 PM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I strongly support this legislation. San Francisco has spent decades burying our small businesses in red tape, and the results are plain to see – vast swaths of our commercial corridors sit empty while entrepreneurs throw their hands up in the face of years-long delays and infinite hearings. Anything we can do to reduce the barriers to starting a small business is a good thing.

Alex Ryan
District 8 resident

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|---|---|
| **From:** | Amy Cleary |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Friday, August 25, 2023 11:43:00 AM |
| **Attachments:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses.pdf |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

August 25, 2023

Dear Planning Department Staff,

On behalf of the Golden Gate Restaurant Association (GGRA), I am writing in support of the proposed changes to the city planning code to facilitate easier permitting for small businesses, encourage economic recovery and growth, and fill commercial vacancies in San Francisco.

Through over 100 changes to the Planning Code, the legislation will serve to ease restrictions, including:

- Allow more business uses on the ground floor and as principally permitted.
- Lift restrictions on Restaurants, Limited Restaurants and Bars
- Incorporate new state liquor license Type 90 into SF Planning Code
- Ease legalization process for existing outdoor patios (Outdoor Activity Areas)
- Remove public notice requirement in Eastern Neighborhoods Mixed Use Districts for change-of-use projects
- Enable Nighttime Entertainment, Bar, Restaurants to benefit from priority processing at Planning Department/Commission

Taken as a whole, and at a time when our industry and city are still recovering from Covid

related challenges, this common sense legislation could encourage new business development, reduce hurdles for existing businesses, and create additional jobs for our community.

I thank you for your consideration,

Laurie Thomas

Executive Director
Golden Gate Restaurant Association

--
Amy Cleary
Director of Public Policy and Media Relations
Golden Gate Restaurant Association
415.370.9056
amy@ggra.org

**From:** Andrew Ho
**To:** Flores, Veronica (CPC)
**Cc:** SFOSB (ECN)
**Subject:** File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
**Date:** Monday, August 28, 2023 1:24:47 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I strongly support this legislation because our local small business economy is suffering, we have record high vacancies, and if we don't address these issues our economy will suffer and we will have less money for critical services. Please help small businesses!

Andrew Ho
Sent from my iPad

**From:** Andrew Kennedy
**To:** Flores, Veronica (CPC)
**Cc:** SFOSB (ECN)
**Subject:** File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
**Date:** Monday, August 28, 2023 4:38:13 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello!

My name is Andrew Kennedy, and I've been an SF resident for 5 years now, and I've borne witness to the massive toll crime and the pandemic have taken on small businesses. We need this legislation to make it easier to bounce back!

I strongly support this legislation because our local small business economy is suffering, we have record high vacancies, and if we don't address these issues our economy will suffer and we will have less money for critical services. Please help small businesses!

Thanks,
Andrew

**From:** Andrew Morcos
**To:** Flores, Veronica (CPC)
**Subject:** Support for File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
**Date:** Monday, August 28, 2023 3:41:37 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,
I'm writing today in strong support for BOS File 230701 – Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses.

As a resident, I am dedicated to seeing San Francisco thrive. To fully recover from the COVID-19 pandemic, we need to fill vacant storefronts and boost foot traffic throughout our corridors. This legislation takes important steps to accomplish those goals. To address the city's high commercial vacancy rate, this legislation allows a wider range of business uses to open in our commercial corridors. It also removes burdensome noticing requirements for businesses trying to open in eastern neighborhoods, ensuring that more small businesses can benefit from the permitting improvements that were approved by voters under Proposition H.

In the current business climate, more people are seeking out experiential/nontraditional retail, and this legislation allows flexible retail citywide. Businesses should be able to try out different combinations of retail, and this gives them the option to serve food/drinks alongside selling clothes or art, etc.

Currently, nighttime entertainment, bars, and restaurants are not assured a timely hearing in front of the city's Planning Commission. This legislation ensures that their applications get calendared at the Planning Commission within six months. Businesses pay rent regardless of whether or not they are open to the public, so ensuring their public hearings are scheduled quickly can minimize the time between getting their permits and starting to generate revenue.

San Francisco needs to make small business permitting as simple and flexible as possible, and this legislation gets us a step closer to that goal.

Please support BOS File 230701, thank you!

Andrew
--
Andrew Morcos
(847) 452-0200

| | |
|---|---|
| **From:** | Anne Cervantes, AIA |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | Melgar, Myrna (BOS); Heiken, Emma (BOS) |
| **Subject:** | PERMITS FOR SMALL BUSINESSES LEGISLATION |
| **Date:** | Monday, August 14, 2023 11:29:24 AM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

The problem with small business permitting isnt with DBI but with DPW SFMTA. Some of our small businesses have been waiting to receive permits that were filed in December of last year because of the hold up with DPW. What is needed is an agreement between the two agency to work together in scheduling these small project at the same time. Please note the permit for a 1200 sf space which on 760 ft area for the scope of work and the fact its a building that has historic value, submitted over the counter in December 2022, with a 6% slope which has issues in meeting ABE criteria....DPW has not been willing to look at solutions. This has cause an added cost to the small building owner, which now they are selling.

The same problem is with the Shared Space program, which we submitted in December and January, and none of our businesses have receive permits. We submitted with Version 1 of the Shared Space Handbook, and each time they comment its with a new version. Some owners believe its the architects problem. To this date our 4 clients have not received shared permits.

Anne Cervantes, AIA
**CERVANTES DESIGN ASSOCIATES, INC.**
415-695-1751 OFFICE

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|---|---|
| **From:** | Ben Zotto |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 12:29:16 PM |

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Veronica and Supervisors:
I'm a resident of Hayes Valley and a board member at the Hayes Valley Neighborhood Association (although I'm writing in my personal capacity). Having witnessed so many vacant retail spaces, and so many small businesses fail to get off the ground due to confusing or onerous or just plain silly planning and permitting issues, I am STRONGLY IN FAVOR of this legislation.

It is a fantastic policy to regularly review and make tactical changes to the planning code to incentivize locally-started, community-serving retail establishments and services of all variety. This is basic good-government legislation, the kind of nuts and bolts policymaking that genuinely makes a city better for everyone.

Look at what's going on, identify the pain points, and eliminate them for better outcomes all around-- this is what the job of city government is, and I'm glad to see it happening here.

Keep it up! Thanks folks,

Ben Zotto
Hickory St, Hayes Valley.

| | |
|---|---|
| **From:** | Brad Kayal |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 11:50:58 AM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

Just wanted to write as an SF resident and say I support expanding our city's business spaces and fully support this legislation. I work on Sutter Street between Grant and Kearny and every day I see so much ground floor space that needs new life and less hoops to jump through to get new businesses into those spaces.

I'm also excited to see what our local small businesses and entrepreneurs can do with their spaces with less red tape. I truly believe it will help create a more unique and vibrant city.

Thank you,
Brad Kayal

**From:** Brian McGonigle
**To:** Flores, Veronica (CPC)
**Subject:** File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
**Date:** Monday, August 28, 2023 12:59:50 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please relax regulations on businesses in SF. Let them try anything. Let's get SF moving again.

Thanks

Brian

**From:** Tang, Katy (ECN)
**To:** Flores, Veronica (CPC)
**Subject:** Fw: Letter re: Haight Ashbury NCD zoning proposed changes
**Date:** Tuesday, August 29, 2023 2:49:34 PM

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Katy Tang
Executive Director
San Francisco Office of Small Business
Main: 415-554-6134 | Direct: 628-652-4980
Website: sf.gov/OSB

*Sign up for our small business newsletters*

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**From:** Christin Evans <christin@booksmith.com>
**Sent:** Tuesday, August 29, 2023 2:15 PM
**To:** Tang, Katy (ECN) <katy.tang@sfgov.org>
**Cc:** Birnbach, Kerry (ECN) <kerry.birnbach@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>
**Subject:** Letter re: Haight Ashbury NCD zoning proposed changes

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Director Tang,

Thank you for your presentation to the Haight Ashbury Merchants Association last week. We appreciated the opportunity to learn about the forthcoming proposed changes to zoning which will have impact on the Haight Ashbury Neighborhood Commercial Corridor.

Our members have been given opportunities to weigh in by email and at at Zoom meeting we held. The consensus is generally in support of the changes being proposed with a few caveats as follows:

- Formula use -- whether for retail, professional services, health services, or any other business type, the merchants unanimously expressed concern that the conditional use process remains in place. The association has supported and opposed new formula business model entrants depending on their expected contribution to driving more foot traffic to the corridor or having the potential of displacing small businesses offering similar products or services, etc. Based on the last message we received from Kerry it does appear that all formula uses would require a conditional use permit. This is consistent with what we'd desire.
- Health Services -- these are already allowed on the second and third floors but are not currently allowed on the street level. Its my understanding that these would now could come onto the street level with a conditional use permit. As I mentioned, the history of the corridor and proximity to UCSF has in the past created a situation where some uses were coming into a corridor that neighbors wanted to remain neighborhood serving. Its

my opinion that we'd like to see health services remain "not permitted" on the street level.

The Haight Ashbury has seen a large number of new businesses come into vacant storefronts over the past two years. And we are nearly back to 2016 vacancy levels. In 2016 we had 6 vacant storefronts (out of approximately 150) and that rose to 21 in early 2020 and 32 during the peak of the pandemic in 2021. Our current vacancies are down close to 14 and continue to drop with more storefronts being made available for lease after being held off market for many years.

While we appreciate the city is trying to simplify the zoning citywide, you'd also acknowledged that each corridor has its own history that has been why certain restrictions were put in place in the first place. We appreicate your taking our feedback into consideration and we are cc:ing the Planning Commission and Supervisor Preston's office with these same concerns.

Thanks & Sincerely,
Christin Evans
Board Member writing on behalf of the Haight Ashbury Merchants Association (HAMA)

---

**From:** d2.schwartz@yahoo.com
**To:** Flores, Veronica (CPC)
**Subject:** File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
**Date:** Monday, August 28, 2023 5:27:48 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Veronica,

I work in tourism and am a long time resident. Our small business desperately need every tool possible to be successful. Please help our businesses survive and bring our economy back to life! I strongly support the above mentioned legislation.

Warm regards,

Daniel

| | |
|---|---|
| **From:** | Emily Peters |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 12:38:04 PM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a small business owner in San Francisco, I strongly support this legislation. The vibrancy of our local neighborhood stores is such an important part of what makes our city great for residents and tourists. There are too many vacant storefronts today, blighting our city and feeding into the "doom loop" hysteria. And at the same time I know of so many people who would love to open a shop if it only was more available to them.

I'm currently renting a coworking storefront space and share my (healthcare marketing and book publishing) business with a couple nonprofits. The mix of our interests and expertise is a great addition to the experience. Clarifying in the planning code that *multiple uses* are permitted in the same space would be great!

I'm inspired to think how San Francisco can be more like cities in Japan, where tiny little shops and restaurants thrive in abundance, bringing a lot of energy and community to their corners.

Emily

--

**Emily F. Peters** | Founder, CEO
emily@uncommonbold.com
www.emilyfpeters.com
805-801-8317

**Artists Remaking Medicine** coming this October! **Pre-order your copy**

| | |
|---|---|
| **From:** | Evan Moore |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 1:13:30 PM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing to support BOS File 230701 – Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses.

I strongly support this legislation because small businesses make life in our city vibrant and unique. I support clearing the path for more small business entrepreneurs in our city.
Some of the benefits I care most about:
- Allowing professional services to operate on the ground floor citywide (we have so much ground floor retail that needs filling!)
- Allowing multiple uses

Please support BOS File 230701, thank you.

Sincerely,
Evan Moore
765 Vermont St, San Francisco

| | |
|---|---|
| **From:** | Forrest Rice |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 11:47:57 AM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I'm writing in support of this initiative. Let's make it easier for San Francisco to change, grow, and thrive! I live in the Castro and see dozens of empty storefronts here and around the city. Let's get those filled, get bars and restaurants buzzing, and remove barriers for small business owners.

Best,
Forrest Rice
272 Sanchez St, San Francisco, CA 94114

| | |
|---|---|
| **From:** | Gianmatteo Costanza |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN); Starr, Aaron (CPC) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 4:07:56 PM |
| **Attachments:** | PastedGraphic-1.tiff<br>Mission (2).png<br>chinatown.png<br>north_beach.png<br>haight.png |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I'm a business owner and resident of the Mission district.

While I'm in support of loosening restrictions on our businesses, I'm appalled that the relief for the Mission district is only minimal. You are only facilitating Flexible Retail and for Restaurants, you are "updating" our arbitrary cap… which helps IN NO WAY during the process of applying for a Change of Use to Restaurant, as any applicant needs to prove this number. This is an expensive and unnecessary complication that no other district imposes on new restaurants.

I urge the commission to **change the "Restaurant", "Restaurant, Limited" and "Bar" restrictions from C(7), P(7) to principally permitted P**. Strike down the cap, and **remove public hearings in the Mission just to open a cafe or restaurant**.

We have so many empty storefronts, and I fundamentally don't understand why my district should keep the status quo when we are in obvious need of improvement and streamlining, as is the case in all other districts of the city.

Gianmatteo Costanza
**The Laundry**

For reference there the insufficient modifications for NCT:

| | | | | |
|---|---|---|---|---|
| Restaurant | §§ 102, 202.2(a), 249.60(f)(1) | C(7) | NP | NP |
| Restaurant, Limited | §§ 102, 202.2(a) | P(7) | NP | NP |
| * * * * | | | | |
| Services, Limited Financial | § 102 | P | P | NP |
| *Services, Professional* | *§ 102* | *P* | *P* | *P* |
| * * * * | | | | |

* * * *

(7) The total number of *E*~~e~~ating and *D*~~d~~rinking uses (Restaurants, Limited Restaurants, and Bars) within the District shall not exceed *197*~~*167*~~. A new Restaurant, Limited Restaurant, or Bar shall not be permitted if it would result in a net total of more than 167 *E*~~e~~ating and *D*~~d~~rinking uses in the District. Accessory Limited Restaurants are not subject to and do not count toward the *197*~~*167*~~cap on *E*~~e~~ating and *D*~~d~~rinking uses.

For reference, here is what other districts are seeing relief:

**SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

* * * *

**Table 810**

**CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| **NON-RESIDENTIAL USES** | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~NP~~ | NP | NP |
| * * * * | | | | |
| Restaurant | § 102 | *P*~~C(1)(3)~~ | C(1)(3) | C(1)(3) |
| Retail Workspace | § 102 | *C*~~NP~~ | NP | NP |
| * * * * | | | | |
| *Services, Professional* | *§ 102* | *P* | *P* | *P* |
| * * * * | | | | |
| ~~*Services, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*P*~~ |
| * * * * | | | | |

* * * *

(1) C for Use Size is not required for Restaurants larger than 5000 sq. ft., but C to establish

**SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

* * * *

**Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

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



| | | | | |
|---|---|---|---|---|
| Bar | §§ 102, 202.2(a), 780.3 | C(5)(6) | NP | NP |
| * * * * | | | | |
| Flexible Retail | §*§* 102*, 202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Restaurant | §§ 102, 202.2(a), 780.3 | C(5)(6) | NP | NP |
| Restaurant, Limited | §§ 102, 202.2(a), 780.3 | ~~*C*~~*P*(5) | NP | NP |
| Services, Financial | § 102, 781.6 | C(7) | NP | NP |
| * * * * | | | | |
| Services, Limited Financial | § 102 | C(2)(7) | NP | NP |

**Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**



* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| * * * * | | | | |
| Bar | §§ 102, 202.2(a) | *C~~NP~~* | NP | NP |
| * * * * | | | | |
| Flexible Retail | §*§* 102, *202.9* | P | NP | NP |
| * * * * | | | | |
| Restaurant | §§ 102, 202.2(a) | *P~~NP(3)(4)~~* | NP | NP |
| * * * * | | | | |
| Services, Health | § 102 | *C~~NP~~* | C | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~ Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-*~~ | | | | |

**From:** Greg Lindgren
**To:** Flores, Veronica (CPC)
**Subject:** Expanding Small Business in SF
**Date:** Monday, August 28, 2023 5:35:47 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors,

Thank you for hearing our PCN request earlier this year before the small business committee. We really appreciate the approval of our license transfer. We believe in our role in helping to keep SF businesses open in areas that need it most. We operate bars currently on the edge of the financial district, in the financial district, and in the Tendernob. All of our bars continue to employ people in San Francisco. We weathered the shutdowns, took Economic Injury Disaster
Loans from the SBA, differed rents, but then got 100% paid in full to our landlords, and we keep
going at a break even. While working toward the goal of making it easier to do business in this city, PLEASE do something to help the businesses which have struggled through this period. If you only make it easier for new entry from the sidelines, those of is who have persevered through the last 4 years of hardship will be at an unfair disadvantage. Make it easier for all businesses, but support legacy businesses at the same time. Suggestions: a business personal property tax exemption holiday or local tax credit for that, and a business tax registration holiday.

**Greg Lindgren** | Rye On The Road
greg@ryesf.com | (415) 786-7803

| | |
|---|---|
| **From:** | Jason Moore |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 7:52:27 PM |

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am a U.S. citizen and 16-year resident of San Francisco. I strongly support this legislation because our local small business economy is suffering greatly, we have record high commercial real estate vacancies, and if we don't address these issues our economy will suffer and we will have less money for critical services. Please help small businesses.

Thank you for your consideration.

- Jason Moore
(415) 205-6458

**From:** Jeremiah Allen
**To:** Flores, Veronica (CPC); SFOSB (ECN)
**Subject:** File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
**Date:** Thursday, August 24, 2023 5:12:36 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good afternoon,

Mayor London Breed's visionary legislative proposal, announced in March 2023, demonstrates an unwavering commitment to enhancing the small business landscape in our vibrant city. With a strategic focus on reducing barriers and increasing adaptability, this proposal comprises over 100 thoughtful changes to the Planning Code aimed at fostering a conducive environment for small businesses to thrive. By prioritizing five crucial goals, including simplifying the permitting process for new ventures, empowering businesses to respond to dynamic shifts in consumer behavior, and facilitating expedited permits for a diverse range of enterprises, this proposal heralds a new era of growth and innovation. The inclusion of co-sponsors like Supervisors Engardio, Dorsey, and Melgar signifies a unified commitment to this cause. As we eagerly anticipate the Planning Commission's review on September 7, 2023, I am confident that this forward-looking ordinance will invigorate our local economy and empower small businesses to flourish.

The proposed ordinance's strategic amendments to the Planning Code are poised to reshape the landscape of San Francisco's small business ecosystem. By expanding the spectrum of business uses permitted on the ground floor, encouraging the adoption of Flexible Retail citywide, and allowing Professional Services and coworking opportunities to thrive, this ordinance embraces adaptability and diversity in entrepreneurship. Notably, the ordinance's provisions lift restrictions on Restaurants, Limited Restaurants, and Bars in select areas, fostering a more dynamic dining and entertainment scene. The incorporation of the new state liquor license Type 90 and the streamlined legalization process for existing outdoor patios exemplify the city's responsiveness to changing consumer preferences and industry innovations. Moreover, the removal of public notice requirements for change-of-use projects in designated districts aligns with the essence of Proposition H, expediting the transformation of businesses. The ordinance's inclusive approach extends to Nighttime Entertainment, Bars, and Restaurants, ensuring that they can partake in the Planning Department's Community Benefit Priority Processing Program, thus paving the way for swifter and more efficient operations. In essence, Mayor Breed's proposal presents a comprehensive blueprint for a more agile, prosperous, and vibrant small business community, and I am wholeheartedly supportive of this transformative initiative.

--
JEREMIAH ALLEN
CO-OWNER | ACME FLORAL CO.
415.735.5265 | @ACMEFLORALCO

| | |
|---|---|
| **From:** | Pride Commons |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 1:22:36 PM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Mrs. Flores,

My name is Jessica Perla, and I live in D6. I'm writing today in strong support for BOS File 230701 – Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses.

I strongly support this legislation because our local small business economy is suffering, and we need to support it.

Sincerely,

Jessica Perla

**From:** Jon Schwark
**To:** Flores, Veronica (CPC)
**Cc:** SFOSB (ECN)
**Subject:** File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
**Date:** Monday, August 28, 2023 12:05:41 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

We need to cut red tape and make the city more welcoming for small businesses.

I support this legislation because our local small business economy is on life support in my neighborhood (Mid-Market).

We have many blocks with 1 or zero businesses left. This makes it a much worse place to live, and has led to blight that scares away tourists. The city government needs to treat this as an emergency.

Thank you for working on this matter.

| | |
|---|---|
| **From:** | Justin Street |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | Support for File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 3:32:16 PM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I'm writing today in strong support for BOS File 230701 – Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses.

As a resident of D10, I am dedicated to seeing San Francisco thrive. To fully recover from the COVID-19 pandemic, we need to fill vacant storefronts and boost foot traffic throughout our corridors. This legislation takes important steps to accomplish those goals. To address the city's high commercial vacancy rate, this legislation allows a wider range of business uses to open in our commercial corridors. It also removes burdensome noticing requirements for businesses trying to open in eastern neighborhoods, ensuring that more small businesses can benefit from the permitting improvements that were approved by voters under Proposition H.

In the current business climate, more people are seeking out experiential/nontraditional retail, and this legislation allows flexible retail citywide. Businesses should be able to try out different combinations of retail, and this gives them the option to serve food/drinks alongside selling clothes or art, etc.

Currently, nighttime entertainment, bars, and restaurants are not assured a timely hearing in front of the city's Planning Commission. This legislation ensures that their applications get calendared at the Planning Commission within six months. Businesses pay rent regardless of whether or not they are open to the public, so ensuring their public hearings are scheduled quickly can minimize the time between getting their permits and starting to generate revenue. San Francisco needs to make small business permitting as simple and flexible as possible, and this legislation gets us a step closer to that goal.

Please support BOS File 230701, thank you!

Justin

| | |
|---|---|
| **From:** | Lisa Napoli |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Friday, August 25, 2023 9:14:52 AM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom it May Concern:

We are writing to express our support for legislation to ease permitting for small businesses. We believe this would be a valuable investment in Lakeside Village's business corridor, not to mention the wider city.

Streamlining the permitting process would make it easier for small businesses to get started. This would encourage investment in the community, which would lead to economic growth and job creation.

We have lived in Lakeside Village for many years and have seen firsthand the challenges that small businesses face. The current permitting process is often complex and time-consuming, which can be a barrier for entrepreneurs who are trying to get their businesses off the ground.

We encourage the easing of the permitting process to benefit the entire community by creating jobs and stimulating economic growth.

We urge you to support this important legislation.

Sincerely,

Lisa Napoli, Kath Tsakalakis, Becca Shapiro
Co-Founders, Friends of Lakeside Village

| | |
|---|---|
| **From:** | Maribel Ramirez |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 21, 2023 8:26:33 AM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To Whom it May Concern,

My name is Maribel Ramirez and I am the Executive Director of the Excelsior Action Group. Historically rooted in the Excelsior District, the Excelsior Action Group seeks to develop and sustain commercial corridors that have been under-served in District 11, utilizing small business capacity building public and private space activation, community real estate and city liaison services, and policy advocacy activities.

As an organization, we have partnered with our small businesses during one of the worst economic crises to encourage residents and visitors to explore our corridors by working on beautification projects, exciting event series, and celebrating our diverse businesses. However, one of our biggest challenges is storefront vacancies. Any legislation to encourage entrepreneurship and brick and mortar ownership will be essential for an economic recovery that is equitable and experience in

--
**Maribel A. Ramirez**
**EAG  I Executive Director**
e: mramirez@eagsf.org
p: 650-814-3281
www.eagsf.org

***Please note my new office hours are Monday, Wednesday-Friday from 9am-5pm. I am out of the office on Tuesdays.***

**From:** Marie
**To:** Flores, Veronica (CPC); SFOSB (ECN)
**Subject:** Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
**Date:** Tuesday, August 29, 2023 12:27:56 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms. Flores,

My name is Marie Mika, and I'm a volunteer with Outer Sunset Neighbors.

In my volunteer capacity I recently interviewed many of our Outer Sunset small business owners, and a main theme I heard was that amending current laws that stifle businesses is one of the most powerful ways that City leaders can help small businesses owners to thrive.

As you can read on Slide 20 :

***Amend current laws that stifle businesses***
*Make commercial corridor zoning more flexible*
*Make it easier to get funding and permits for tenant improvements*
*Enforce and increase empty commercial space fees to help drive rents down*

The proposed Small Business Permitting Improvements Legislation will greatly help our small business owners, still struggling in the aftermath of the pandemic and with the "doom loop" narrative that is keeping tourists away.

I sincerely hope this legislation passes for the benefit of San Francisco's small business owners and for all our communities.

Thank you,

Marie Mika

| | |
|---|---|
| **From:** | Michelle Nadeau |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 3:57:48 PM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,
I'm writing today in strong support for BOS File 230701 – Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses.

As a resident of the Bayview in SF, I am dedicated to seeing San Francisco thrive. To fully recover from the COVID-19 pandemic, we need to fill vacant storefronts and boost foot traffic throughout our corridors (especially on 3rd Street in the Bayview). This legislation takes important steps to accomplish those goals. To address the city's high commercial vacancy rate, this legislation allows a wider range of business uses to open in our commercial corridors. It also removes burdensome noticing requirements for businesses trying to open in eastern neighborhoods, ensuring that more small businesses can benefit from the permitting improvements that were approved by voters under Proposition H.

In the current business climate, more people are seeking out experiential/nontraditional retail, and this legislation allows flexible retail citywide. Businesses should be able to try out different combinations of retail, and this gives them the option to serve food/drinks alongside selling clothes or art, etc. Honestly, my husband and I are these people! Even though we have full time jobs, we want to bring more life to our community, and there are so many open spaces.

Currently, nighttime entertainment, bars, and restaurants are not assured a timely hearing in front of the city's Planning Commission. This legislation ensures that their applications get calendared at the Planning Commission within six months. Businesses pay rent regardless of whether or not they are open to the public, so ensuring their public hearings are scheduled quickly can minimize the time between getting their permits and starting to generate revenue.
San Francisco needs to make small business permitting as simple and flexible as possible, and this legislation gets us a step closer to that goal.

Please support BOS File 230701, thank you!

Cheers,
Michelle Nadeau

| | |
|---|---|
| **From:** | Mike Linksvayer |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 12:29:26 PM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I strongly support this legislation. It's important to remove unnecessary barriers to flourishing small businesses. This is good policy in general, but especially important to do now, given the threat to funding for critical services over the next years if the city doesn't come back full strength.

Mike

## Flores, Veronica (CPC)

**From:** Mitchell Smith <htimsm1@gmail.com>
**Sent:** Monday, August 28, 2023 7:41 PM
**To:** Flores, Veronica (CPC)
**Subject:** Subject: Support for File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

o: Veronica.Flores@sfgov.org

Dear Ms. Flores,

I'm writing today in strong support for BOS File 230701 – Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses.

As a resident and concerned citizen, I am dedicated to seeing San Francisco thrive. To fully recover from the COVID-19 pandemic, we need to fill vacant storefronts and boost foot traffic throughout our corridors. This legislation takes important steps to accomplish those goals. To address the city's high commercial vacancy rate, this legislation allows a wider range of business uses to open in our commercial corridors. It also removes burdensome noticing requirements for businesses trying to open in eastern neighborhoods, ensuring that more small businesses can benefit from the permitting improvements that were approved by voters under Proposition H.

In the current business climate, more people are seeking out experiential/nontraditional retail, and this legislation allows flexible retail citywide. Businesses should be able to try out different combinations of retail, and this gives them the option to serve

food/drinks alongside selling clothes or art, etc.

Currently, nighttime entertainment, bars, and restaurants are not assured a timely hearing in front of the city's Planning Commission. This legislation ensures that their applications get calendared at the Planning Commission within six months. Businesses pay rent regardless of whether or not they are open to the public, so ensuring their public hearings are scheduled quickly can minimize the time between getting their permits and starting to generate revenue. San Francisco needs to make small business permitting as simple and flexible as possible, and this legislation gets us a step closer to that goal.

Please support BOS File 230701, thank you!

Mitchell D. Smith, D-1 resident
htimsm1@gmail.com

**From:** Nalin Balan
**To:** Flores, Veronica (CPC); SFOSB (ECN)
**Subject:** File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
**Date:** Monday, August 28, 2023 8:47:33 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,
I'm writing today in strong support for BOS File 230701 – Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses.

As a resident, I am dedicated to seeing San Francisco thrive. To fully recover from the COVID-19 pandemic, we need to fill vacant storefronts and boost foot traffic throughout our corridors. This legislation takes important steps to accomplish those goals. To address the city's high commercial vacancy rate, this legislation allows a wider range of business uses to open in our commercial corridors. It also removes burdensome noticing requirements for businesses trying to open in eastern neighborhoods, ensuring that more small businesses can benefit from the permitting improvements that were approved by voters under Proposition H.

In the current business climate, more people are seeking out experiential/nontraditional retail, and this legislation allows flexible retail citywide. Businesses should be able to try out different combinations of retail, and this gives them the option to serve food/drinks alongside selling clothes or art, etc.

Currently, nighttime entertainment, bars, and restaurants are not assured a timely hearing in front of the city's Planning Commission. This legislation ensures that their applications get calendared at the Planning Commission within six months. Businesses pay rent regardless of whether or not they are open to the public, so ensuring their public hearings are scheduled quickly can minimize the time between getting their permits and starting to generate revenue.
San Francisco needs to make small business permitting as simple and flexible as possible, and this legislation gets us a step closer to that goal.

Please support BOS File 230701.

Many thanks and best regards,
Nalin

**From:** Nate Valentine
**To:** Flores, Veronica (CPC)
**Subject:** Letter of Support
**Date:** Tuesday, August 29, 2023 4:58:24 PM

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good day. I have been a small business owner in San Francisco as well as a resident for 20+ years.

The permitting and zoning requirements desperately need an overall. Our city needs life and that comes through supporting small businesses.

I fully support the changes to the planning and zoning codes to support San Francisco small businesses.

Thank you for your time,

Nate Valentine

**From:** Naz Khorram
**To:** Flores, Veronica (CPC)
**Subject:** File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
**Date:** Monday, August 28, 2023 10:51:52 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Veronica,

I am a small business owner in the Mission. My business is called Arcana and is located at 2512 Mission Street.

I am in support of positive revisions to the planning code to ease up opening small businesses.

However, I can see that once again, Mission Corridor - NCT Zoning is left out of any valuable and meaningful changes. I went through the CUA process to start my wine bar, restaurant and plant shop.
During this time I was repeatedly told by city officials from the Office of Economic & Workforce Development, mayor's office, to the planning department, I was told I must "kiss the ring" and get blessing from neighborhood "stakeholders" and "community. This process is against democracy, and it is not ok in any book. I was harassed and bullied, asked to sign a shady MOU. I was called names and was threatened for vandalism and was promised to reach a point of deciding to leave the Mission.

Many business owners are forced to sign these in fear of opposition. This process has created a web of unhealthy behavior. Giving too much power to neighborhood groups that benefit from the misery of others, allowing them to decide who comes and goes is beyond any sane mind. They are not elected officials. This process must stop.

Why is it that any bar or restaurant needs to go through CUA process under categories such as adult business, gas station, hotels, large scale urban agriculture!!! They have created lobbyist jobs and permit expeditor jobs for their friends. Stop this madness and listen to actual business owners. Let the public speak and allow for a fair process. Our voices should be heard too.

I plead for you to consider removing CUA until the 197 cap is reached and then re-evaluating. Please do not allow a very certain group of people to decide for everyone else. Mission has the slowest recovery rate in the entire city based on sales tax data reports. You are going to kill our businesses here. Please help us bring vibrancy to the Mission and fill up this corridor that is 70% empty. The situation is dire in the Mission, please consider my request!

Thank you for your time,

**Naz Khorram**
Founder & Marketing Director
Pronouns: They/Them

**From:** Neil Dahlke
**To:** Flores, Veronica (CPC)
**Cc:** SFOSB (ECN)
**Subject:** File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
**Date:** Monday, August 28, 2023 11:54:30 AM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I strongly support this legislation because our local small business economy is suffering, we have record high vacancies, and if we don't address these issues our economy will suffer and we will have less money for critical services. Please help small businesses!

| | |
|---|---|
| **From:** | Nirav Patel |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 9:02:25 PM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi, I'm writing to express support for the ordinance. I'm a small business owner in District 6 who lives in District 9. Both personally and as a resident and professionally for my business, I see huge advantages to streamlining the planning code and making it easier for businesses to set up.

Thanks,
Nirav

| | |
|---|---|
| **From:** | Pete Mulvihill |
| **To:** | Flores, Veronica (CPC); SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 21, 2023 12:10:26 PM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi BOS and Planning Commission.

As the co-owner of Legacy Business Green Apple Books, I'd like to **voice my support** for the efforts to help small businesses with the changes to the planning code listed in the referenced file. It's high time we adapt the code to the needs of the city's residents and the small businesses that create community, hire workers, and make San Francisco such a diverse and vibrant place.

Thanks,

--
Pete Mulvihill**,** co-owner
(he/him)
**Green Apple Books**
506 Clement San Francisco, CA 94118
(415) 387-2272 (then press zero and ask for me)

& **Green Apple Books on the Park**
1231 9th Avenue, SF, CA 94122

**& Browser Books**
2195 Fillmore Street, SF, CA 94115

our website, Facebook, Twitter, Instagram, LinkedIn

| | |
|---|---|
| **From:** | Philip Lesser |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | Hillis, Rich (CPC) |
| **Subject:** | Re: Request for electronic copy of 2023-005354PCA |
| **Date:** | Tuesday, August 22, 2023 11:34:36 AM |
| **Attachments:** | Leg Ver2.pdf |

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Director's Office
San Francisco Planning Department

Hi Veronica & Rich,

Thanks for forwarding to me the electronic file of the proposed legislative amendments to San Francisco's Planning Code that will permit expansion of allowable commercial, restaurant and retail uses if approved by the Planning Commission on September 7th and thereafter by the San Francisco Board of Supervisors.

FYI The conversion of the 1,500-sf maximum merger control (on the top of page 66) to a conditional use process will allow Pollo Campero, a beloved neighborhood restaurant at 2740 Mission Street, the opportunity to finally expand next door by 2, 500 sf from its limiting 3,500 sf space. (That next-door space has been vacant for over two years.)

Supervisor Ronen's Office helped us and Calle 24 in bringing this merger-control relaxation to the Planning Department.

Please let me know if you need and/or have already received any written or verbal endorsements of this relaxation.

Appreciatively,

Philip Lesser
Mission Merchants Association

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**From:** Flores, Veronica (CPC) <Veronica.Flores@sfgov.org>
**Sent:** Tuesday, August 22, 2023 11:01 AM
**To:** Philip Lesser <phnsan@msn.com>
**Cc:** Hillis, Rich (CPC) <rich.hillis@sfgov.org>
**Subject:** RE: Request for electronic copy of 2023-005354PCA

Hi Philip,

Please see attached or the following link: https://sfgov.legistar.com/View.ashx?M=F&ID=12185955&GUID=4F5C387E-DCAD-46F3-B62F-41A89EE4EC50

Thank you,

**Veronica Flores, Senior Planner**

**Legislative Affairs, Director's Office**
San Francisco Planning
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103
Direct: 628.652.7525 | www.sfplanning.org
San Francisco Property Information Map

---

**From:** Philip Lesser <phnsan@msn.com>
**Sent:** Tuesday, August 22, 2023 10:51 AM
**To:** Flores, Veronica (CPC) <Veronica.Flores@sfgov.org>
**Cc:** Hillis, Rich (CPC) <rich.hillis@sfgov.org>
**Subject:** Request for electronic copy of 2023-005354PCA

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Veronica Flores
Senior Planner
Director's Office
San Francisco Planning Department

Hi Veronica,

The San Francisco Planning Department and Mayor Breed are to be commended for proposing a broad range of zoning relaxations to allow the expansion of commercial, restaurant and retail uses.

Can you kindly email me a copy of the proposed legislative amendments that you will be presenting to the San Francisco Planning Commission on September 7th?

Most appreciatively,

Philip Lesser
Mission Merchants Association

**From:** Richard Parina
**To:** Flores, Veronica (CPC)
**Subject:** FILE 230701
**Date:** Monday, August 28, 2023 6:41:52 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello, Ms. Flores,

I strongly support this legislation because our local small business economy is suffering, we have record high vacancies, and if we don't address these issues our economy will suffer and we will have less money for critical services. Please help small businesses!"

Thank you for your attention to this matter.

Richard Parina
Lower Nob Hill Neighbors Alliance, Executive Committee
Icon D-3, Steering Committee
Brigadier General (ret) USAR

**From:** Romania Daza
**To:** Flores, Veronica (CPC)
**Subject:** Lower cost for license permit for small business
**Date:** Monday, August 14, 2023 1:34:40 PM

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Ms. Flores;

The small business in the Sunset District, especially on Taraval St., are being affected negatively. At Tabita's Cafe we have not made any profits and yet the the license certificates and business registration fee keep on raising.

I am working so hard to make my business succeed but it makes it impossible with all that's going on.

Thank you for taking the time to share this with your coulleagues and expose this request during the publiic meeting.

Sincerely,

Romania Daza
Owner of Tabita's Cafe

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|---|---|
| **From:** | Sam Pederson |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant and Retail Uses |
| **Date:** | Monday, August 28, 2023 9:46:22 PM |

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Hi!

I'm writing to express my strong support of the ordinance you're reviewing tomorrow. San Francisco needs its gathering places to thrive, and fostering creativity in business is paramount to making this happen. To me, this is a great step in the right direction to enable the entrepreneurs that make our city great to enact their ideas. Vacancies are a major problem in just about every neighborhood, and financing is tough to get right now. We need every smart, able person in these storefronts creating jobs, creating neighborhood gathering places and getting people out and active.

Thank you for reading!

Sam Pederson
President, SFSVA (a new organization that we haven't formally announced yet)
(415) 515-0298

| | |
|---|---|
| **From:** | Samihan Yedkar |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 4:55:10 PM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi,

I am a resident of D10, and I strongly support this legislation because our local small business economy is suffering, we have record high vacancies, and if we don't address these issues our economy will suffer and we will have less money for critical services. Please help small businesses!

Thank you,
Samihan

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|---|---|
| **From:** | Sharky Laguana |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | Support for File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 1:42:54 PM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,
I'm writing today in **strong** support for BOS File 230701 – Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses.

As a small business owner, and the former President of the Small Business Commission I am dedicated to seeing San Francisco's small businesses thrive. To fully recover from the COVID-19 pandemic, we need to fill vacant storefronts and boost foot traffic throughout our corridors. This legislation takes important steps to accomplish those goals. To address the city's high commercial vacancy rate, this legislation allows a wider range of business uses to open in our commercial corridors. It also removes burdensome noticing requirements for businesses trying to open in eastern neighborhoods, ensuring that more small businesses can benefit from the permitting improvements that were approved by voters under Proposition H.

In the current business climate, more people are seeking out experiential/nontraditional retail, and this legislation allows flexible retail citywide. Businesses should be able to try out different combinations of retail, and this gives them the option to serve food/drinks alongside selling clothes or art, etc.

Currently, nighttime entertainment, bars, and restaurants are not assured a timely hearing in front of the city's Planning Commission. This legislation ensures that their applications get calendared at the Planning Commission within six months. Businesses pay rent regardless of whether or not they are open to the public, so ensuring their public hearings are scheduled quickly can minimize the time between getting their permits and starting to generate revenue.

San Francisco needs to make small business permitting as simple and flexible as possible, and this legislation gets us a step closer to that goal. Importantly, we will need the energy and vibrancy these small businesses bring in order to keep our local economy strong, and maintain critical services that are funded through the work of these businesses.

Please support BOS File 230701, thank you!

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**Sharky Laguana**
Chief Executive Officer - Bandago
President - American Car Rental Association

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|---|---|
| **From:** | Steve Marzo |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Wednesday, August 30, 2023 9:49:05 AM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms Flores,

I hope this message finds you in good health. I'm writing to share my enthusiasm about the upcoming legislation that holds the potential to significantly enhance our city's small businesses and contribute to the vibrancy of our downtown area. As a resident deeply invested in the well-being of our community, I wanted to highlight some key reasons why this legislation would directly benefit us:

**Opening New Storefronts with Ease:** The proposed legislation's focus on reducing barriers to opening new storefronts or expanding existing ones means more diverse businesses can thrive. This translates to a broader range of local shops and services available for residents, offering unique products and experiences.

**Adapting Businesses to Our Needs:** In a rapidly changing world, having local businesses with the flexibility to adapt to evolving customer behaviors is invaluable. This legislation supports businesses in catering to our changing preferences, ensuring residents have access to the services we want, when we want them.

**Revitalizing Our Streetscapes:** The provision to allow more ground floor uses is a win-win for us. It revitalizes previously empty spaces, making our streets more engaging, attractive, and diverse. We'll have more options for shopping, dining, and entertainment, right in our own neighborhood.

**Creating Lively Social Spaces:** The legislation's support for entertainment venues, bars, and outdoor patios directly contributes to a more vibrant social scene. With smoother operations for these businesses, we can expect a livelier city atmosphere and more enjoyable evenings out with friends and family.

**Fostering a Thriving Downtown:** As a resident invested in our community's success, I believe a lively downtown is crucial. This legislation aligns perfectly with our aspirations of creating an inviting and enjoyable city center, encouraging us to spend more time there, supporting local businesses, and nurturing a strong sense of community.

I kindly ask you to consider these factors as you evaluate and support the forthcoming legislation. Together, we can shape a community that not only supports its businesses but also enriches the lives of its residents.

Thank you for your time and dedication to our shared vision.

Warm regards,

Steve Marzo
1117 Ocean Avenue, San Francisco, CA 94112
stevemarzo07@gmail.com
808-366-3460

**From:** Terry Whalen
**To:** Flores, Veronica (CPC)
**Cc:** SFOSB (ECN); Terry Whalen
**Subject:** File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses
**Date:** Monday, August 28, 2023 12:53:10 PM

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This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Veronica,

I am a 19-year Richmond District resident and I'd like to express my strong support for BOS File 230701 'Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses'. We need to make it easier for merchants and others to do business in the City so that the San Francisco can thrive. City-based, productive economic activity should be encouraged, and BOS File 230701 contains a multitude of elements that should help in this regard.

Thank you.

Best,

Terry Whalen
419 17th Ave., SF CA 94121

| | |
|---|---|
| **From:** | Tony Fox |
| **To:** | Flores, Veronica (CPC) |
| **Cc:** | SFOSB (ECN) |
| **Subject:** | File 230701 - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |
| **Date:** | Monday, August 28, 2023 12:42:08 PM |

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I strongly support this legislation because our local small business economy is suffering, we have record high vacancies, and if we don't address these issues our economy will suffer and we will have less money for critical services. Please help small businesses!
Sincerely,
Tony Fox
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