

REVISED LEGISLATIVE DIGEST
(Amended in Committee – March 18, 2024)

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

Ordinance amending the Planning Code to 1) allow Nighttime Entertainment Uses as principally permitted on the ground floor and conditionally permitted on the second floor in the Polk Street Neighborhood Commercial District (NCD); 2) modify requirements for limited commercial uses within one-quarter mile of the North Beach Special Use District (SUD); 3) conditionally permit Retail Professional Services Uses on the ground floor in the North Beach NCD, subject to existing limitations; 4) allow limited commercial uses (LCUs) in Residential, House (RH) and Residential, Mixed (RM) Districts with specified limitations; 5) require operating hours to end at 10 p.m. for LCUs and limited corner commercial uses (LCCUs) in RH and RM Districts; 6) establish that LCCUs are limited to those uses allowed in an NCD or SUD within one-quarter mile, or the NC-1 District, as specified; 7) prohibit outdoor activity areas not at the front of the building in RH and RM Districts and limit such outdoor activity areas in other residential districts; 8) establish that LCCUs in Residential Transit Oriented (RTO) Districts must be located on corner lots and specify lot depth requirements; and 9) make minor corrections to code text; 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 and residential districts, some commercial uses either are not permitted or require conditional use authorization (CUA).

Pursuant to existing law:

- In the Polk Street Neighborhood Commercial District, Nighttime Entertainment Uses are conditionally permitted on the ground floor and not permitted on the second or third floors.
- Limited commercial uses (LCUs) within one-quarter mile of and compliant with certain restricted use subdistricts are exempt from specified termination provisions for non-conforming uses if they comply with the use requirements in the listed subdistricts. The North Beach SUD is not one of the listed subdistricts.
- Retail Professional Services Uses are permitted on the ground floor in the North Beach Neighborhood Commercial District.
- Use Characteristics for LCUs are not specifically listed in the Planning Code Sections for Residential, House (RH) and Residential, Mixed (RM) Districts.

- Hours limitations for LCCUs in the RH and RM Districts are specified.
- For LCCUs in RTO Districts, the zoning controls do not specify locational requirements or use depth requirements.
- For LCCUs, allowable uses are those set forth in the NC-1 district and use sizes are limited to 1,200 or 2,500 square feet for specified residential districts.

Amendments to Current Law

This ordinance would make the following amendments to existing law:

- In the Polk Street Neighborhood Commercial District, Nighttime Entertainment Uses would be principally permitted on the ground floor and conditionally permitted on the second floor.
- LCUs within one-quarter mile of and compliant with the North Beach SUD would be exempt from specified non-conforming use termination provisions.
- Retail Professional Services Uses in the North Beach Neighborhood Commercial District would require conditional use authorization on the ground floor, except where prohibited by the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict.
- Use Characteristics for LCUs and LCCUs in RH and RM are specified to include: Formula Retail is not permitted; hours of operation are limited to 6 a.m. to 10 p.m.; outdoor activity areas (e.g., patios) are permitted if located in the front of the building and not permitted if located elsewhere.
- Clarify that, where conditionally permitted, Outdoor Activity Areas not at the front of the building must meet specified limitations.
- For LCCUs in RTO Districts, the use must be located on a corner lot and is limited to 50 feet of lot depth.
- For LCCUs within one-quarter mile of an NCD or SUD, allowable uses are those set forth in the NCD or SUD.
- For LCCUs in RH and RM Districts, use sizes are those allowed by the nearest NCD or SUD, up to 1,200 square feet; in RTO and RTO-M Districts, the use size is limited 1,200 and 2,500 square feet, respectively.

Background

This Board File for this ordinance was duplicated from Board File 230701 by the Land Use and Transportation Committee (LUTC) on November 27, 2023. The ordinance in Board File 230701 was amended by the LUTC on November 27, 2023 and December 5, 2023, was subsequently passed by the Board of Supervisors, and became effective as Ordinance No. 249-23 on January 14, 2024. The ordinance in this Board File was amended by the LUTC on November 27, 2023 and March 18, 2024. The amendments in this ordinance only show changes to existing law; changes made by Ord. No. 249-23 are not shown in this ordinance.

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