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# MEMORANDUM

| | |
|---|---|
| Date: | November 6, 2023 |
| To: | Planning Department/Planning Commission |
| From: | John Carroll, Assistant Clerk, Land Use and Transportation Committee |
| Subject: | Board of Supervisors Legislation Referral - File No. 230701<br>AMENDED - Planning Code - Citywide Expansion of Allowable Commercial, Restaurant, and Retail Uses |

☒ California Environmental Quality Act (CEQA) Determination
*(California Public Resources Code, Sections 21000 et seq.)*
- ☒ Ordinance / Resolution
- ☐ Ballot Measure

☒ Amendment to the Planning Code, including the following Findings:
*(Planning Code, Section 302(b): 90 days for Planning Commission review)*
☐ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302

☐ Amendment to the Administrative Code, involving Land Use/Planning
*(Board Rule 3.23: 30 days for possible Planning Department review)*

☐ General Plan Referral for Non-Planning Code Amendments
*(Charter, Section 4.105, and Administrative Code, Section 2A.53)*
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

☐ Historic Preservation Commission
- ☐ Landmark *(Planning Code, Section 1004.3)*
- ☐ Cultural Districts *(Charter, Section 4.135 & Board Rule 3.23)*
- ☐ Mills Act Contract *(Government Code, Section 50280)*
- ☐ Designation for Significant/Contributory Buildings *(Planning Code, Article 11)*

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

[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~~principally permit Retail Professional Services uses on all floors and conditionally permit Non-Retail Professional Services on the ground floor in specified NCDs; 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~~6) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts; ~~8~~7) expand business types that qualify for the Planning Department priority review program; ~~9~~8) clarify that multiple allowable uses may co-locate on one site; ~~10~~9) clarify and modify various other use regulations and processes; ~~11) establish a process to legalize certain unpermitted outdoor activity areas including restaurant patios; 12~~10) permit additional retail and non-retail uses in specified NCDs; 11) eliminate the Mission Street Formula Retail Restaurant Subdistrict; and 12) exempt eligible projects proposing a change in use from all development impact fees, with the exception of inclusionary housing fees, for a five-year period; 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, 1.7, 2, 3, 7, and 8 of the Planning Code are hereby amended by revising Sections 102, 186, 201, 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, 721, 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 Sections 179.2 and 781.5, 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 Retail Professional Service ~~*or Non-Retail 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*~~Retail Professional; and

(6) Trade Shop.

* * * *

***Office Use.*** A grouping of uses that includes General Office~~*, Retail Professional Services,*~~ , Retail Professional Services, and ~~*Non-Retail*~~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,*~~ 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*~~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, 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.*~~

***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~~

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

(c) **Formula Retail Uses.** All uses meeting the definition of "formula retail" use per Section 303.1 shall not be permitted except by conditional use authorization under the procedures of Section 303 of this Code for RED, RTO, RM-3, and RM-4 Districts and shall not be permitted in RH, RM-1, and RM-2 Districts.

* * * *

~~**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. 201. CLASSES OF USE DISTRICTS.**

In order to carry out the purposes and provisions of this Code, the City is hereby divided into the following classes of use districts:

* * * *

Neighborhood Commercial Restricted Use Districts and Subdistricts

* * * *

| |
|---|
| * * * * |
| ~~Mission Street Formula Retail Restaurant Subdistrict (Defined in Sec. 781.5)~~ |
| * * * * |

* * * *

**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,*~~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) **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~~ii)* ***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.

(c) **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-day 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. 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 § 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~~NP |
| *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. 209.2. 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~~NP | | | |
| *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. 209.4. 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)*~~per § 136(a) and Limited Corner Commercial Uses per ~~§ 136.1~~~~*§ 231*~~§ 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, RH, RM-1, or RM 2 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.

(e) **Formula Retail Uses.** All uses meeting the definition of "formula retail" use per Section 303.1 shall not be permitted except by Conditional Use through the procedures of Section 303 for RTO and RTO-M Districts and shall not be permitted in RH, RM-1, RM-2, RM-3, and RM-4 Districts.

* * * *

(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 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 ~~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~~ 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.*~~

(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*~~, 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*~~Non-Retail Professional Service Uses, provided such Non-Retail Uses~~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*~~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*~~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, unless the Formula Retail use in question has fewer than 20 other establishments;

(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.

(9) It is not within the North Beach Neighborhood Commercial District, as described and set forth in Section 722, or the North Beach Special Use District, as described and set forth in Section 780.3.

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.*

* * * *

~~(f) **Reduced Application Fee; Fee Refund.** The fee for an application that meets the priority processing requirements of subsection (c) shall be 50% of the otherwise applicable fee established by Section 350 of this Code. If the Planning Commission does not hold a hearing on a Conditional Use application that is eligible for priority processing within 90 days of the date the application is deemed complete, or within the additional time allotted if the Commission continues the matter pursuant to subsection (e), the applicant shall be entitled to a full refund of the application fee.~~

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

~~(7~~8)~~(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)~~(9)~~ Cannabis Retail that does not meet the limitations set forth in Section 204.3(a)(3) of this Code.

~~(9~~10)~~(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*~~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).

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

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**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*~~Retail Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~Service, Non-Retail Professional | ~~*§ 102*~~§ 102 | ~~*NP*~~C | ~~*P*~~P | ~~*NP*~~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+** |
| * * * * | | | | |
| **Entertainment, Arts and Recreation Use Category** | | | | |
| * * * * | | | | |
| Arts Activities | § 102 | P~~(10)~~ | P | P |
| * * * * | | | | |

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

* * * *

**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 |
| * * * * | | | | |

| | | | | |
|---|---|---|---|---|
| Restaurant | §§ 102, 202.2(a) | P(3)~~(4)~~ | P(3)~~(4)~~ | NP |
| Restaurant, Limited | §§ 102, 202.2(a) | P(3)~~(4)~~ | P(3)~~(4)~~ | NP |
| Retail Sales and Service, General | § 102 | P(5) | P(5) | P(3) |
| * * * * | | | | |
| Services, ~~*Retail*~~Retail Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~Service, Non-Retail Professional | ~~*§ 102*~~§ 102 | ~~*C*~~C | ~~*P*~~P | ~~*C*~~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.

(4) [Note deleted.]~~MISSION STREET FORMULA RETAIL RESTAURANT SUBDISTRICT~~

~~**Boundaries:** Applicable only for the portion of the Mission Street NC-3 District between 15th Street and Randall Street as mapped on Sectional Map 7 SU.~~

~~**Controls:** Formula Retail Restaurants and Limited Restaurants are NP.~~

(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 | §§ 102, 202.2(a) | P | P(1) | NP |
| Restaurant, Limited | §§ 102, 202.2(a) | P*~~(1)~~* | P*~~(1)~~* | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~Retail Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~Service, Non-Retail Professional | ~~*§ 102*~~§ 102 | ~~*C*~~C | ~~*P*~~P | ~~*NP(1)*~~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*prohibited on the first story and above the second story 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** | | | | |
| **Retail Sales and Service Uses*** | §§ 102, 202.2(a), 202.3 | P | P | NP |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~Retail Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| * * * * | | | | |
| **Non-Retail Sales and Service*** | § 102 | NP | NP | NP |
| * * * * | | | | |
| Service, Non-Retail Professional | § 102 | NP | P | NP |
| * * * * | | | | |

* * * *

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

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

* * * *

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

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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*(3)~~*NP(3)(4)*~~ | NP | NP |
| * * * * | | | | |
| Services, Health | § 102 | NP~~*C*~~~~*NP*~~ | C | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~Retail Professional | § 102 | P | P | P |
| * * * * | | | | |

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

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

* * * *

**SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.**

* * * *

**Table 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

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

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

* * * *

**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 | NP |
| * * * * | | | | |
| Restaurant | §§ 102, 202.2(a), 780.3 | C(5)(6) | NP | NP |
| Restaurant, Limited | §§ 102, 202.2(a), 780.3 | ~~*C*P~~C(5) | NP | NP |
| Services, Financial | § 102, 781.6 | C(7) | NP | NP |
| * * * * | | | | |

| | | | | |
|---|---|---|---|---|
| Services, Limited Financial | § 102 | C(2)(7) | NP | NP |
| Services, ~~*Retail*~~Retail Professional | § 102 | P~~*(7)*~~ | P | ~~P~~NP |
| * * * * | | | | |
| Design Professional | § 102, 781.6 | ~~P*C*~~C(7) | P | NP |
| ~~*Service, Non-Retail Professional*~~Service, Non-Retail Professional | ~~*§ 102*~~§ 102 | ~~*NP*~~NP | ~~*P*~~P | ~~*NP*~~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*~~Retail Professional Services, Design Professional, and Trade Offices 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 | NP(3)~~*CNP*~~ | C | C |
| * * * * | | | | |
| Services, ~~*Retail*~~Retail Professional | § 102 | NP(3)~~P~~ | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~Service, Non-Retail Professional | ~~*§ 102*~~§ 102 | ~~*NP*~~NP(12) | ~~*P*~~P | ~~*NP*~~NP |
| * * * * | | | | |

* * * *

(3) ~~Health Services are p~~Principally permitted on properties that do not have any frontage on Polk Street or California Street.

* * * *

(12) Conditionally permitted on properties that do not have any frontage on Polk Street or California Street.

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

* * * *

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.

* * * *

**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*~~Retail Professional | § 102 | P | P | P |
| * * * * | | | | |
| Design Professional | § 102 | C~~*(4)*~~ | NP | NP |

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

* * * *

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

* * * *

**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.

* * * *

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

* * * *

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

* * * *

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

* * * *

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

* * * *

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

**ZONING CONTROL TABLE**

* * * *

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

* * * *

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

* * * *

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.

* * * *

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

* * * *

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

* Not listed below

* * * *

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

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

* * * *

**Table 734. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

* * * *

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

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

* * * *

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

* * * *

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

**ZONING CONTROL TABLE**

* * * *

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

* * * *

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

* * * *

**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*~~Retail Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~Service, Non-Retail Professional | ~~*§ 102*~~§ 102 | ~~*C*~~C | ~~*P*~~P | ~~*C*~~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 |
| * * * * | | | | |
| Restaurant | §§ 102, 202.2(a) | P~~(2)~~ | P~~(2)~~ | NP |
| Restaurant, Limited | §§ 102, 202.2(a) | P~~(2)~~ | P~~(2)~~ | NP |
| * * * * | | | | |
| Services, ~~*Retail*~~Retail Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~Service, Non-Retail Professional | ~~*§ 102*~~§ 102 | ~~*C*~~C | ~~*P*~~P | ~~*C*~~C |
| * * * * | | | | |

* * * *

(2) [Note deleted.]~~MISSION STREET FORMULA RETAIL RESTAURANT SUBDISTRICT~~

~~**Boundaries:** Generally applicable only for the portion of the Mission Bernal Neighborhood Commercial District between 14th and Randall Streets, as designated on Sectional Map 7SU of the Zoning Map.~~

~~**Controls:** Formula Retail Restaurants and Limited Restaurants are NP.~~

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

* * * *

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

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

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

* * * *

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

**ZONING CONTROL TABLE**

* * * *

| Zoning Category | § References | Controls | | |
|---|---|---|---|---|
| NON-RESIDENTIAL STANDARDS AND USES | | | | |
| * * * * | | | | |
| | | **Controls by Story** | | |
| | | **1st** | **2nd** | **3rd+** |
| * * * * | | | | |
| **Sales and Service Use Category** | | | | |
| **Retail Sales and Service*** | §§ 102, 202.2(a), 202.3 | P | P | NP |
| * * * * | | | | |
| Flexible Retail | §§ 102, *202.9* | *P*~~*NP*~~ | NP | NP |
| * * * * | | | | |
| *Services*, Retail *Professional* | *§ 102* | *P* | *P* | *P* |
| * * * * | | | | |
| **Non-Retail Sales and Service*** | § 102 | NP | NP | NP |
| * * * * | | | | |
| Service, Non-Retail Professional | § 102 | C | P | NP |
| Trade Office | § 102 | P | P | NP |
| * * * * | | | | |

* * * *

**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 179~~197~~*167*~~*7*~~. A new Restaurant, Limited Restaurant, or Bar shall not be permitted if it would result in a net total of more than 179~~197~~*167*~~*7*~~ *E*~~e~~ating and *D*~~d~~rinking uses in the District. Accessory Limited Restaurants are not subject to and do not count toward the 179~~197~~*167*~~*7*~~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*~~Retail Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~Service, Non-Retail Professional | ~~*§ 102*~~§ 102 | ~~*NP*~~C | ~~*P*~~P | ~~*NP*~~NP |
| * * * * | | | | |

* * * *

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

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**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*~~Retail Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~Service, Non-Retail Professional | ~~*§ 102*~~§ 102 | ~~*NP*~~C | ~~*P*~~P | ~~*NP*~~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*~~Retail Professional | § 102 | P~~*(7)*~~ | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~Service, Non-Retail Professional | ~~*§ 102*~~§ 102 | ~~*NP*~~C | ~~*P*~~P | ~~*NP*~~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*~~Retail Professional | § 102 | P~~*(6)*~~ | P | P |
| | | | | |
| ~~*Service, Non-Retail Professional*~~ | ~~*§ 102*~~ | ~~*NP*~~ | ~~*P*~~ | ~~*NP*~~ |
| ~~*Service, Non-Retail Professional*~~Service, Non-Retail Professional | ~~*§ 102*~~§ 102 | ~~*P*~~P | ~~*P*~~P | ~~*NP*~~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*~~Retail Professional | § 102 | P | P | P |
| * * * * | | | | |
| ~~*Service, Non-Retail Professional*~~Service, Non-Retail Professional | ~~*§102*~~§ 102 | ~~*NP*~~C | ~~*P*~~P | ~~*NP*~~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*~~Retail Professional | § 102 | P | C | NP |
| * * * * | | | | |
| **Non-Retail Sales and Service*** | § 102 | NP | NP | 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*~~Retail Professional | § 102 | P | P | P |
| * * * * | | | | |

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

~~(a) **Purpose.** In order to preserve the mix and variety of goods and services provided to the Mission neighborhood and City residents and prevent further proliferation of formula retail restaurant uses, there shall be a Mission Street Formula Retail Restaurant Subdistrict, generally applicable only for the portion of the Mission Bernal Neighborhood Commercial District between 14th and Randall Streets, as designated on Sectional Map 7SU of the Zoning Map .~~

~~(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*~~, 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.~~

(3~~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*~~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 | NP~~*CNP*~~ | NP | NP |
| * * * * | | | | |
| ~~Services, Professional~~ | ~~§ 102~~ | ~~P~~ | ~~P~~ | ~~P~~ |
| * * * * | | | | |
| ~~*Services, Non-Retail Professional*~~<br>Services, Non-Retail Professional | ~~*§ 102*~~§ 102 | ~~*NP*~~NP | ~~*P*~~P | ~~*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 | NP~~*CNP*~~ | NP | NP |
| Services, Financial | § 102 | NP~~*CNP*~~ | NP | NP |
| * * * * | | | | |
| Services, Health | § 102 | *C~~NP~~* | P | NP |

| | | | | |
|---|---|---|---|---|
| * * * * | | | | |
| Services, Personal | § 102 | *C~~NP~~* | P | NP |
| Services, ~~*Retail*~~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 | NP~~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, and 2) in the row for "Services, Non-Retail Professional, in the column for First Story Controls, delete "NP" and replace it with "C", as shown in the sample chart below.~~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*~~Services, Non-Retail Professional | * * * *§ 102 | * * * *NPC | * * * * | * * * * |
| * * * * | | | | |

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. Article 4 of the Planning Code is hereby amended by revising Section 406, to read as follows:

**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 requirements for eligible changes in use within an existing structure and shall not include any additions to an existing structure or new construction .

(3) **Sunset.** This subsection (i) shall expire by operation of law at the end of the day on December 31, 2028, unless the duration of the subsection has been extended by ordinance effective on or before that date. Four years after the sunset date, the City Attorney is authorized to cause subsection (i) to be removed from the Planning Code. This four-year time frame provides additional notice to project applicants and does not alter the sunset date of this subsection (i).

Section ~~4~~5. 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~~6. 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. Existing code text added to this ordinance since its introduction is included herein as Unchanged Code text in accordance with the "Note."

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

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# REVISED LEGISLATIVE DIGEST

*(Amended in Committee 10/30/2023)*

[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) principally permit Retail Professional Services uses on all floors and conditionally permit Non-Retail Professional Services on the ground floor in specified NCDs; 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) amend Section 311 to remove neighborhood notice requirements for changes of use in the Eastern Neighborhoods mixed use districts; 7) expand business types that qualify for the Planning Department priority review program; 8) clarify that multiple allowable uses may co-locate on one site; 9) clarify and modify various other use regulations and processes; 10) permit additional retail and non-retail uses in specified NCDs; 11) eliminate the Mission Street Formula Retail Restaurant Subdistrict; and 12) exempt eligible projects proposing a change in use from all development impact fees, with the exception of inclusionary housing fees, for a five-year period; 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). Retail Professional Services are generally permitted on all floors. Non-Retail Professional Services are typically prohibited at the ground floor, permitted on the second floor, and prohibited on the third and higher floors.

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.

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 priority processing provisions of Planning Code Section 303.2. Currently, uses that sell alcohol, such as Nighttime Entertainment and Bars, do not qualify for priority processing.

Amendments to Current Law

Overall, the amendments in this ordinance would allow more business types on the ground floor in commercial areas. 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 allow Bars and Nighttime Entertainment uses to benefit from priority processing, 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 (except North Beach and Pacific Avenue) and Chinatown mixed use districts | Permitted only in NCDs in two specified zones | Permitted citywide |
| | | NP, C, or P** | P |
| Retail Professional Services | All NCDs and Chinatown Visitor Retail District | NP, C, or P | P |

| Use | District(s) | Current Code* | Proposed Control |
|---|---|---|---|
| Non-Retail Professional Services | Broadway Street, North Beach, and Pacific Avenue NCDs; Chinatown mixed use districts | NP | No change, still NP |
| | Polk Street NCD | NP | C on side streets, otherwise NP |
| | All other NCDs | NP | C |
| | | Where currently C or P | No change |
| Restaurants | Taraval Street Restaurant Subdistrict; Chinatown mixed use districts; Lakeshore Plaza Special Use District (SUD) | C | P |
| | Haight Street NCD | NP (C up to 3 restaurants) | P |
| | Mission Street NCTD | C, up to a cap of 167 eating and drinking uses | C, up to a cap of 179 eating and drinking uses |
| Limited Restaurants | Taraval Street Restaurant Subdistrict; Lakeshore Plaza SUD | C | P |
| | Mission Street NCTD | P, up to a cap of 167 eating and drinking uses | P, up to a cap of 179 eating and drinking uses |
| Formula Retail Restaurants and Limited Restaurants | Mission Street Formula Retail Restaurant Subdistrict | NP | Subdistrict deleted; effective control in the area will be C |

| Use | District(s) | Current Code* | Proposed Control |
|---|---|---|---|
| Bars | Haight Street NCD; Union Street NCD; Sacramento Street NCD; 24th Street – Mission NCTD | NP | C |
| | Mission Street NCTD | C, up to a cap of 167 eating and drinking uses | C, up to a cap of 179 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 |
| Financial Services | Lakeside Village NCD | NP | P |
| Limited Corner Commercial Uses | Residential, House (RH); Residential, Mixed (RM-1, RM-2) | NP | P; Formula Retail NP |
| Miscellaneous | Various NCDs; Chinatown Visitor Retail District; 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, unless otherwise indicated

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

## Background

This legislative digest reflects amendments made at the Land Use and Transportation Committee on October 30, 2023. Those amendments:

- Waive development impact fees and requirements in Article 4, with the exception of inclusionary housing (Section 415), for a five-year period for projects proposing certain changes in use;
- Modify or eliminate the proposed zoning controls changes for Chinatown Mixed Use Districts; Broadway Street NCD; Haight Street NCD; North Beach NCD, North Beach SUD, and North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict; Pacific Avenue NCD; Polk Street NCD; Jackson Square SUD.
- Delete the Mission Street Formula Retail Restaurant Subdistrict.
- Eliminate all proposed changes for Outdoor Activity Areas and Limited Commercial Uses.
- Modify Priority Processing provisions of Section 303.2 to more closely align with CB3P Program and to exempt North Beach.
- Correct the proposed cap on eating and drinking establishments in Mission Street NCTD to 179.
- Revert to existing code language to retain a 90-day abandonment period for Flexible Retail.

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