BOARD of SUPERVISORS

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M E M O R A N D U M

TO: Sarah Dennis-Phillips, Executive Director, Office of Economic and Workforce Development

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: June 11, 2025

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Melgar on June 3, 2025.

File No. 250634

Ordinance amending the Planning Code to eliminate limits on Non-Residential Use Sizes in the Castro Street Neighborhood Commercial District (NCD), Pacific Avenue NCD, Polk Street NCD, West Portal Avenue NCD, North Beach NCD and North Beach Special Use District, Regional Commercial Districts, and Residential-Commercial District; allow specified Non-Residential Uses that exceed the Use Size limits to divide into smaller spaces that may continue to exceed the Use Size limits, without conditional use authorization; adjust the Use Size limit in all NCDs to a round number; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

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

cc:
Office of Chair Melgar
Anne Taupier, Office of Economic and Workforce Development
Alesandra Lozano, Office of Economic and Workforce Development

[Planning Code - Use Size Limits]

Ordinance amending the Planning Code to eliminate limits on Non-Residential Use Sizes in the Castro Street Neighborhood Commercial District (NCD), Pacific Avenue NCD, Polk Street NCD, West Portal Avenue NCD, North Beach NCD and North Beach Special Use District, Regional Commercial Districts, and Residential-Commercial District; allow specified Non-Residential Uses that exceed the Use Size limits to divide into smaller spaces that may continue to exceed the Use Size limits, without conditional use authorization; adjust the Use Size limit in all NCDs to a round number; 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 this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. _____, and incorporates such reasons by this reference thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. _____.

Section 2. Background and General Findings.

(a) In November 2024, the Controller's Office of Economic Analysis released a report on the status of the City's economy, finding that new business formation remained far below pre-pandemic rates, especially in the retail trades and restaurant/bar categories. Retail vacancy rates vary across the City, with some neighborhoods, such as Union Square (22%) and the Van Ness corridor (over 50%), suffering higher rates than the Citywide average (7.7%). High vacancy rates harm surrounding neighborhoods by reducing economic activity, which results in less visitors to the neighborhood and harms the businesses that remain.

(b) Small businesses tend to operate in smaller retail spaces due to lower overhead costs, as larger retail spaces are often cost prohibitive. Facilitating small businesses' access to small retail spaces is consistent with the City's post-pandemic economic recovery efforts.

For example, the City's "Vacant to Vibrant" program helped small businesses fill large vacant spaces around Union Square with smaller pop-up shops.

(c) Nearly all zoning districts in the City contain use size limits that apply to Non-Residential Uses. In these districts, Non-Residential Uses that exceed a certain gross square footage must obtain a Conditional Use Authorization. This CUA requirement makes it more costly and time-intensive to divide existing large retail spaces, which in turn reduces the amount of small retail spaces available to local businesses. This ordinance would enable a property owner to divide a large commercial space into smaller spaces without obtaining a CUA, even if more than one of the resulting spaces exceeds the use size threshold. Facilitating the division of large commercial spaces not only assists small businesses and the City's economic recovery, but it also brings these larger spaces into closer conformity with the Planning Code. This ordinance only concerns use size limits that apply to individual uses; it does not exempt uses from size limits that apply across an entire lot.

(d) In addition to conditionally authorized use size limits, several zoning districts prescribe maximum Non-Residential Use sizes that cannot be exceeded. Though these hard caps serve important goals of ensuring that large-format retailers and businesses do not displace smaller businesses, economic conditions have changed such that many of these larger uses are needed to provide neighborhood-serving goods, as demonstrated by recent legislation to enable a grocery store to exceed these caps in the Polk Street NCD and separate legislation to allow a Health Service Use in the West Portal Avenue NCD. Hard caps on use sizes limit the ability for middle-sized businesses to expand in order to accommodate local, evolving consumer needs. To balance the need for larger-format retail with community input, this ordinance would eliminate hard caps on Non-Residential Use sizes and instead provide that uses above that threshold are subject to a Conditional Use Authorization. This ordinance does not alter any restrictions on Formula Retail.

Section 3. Articles 1.2, 1.7, 2, and 7 of the Planning Code are hereby amended by revising Sections 121.2, 121.6, 178, 186.1, 209.1, 209.2, 209.3, 209.4, 210.3, 210.4, 715, 722, 723, 729, 758, and 780.3, and adding Section 121.5, to read as follows:

SEC. 121.2. NON-RESIDENTIAL USE SIZE LIMITS IN NEIGHBORHOOD COMMERCIAL AND NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICTS.

(a) In order to protect and maintain a scale of development appropriate to each district, Non-Residential Use~~s~~ *Sizes* ~~*of the same size or*~~ larger than the square footage stated in the table below may be permitted only as Conditional Uses*, subject to the exception in Section 121.2(b)*. The ~~*use area*~~ *Non-Residential Use Size* shall be measured as the Gross Floor Area for each individual Non-Residential Use.

District	**Use Size Limits**
Castro Street	2,000 sq. ft.
North Beach	
Pacific Avenue	
Polk Street*	
24th Street-Mission	2,500 sq. ft.
24th Street-Noe Valley	
Haight Street	
Inner Clement Street	
Inner Sunset	
Japantown	
Outer Clement Street	
Sacramento Street	
Union Street	
Upper Fillmore Street	

West Portal Avenue*	
NC-1, NCT-1	3,000 sq. ft.
Broadway	
Hayes-Gough	
Upper Market Street	
Valencia Street	
NC-2, NCT-2	4,000 sq. ft.
Divisadero Street	
Folsom Street	
Glen Park	
Irving Street	
Judah Street	
Noriega Street	
Ocean Avenue	
SoMa	
Taraval Street	
NC-3, NCT-3	6,000 sq. ft.
Excelsior Outer Mission Street	
Fillmore Street	
Mission Street	
NC-S	
Regional Commercial District	10,000 sq. ft.

* Conditional Use not required for any Limited Restaurant use that relocates within the Polk Street NCD, and is designated as a Legacy Business as of the effective date of the ordinance in Board File No. 240411, or any Health Service use in the West Portal Avenue Neighborhood Commercial District located at Assessor's Parcel Block No. 2989B, Lot 17.

In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:

(1) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

(2) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

(3) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

(b) Notwithstanding Sections 121.2(a), 178, and 186.1, existing Non-Residential Uses that are larger than the use size limits in subsection (a) may be divided into two or more smaller Non-Residential Uses that are larger than the use size limits in subsection (a), and such a division shall not require a Conditional Use Authorization provided the division does not cause a Net Addition of Gross Floor Area.

~~*(b) In order to protect and maintain a scale of development appropriate to each district, Non-Residential uses that exceed the square footage stated in the table below shall not be permitted, except in the following circumstances:*~~

~~*(1) In the Castro Street Neighborhood Commercial District, a Child Care Facility, School, Post-Secondary Educational Institution, Religious Institution, Social Service or Philanthropic Facility, Community Facility, or a Residential Care Facility as defined in Section 102 of this Code that is operated by a non-profit and is neighborhood-serving may exceed this subsection 121.2(b) with Conditional Use authorization.*~~

~~*(2) In the Regional Commercial District, Schools and Childcare Facilities as defined in Section 102 may exceed this subsection 121.2(b) with Conditional Use authorization.*~~

~~*(3) In the Polk Street Neighborhood Commercial District, this subsection 121.2(b) shall not apply to a Movie Theater use, or the expansion of an existing General Grocery Use, as defined in Section 102 of this Code, and pursuant to the controls of Section 723.*~~

~~*(4) In the West Portal Neighborhood Commercial District, Health Services Uses located at Assessor's Parcel Block No. 2989B, Lot 17 may exceed the limit in the table below, but shall not have a Gross Floor Area great than 5,000 square feet.*~~

~~*The use area shall be measured as the Gross Floor Area for each individual Non-Residential use.*~~

~~***District***~~	~~***Use Size Limits***~~
~~*West Portal Avenue*~~	~~*4,000 square feet*~~
~~*North Beach*~~	
~~*Castro Street*~~	
~~*Polk Street*~~	
~~*Pacific Avenue*~~	
~~*Regional Commercial District*~~	~~*25,000 square feet*~~

(c) In order to protect the pedestrian scale of the Mission Street NCT and provide space for small businesses, the following control shall apply in the Mission Street NCT:

(1) **Applicability.** Lot mergers pursuant to Section 121.7(f) and any project located on a parcel that was created as a result of a lot merger pursuant to Section 121.7(f).

(2) **Control.** Any such project that does not include at least one non-residential space of no more than 2,500 square feet, located on the ground floor and fronting directly onto Mission Street, shall require a conditional use authorization. In considering whether to grant such conditional use authorization, the Commission shall consider the criteria in Sections 121.2(a) and 303(c).

SEC. 121.5. DIVISION OF SPACES EXCEEDING NON-RESIDENTIAL USE SIZE LIMITS.

(a) An existing Non-Residential Use with Non-Residential Use Size larger than principally permitted (i.e., a use size that is either conditionally permitted or not permitted) may be divided into two or more smaller Non-Residential Uses where this Section 121.5 is referenced in the use size controls applicable to the district. Conditional Use Authorization is not required for such a division or for the individual resulting Non-Residential Use Sizes, provided the division does not cause a Net Addition of Gross Floor Area.

(b) Regardless of whether Section 121.5 is referenced in the applicable use size controls pursuant to subsection (a), this Section does not apply to:

(1) Use size limits set forth in Special Use Districts;

(2) Use size limits that apply per lot;

(3) Districts established pursuant to a development agreement or redevelopment plan;

(4) P (Public) Districts (Section 211); and

(5) Chinatown Mixed Use Districts (Sections 810, 811, and 812).

SEC. 121.6. LARGE-SCALE RETAIL USES.

Notwithstanding any other provision of this Code, establishment of a single retail use in excess of 50,000 gross square feet in any zoning district other than the C-3 Zoning Districts shall require conditional use authorization pursuant to Section 303 unless such use already is prohibited. This Section 121.6 shall apply to the establishment of a new use and the expansion of an existing use. For purposes of this Section single "retail use" shall include, except for Hotels and Motels, all Retail Sales and Service Uses listed in Section 102 and retail uses identified in Article 8 of this Code. *Notwithstanding this Section 121.6, division of Non-Residential Use Sizes is permitted to the extent provided in Section 121.5.*

SEC. 178. CONDITIONAL USES.

The following provisions shall apply to conditional uses:

(a) **Definition.** For the purposes of this Section, a permitted conditional use shall refer to:

(1) Any use or feature authorized as a conditional use pursuant to Article 3 of this Code, provided that such use or feature was established within the time limits specified as a Condition of Approval or, if no time limit was specified, within a reasonable time from the date of authorization; or

(2) Any use or feature that is classified as a conditional use in the district in which it is located and that lawfully existed either on the effective date of this Code, or on the effective date of any amendment imposing new conditional use requirements upon such use or feature; or

(3) Any use deemed to be a permitted conditional use pursuant to Section 179 of this Code.

* * * *

(e) **Changes in Use.** The following provisions shall apply to permitted conditional uses with respect to changes in use, except as further limited by the change of use procedures for Formula Retail uses set forth in Section 303.1 of this Code.

(1) A permitted conditional use may be changed to another use listed in Section 102 and Articles 7 or 8 of this Code as a principal use for the district in which it is located and the new use may thereafter be continued as a permitted principal use.

(2) A permitted conditional use may be changed to another use listed in Section 102 and Articles 7 or 8 of this Code as a conditional use for the district in which the property is located, subject to the other applicable provisions of this Code, only upon approval of a new conditional use application, pursuant to the provisions of Article 3 of this Code.

(3) A permitted conditional use may not be changed to another use not permitted or prohibited by the Zoning Control Table for the district in which the lot is located. If a permitted conditional use has been wrongfully changed to another use in violation of the foregoing provisions and the violation is not immediately corrected when required by the Zoning Administrator, the wrongful change shall be deemed to be a discontinuance or abandonment of the permitted conditional use.

(4) Once a permitted conditional use has been changed to a principal use permitted in the district in which the property is located, or brought closer in any other manner to conformity with the use limitations of this Code, the use of the property may not thereafter be returned to its former permitted conditional use status, except upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code.

~~*(5) In the North Beach Neighborhood Commercial District, any use that exceeds the use size provisions of Section 121.2(a) or 121.2(b) may be changed to a new use only upon approval of a new conditional use application. The Commission's approval of such conditional use application shall explicitly address the use size findings of Section 303(c).*~~

~~*(6) In the Castro Street Neighborhood Commercial District, any use that exceeds the use size provisions of Section 121.2(a), but is smaller than the maximum use size limit of Section 121.2(b), may be changed to a new use only upon approval of a new conditional use application. The Commission's approval of such conditional use application shall explicitly address the use size findings of Section 303(c).*~~

* * * *

SEC. 186.1. EXEMPTION OF NONCONFORMING USES IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

* * * *

(a) **Expansion.** A nonconforming use may expand in floor area as provided in Subsection (b) below, but may not expand beyond the lot which it occupies, nor may the boundaries of such lot be expanded for purposes of expanding the use; nor may the use expand upward above the story or stories which it lawfully occupies, except as provided in Section 186.2 below.

(b) **Enlargements or Alteration.**

(1) A nonconforming use may not be significantly altered; enlarged or intensified, except upon approval of a Conditional Use application pursuant to the provisions of Section 303 of this Code, provided that the use not have or result in a greater height, bulk or floor area ratio, less required rear yard or open space, or less required off-street parking space or loading space than permissible under the limitations set forth in this Code for the district or districts in which such use is located.

(2) A nonconforming use may expand to include public sidewalk space provided that such space is only occupied with tables and chairs as permitted by this Municipal Code.

(3) No existing use or structure which fails to meet the requirements of this Code in any manner as described above in this subsection (b) shall be constructed, reconstructed, enlarged, altered, or relocated so as to increase the discrepancy, or to create a new discrepancy, at any level of the structure, between existing conditions on the lot and the required standards for new construction set forth in this Code. *However, a Non-Residential Use that fails to meet the Non-Residential Use Size requirements of this Code may be divided into smaller uses sizes, consistent with Sections 121.2 and 121.5.*

(c) **Changes in Use.** A nonconforming use may be changed to another use or feature as described below.

(1) A nonconforming use may be changed to a use listed in Article 7 of this Code as a Principal Use for the district in which the property is located, and the new use may thereafter be continued as a Principally Permitted Use.

(2) A nonconforming use may be changed to a use listed in Article 7 of this Code as a Conditional Use for the district in which the use is located, only upon approval of a Conditional Use application pursuant to the provisions of Article 3 of this Code, and the new use may thereafter be continued as a permitted Conditional Use, subject to the provisions of Section 178 of this Code.

(3) A nonconforming use may be changed to a use which is not permitted in that Neighborhood Commercial District as described below, only upon approval of a Conditional Use application, pursuant to the provisions of Article 3 of this Code:

(A) Any Bar, Limited Restaurant, or Restaurant use may change to another Bar, Limited Restaurant, or Restaurant use, even though such other use is not permitted in that Neighborhood Commercial District, unless such other use is located in an Alcohol Restricted Use Subdistrict and is prohibited by the provisions governing that Alcohol Restricted Use Subdistrict.

(B) Any Business Service, Health Service, Personal Service, or Retail Professional Service use may change to another such use, even though such other use is not permitted in that Neighborhood Commercial District.

(C) Any Automotive Repair, Automotive Service Station, or Gas Station use may be demolished and reconstructed as the same use or may change to another such use, even though such other use is not permitted in that Neighborhood Commercial District.

The new use shall still be classified as a nonconforming use.

The changes in use described in this subsection (c)(3) shall include remodeling activities involving the demolition and replacement of structures that result in a change of use.

(D) With regard to Formula Retail uses, a change of owner or operator of a Formula Retail establishment is determined to be an intensification of use and a new Conditional Use authorization shall be required as provided in Section 178(c) of this Code.

~~*(4) In the North Beach Neighborhood Commercial District, any use that exceeds the use size provisions in the North Beach Zoning Control Table may be changed to a new use only upon the approval of a new Conditional Use application. The Commission's approval of such Conditional Use application shall explicitly address the use size findings of Section 303(c). In the North Beach Neighborhood Commercial District, a nonconforming use cannot be changed to any use that is not a permitted use under Section 722 (North Beach Controls).*~~

~~*(5) In the Castro Street Neighborhood Commercial District, any use in this District that exceeds the maximum Non-Residential Use Size limit of Section 121.2(b) may not be changed to a new use. The only method for changing a nonconforming use identified in this subsection (c) is to reduce the nonconforming use:*~~

~~*(A) to a conforming use size; or*~~

~~*(B) to a size specified in Subsection 121.2(a) pursuant to Conditional Use authorization.*~~

~~*Notwithstanding the above, any use in this District that exceeds the maximum Non-Residential Use Size limit of Section 121.2(b) and is General Retail Sales and Service use, as defined in Section 102, may change to another use category enumerated in the definition of General Retail Sales and Service as long as the use size is not increased and the Commission approves a Conditional Use application for such change. The Commission's approval of such Conditional Use application shall explicitly address the use size findings of Section 303(c).*~~

(d) **Discontinuance.** A nonconforming use that is discontinued for a period of three years, or otherwise abandoned or changed to another use that is listed in Article 7 of this Code as a Principal or Conditional Use for the district in which the use is located shall not be reestablished, except in the following instances:

(1) In the North Beach, Polk Street, Castro Street, and Haight Street Neighborhood Commercial Districts the period of non-use for a nonconforming use to be deemed discontinued shall be 18 months.

(2) In the Polk Street Neighborhood Commercial District, the period of non-use for a nonconforming Tobacco Paraphernalia Establishment use to be deemed discontinued shall be 18 months.

(3) For Formula Retail uses in any district that prohibits or requires Conditional Use authorization for Formula Retail uses, the period of non-use to be deemed discontinued is 18 months.

(e) **Relocation.** A nonconforming use in a Neighborhood Commercial District may be reestablished at another location within that Neighborhood Commercial District only upon approval of a new conditional use application pursuant to the provisions of Article 3 of this Code, provided that the following conditions are met:

(1) The original premises shall not be occupied by an establishment of the same type of use as the relocating use unless by another establishment that is relocating from within the district; and

(2) No final permits to operate the relocated use at the new premises are granted prior to the issuance of a certificate of final completion of any work to the original premises which is required as conditions attached to the approval of the conditional use application; and

(3) Deed restrictions are recorded for the original premises in the Official Records of the City and County of San Francisco, which restrictions prohibit for the duration of the Code sections prohibiting the use for the district in which the use is located, the establishment and operation of a new use of the same type of use as the relocated use, unless such new use is relocating from within the district.

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

* * * *

Table 209.1
ZONING CONTROL TABLE FOR RH DISTRICTS

Zoning Category	**§ References**	**RH-1(D)**	**RH-1**	**RH-1(S)**	**RH-2**	**RH-3**
* * * *						
NON-RESIDENTIAL STANDARDS AND USES						
Development Standards						
Floor Area Ratio	§§ 102, 123, 124	1.8 to 1	1.8 to 1	1.8 to 1	1.8 to 1	1.8 to 1
Use Size	*§§ 102, 121.5*	*Division of large use sizes per § 121.5*				
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SEC. 209.2. RM (RESIDENTIAL, MIXED) DISTRICTS.

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Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS

Zoning Category	**§ References**	**RM-1**	**RM-2**	**RM-3**	**RM-4**
* * * *					

NON-RESIDENTIAL STANDARDS AND USES					
* * * *					
Development Standards					
Floor Area Ratio	§§ 102, 123, 124	1.8 to 1	1.8 to 1	3.6 to 1	4.8 to 1
Use Size	*§§ 102, 121.5*	*Division of large use sizes per § 121.5*			
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SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.

* * * *

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	***§ References***	***RC-3***	***RC-4***
* * * *			
NON-RESIDENTIAL STANDARDS AND USES			
Development Standards			
* * * *			
~~*Non-Residential*~~ Use Size ~~*Limits*~~	§§ 102, *121.5,* 121.6	P if ~~*less than*~~ *up to* 6,000 square feet; C if ~~*larger than*~~ 6,00*1*~~*0*~~ square feet or *above* ~~*larger*~~. ~~*NP if greater than 120,000 gross square feet.*~~ *Division of large use sizes per § 121.5.*	
* * * *			

* * * *

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

* * * *

Table 209.4

ZONING CONTROL TABLE FOR RTO DISTRICTS

Zoning Category	§ References	RTO	RTO-M
* * * *			
NON-RESIDENTIAL STANDARDS AND USES			
Development Standards			
Floor Area Ratio	§§ 102, 123, 124	1.8 to 1	1.8 to 1
Use Size	*§§ 102, 121.5*	*Division of large use sizes per § 121.5*	
* * * *			

* * * *

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					
Development Standards					
* * * *					
Use Size Limits for Retail Sales and Service Uses	§§ 210.3A, *121.5*	See Table 10.3A.	5,000 gross square feet per lot, see reference (10) below.	2,500 gross square feet per lot, see reference (9) below.	See Table 210.3A.
Use Size Limits for Non-Retail Sales and Service Uses	§§ 210.3A, *121.5*	See Table 210.3A.	N/A	N/A	See Table 210.3A.

Use Size	*§§ 102, 121.5*	*Division of large use sizes per § 121.5*
* * * *		

* * * *

SEC. 210.4. M DISTRICTS: INDUSTRIAL.

* * * *

Table 210.4

ZONING CONTROL TABLE FOR M DISTRICTS

Zoning Category	**§ References**	**M-1**	**M-2**
* * * *			
NON-RESIDENTIAL STANDARDS AND USES			
Development Standards			
Floor Area Ratio	§§ 102, 123, 124	5 to 1	5 to 1
Use Size	*§§ 102, 121.5*	*Division of large use sizes per § 121.5*	
* * * *			

* * * *

SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

(b) **Intent of Controls.** The Castro Street District controls are designed to maintain existing small-scale development and promote a balanced mix of uses. Building standards permit small-scale buildings and uses*, conditionally permit larger uses,* and protect rear yards above the ground story and at residential levels. In new buildings, most commercial uses are permitted at the ground and second stories. Special controls are necessary to preserve the existing equilibrium of neighborhood-serving convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent residential livability, controls authorize some additional drinking establishments with a conditional use, permit self-service

specialty food establishments, and permit with certain limitations new late-night uses, adult and other entertainment, and financial service uses. The continuous retail frontage is maintained by prohibiting most automobile and drive-up uses. Housing development in new buildings is encouraged above the second story. Existing housing units are protected by limitations on demolitions and upper-story conversions. Accessory Dwelling Units are permitted within the district pursuant to Section 207.1 of this Code.

Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *		
Use Size	§§ 102, 121.2, *121.5*	~~*P to 1,999 square feet; C 2,000 square feet to 3,999 square feet; NP(1) 4,000 square feet and above*~~ *P up to 2,000 square feet; C 2,001 square feet and above. Division of large use sizes per § 121.5.*
* * * *		

* * * *

(1) *[Reserved]* ~~*USE SIZE EXEMPTION*~~

~~*Per Planning Code Section 121.2(b), Use Size shall generally not exceed 4,000 square feet except that a Child Care Facility, School, Post-Secondary Educational Institution, Religious Institution, Social Service or Philanthropic Facility, Community Facility, or a Residential Care Facility as defined in Section 102 that is operated by a non-profit and is neighborhood-serving may exceed 4,000 square feet by Conditional Use authorization. The non-residential use size limitation shall not apply to Article 10 Landmark buildings located in the Castro NCD.*~~

* * * *

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

The North Beach Neighborhood Commercial District is a nonlinear district centered on Columbus Avenue, located in the valley between Telegraph Hill and Russian Hill north of Broadway. North Beach functions as a neighborhood-serving marketplace, citywide specialty shopping, and dining district, and a tourist attraction, as well as an apartment and residential hotel zone. Traditionally, the district has provided most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills. North Beach's eating, drinking, and entertainment establishments remain open into the evening to serve a much wider trade area and attract many tourists. The balance between neighborhood-serving convenience stores and Citywide specialty businesses has shifted, as convenience stores have been replaced by restaurants and bars. The proliferation of financial services, limited financial services, and professional services has also upset the district's balance of uses. The relocation of business and professional offices from downtown to North Beach threatens the loss of upper-story residential units.

The North Beach District controls are designed to ensure the livability and attractiveness of North Beach. Building standards limit new development to a small to moderate scale. Rear yards are protected above the ground story and at residential levels. Active commercial uses shall be required at the ground floor. Small-scale, neighborhood-serving businesses are strongly encouraged and formula retail uses are prohibited. To preserve and maintain the district's small-scale, fine grain storefronts, the consolidation or merger of existing retail or commercial spaces or storefronts are prohibited, and Use Sizes are controlled to encourage conversion back to the traditional small-scale commercial spaces. Special controls are necessary because an over-concentration of food and beverage service establishments limits neighborhood-serving retail sales and personal services in an area that

needs them to thrive as a neighborhood. In order to maintain neighborhood-serving retail sales and personal services and to protect residential livability, additional eating and drinking establishments are prohibited in spaces that have been occupied by neighborhood-serving retail sales and personal services. Special controls prohibit new walk-up facilities. Financial services, limited financial services, and ground-story business and professional office uses are prohibited from locating in the portion of the district south of Greenwich Street, while new financial services locating in the portion of the district north of Greenwich Street are limited. Restrictions on automobile and drive-up uses are intended to promote continuous retail frontage and maintain residential livability.

In keeping with the district's existing mixed-use character, housing development in new buildings is encouraged above the ground floor. Existing residential units are protected by prohibitions of upper-story conversions, mergers, removals, and demolitions. Per Section 207.1 of this Code, Accessory Dwelling Units are permitted within the existing building envelope, but may not eliminate or reduce ground-story retail or commercial space.

Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *		
Use Size	§§ 102, 121.2, 780.3(c)(3), *121.5*	P up to ~~*1,999*~~ *2,000* square feet; C 2,00*1*~~*0*~~ square feet ~~*to 3,999 square feet; NP 4,000 square feet*~~ and above. *(10)* ~~*Specialty Grocery use shall not exceed a Use Size of 1,000 square feet within the North Beach Special Use District.*~~(5) *Division of large use sizes per § 121.5.*
* * * *		

* Not listed below

* * * *

(5) NORTH BEACH SPECIAL USE DISTRICT (Section 780.3): Restaurants, Limited Restaurants and Bars 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 that no Conditional Use shall be required if the use remains the same as the prior authorized use, with no enlargement or intensification of use:

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

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

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

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

* * * *

(10) Per the North Beach Special Use District in Section 780.3(c)(3) of this Code, Specialty Grocery use ~~*shall not exceed a*~~ *with a Non-Residential* Use Size ~~*of*~~ *larger than* 1,000 square feet *requires Conditional Use authorization* ~~*in order to preserve and maintain the district's small-scale, fine grain storefronts*~~.

* * * *

SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES (7)		
Development Standards		
* * * *		
Use Size	§§ 102, 121.2*, 121.5*	P up to ~~*1,999*~~ *2,000* square feet; C 2,00*1*~~*0 to 3,999 square feet; NP 4,000*~~ square feet and above. (2) *Division of large use sizes per § 121.5.*
* * * *		

* * * *

(2) USE SIZE EXEMPTION: Per Planning Code Section 121.2(a), a Conditional Use Authorization is not required for any Limited Restaurant use that relocates within the Polk Street NCD, and is designated as a Legacy Business as of the effective date of the ordinance in Board File No. 240411. ~~*Per Planning Code Section 121.2(b), Use Size shall generally not exceed 4,000 square feet except that a Movie Theater as defined in Section 102 may exceed 4,000 square feet. In addition, the enlargement of an existing General Grocery use on the same Lot, and in association with the replacement of a Legacy Business that is also a General Grocery use, may exceed 4,000 square feet.*~~

* * * *

SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

The West Portal Avenue District controls are designed to preserve the existing family-oriented, village character of West Portal Avenue. The building standards limit building heights to 26 feet and two stories and maintain the existing pattern of rear yards at the ground level and above. The height, bulk and design of new development, especially on large lots, should respect the small-scale character of the district and its surrounding residential neighborhoods. Lot mergers creating large lots are discouraged. Individual nonresidential uses require conditional use permits above 2,500 square feet ~~*and are restricted to 4,000 square feet as an absolute limit to conform with the existing small use sizes in the district*~~.

* * * *

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

Zoning Category	§ References	Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *		
Use Size	§§ 102, 121.2, *121.5*	P up to 2,*500*~~*499*~~ square feet; C 2,50*1*~~*0 to 3,999*~~ square feet~~*; NP 4,000 square feet*~~ and above. *Division of large use sizes per § 121.5.*
* * * *		

* * * *

SEC. 758. REGIONAL COMMERCIAL DISTRICT.

* * * *

Table 758. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *		
Use Size	*§*§ 102, 121.2*, 121.5*	P up to 10,000 square feet; C *10,001 square feet and* above*.; NP above 25,000 square feet except for Schools and Child Care Facilities Division of large use sizes per § 121.5.*
* * * *		

* * * *

SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.

* * * *

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

* * * *

(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 with* a Non-Residential Use Size *of larger than* 1,000 square feet *shall require Conditional Use authorization*.

* * * *

Section 4. Non-Residential Use Size in Article 7 Zoning Control Tables.

Article 7 of the Planning Code is hereby amended by revising the Zoning Control Tables for Sections 710-714, 716-721, 724-728, 730-746, 750-757, and 759-764, under the Non-Residential Standards and Uses heading and the Development Standards subheading,

in the Controls column of the Use Size row, to read as follows, as further shown in the Sample Zoning Control Table below:

Planning Code Section	**Old Text Controls**	**New Text Controls**
SEC. 710. NC-1 – Neighborhood Commercial Cluster District.	~~*P up to 2,999 square feet; C 3,000 square feet and above*~~	*P up to 3,000 square feet; C 3,001 square feet and above*
SEC. 711. NC-2 – Small-Scale Neighborhood Commercial District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 712. NC-3 – Moderate-Scale Neighborhood Commercial District.	~~*P up to 5,999 square feet; C 6,000 square feet and above*~~	*P up to 6,000 square feet; C 6,001 square feet and above*
SEC. 713. NC-S – Neighborhood Commercial Shopping Center District.	~~*P up to 5,999 square feet; C 6,000 square feet and above*~~	*P up to 6,000 square feet; C 6,001 square feet and above*
SEC. 714. Broadway Neighborhood Commercial District.	~~*P up to 2,999 square feet; C 3,000 square feet and above*~~	*P up to 3,000 square feet; C 3,001 square feet and above*
SEC. 716. Inner Clement Street Neighborhood Commercial District.	~~*P up to 2,499 square feet; C 2,500 square feet and above*~~	*P up to 2,500 square feet; C 2,501 square feet and above*
SEC. 717. Outer Clement Street Neighborhood Commercial District.	~~*P up to 2,499 square feet; C 2,500 square feet and above*~~	*P up to 2,500 square feet; C 2,501 square feet and above*
SEC. 718. Upper Fillmore Street Neighborhood Commercial District.	~~*P up to 2,499 square feet; C 2,500 square feet and above*~~	*P up to 2,500 square feet; C 2,501 square feet and above*
SEC. 719. Haight Street Neighborhood Commercial District.	~~*P up to 2,499 square feet; C 2,500 square feet and above*~~	*P up to 2,500 square feet; C 2,501 square feet and above*
SEC. 720. Excelsior Outer Mission Neighborhood Commercial District.	~~*P up to 5,999 square feet; C 6,000 square feet and above*~~	*P up to 6,000 square feet; C 6,001 square feet and above*
SEC. 721. Japan town Neighborhood Commercial District.	~~*P up to 2,499 square feet; C 2,500 square feet and above*~~	*P up to 2,500 square feet; C 2,501 square feet and above*

SEC. 724. Sacramento Street Neighborhood Commercial District.	~~*P up to 2,499 square feet; C 2,500 square feet and above*~~	*P up to 2,500 square feet; C 2,501 square feet and above*
SEC. 725. Union Street Neighborhood Commercial District.	~~*P up to 2,499 square feet; C 2,500 square feet and above*~~	*P up to 2,500 square feet; C 2,501 square feet and above*
SEC. 726. Pacific Avenue Neighborhood Commercial District.	~~*P up to 1,999 square feet; C 2,000 square feet and above*~~	*P up to 2,000 square feet; C 2,001 square feet and above*
SEC. 727. Lakeside Village Neighborhood Commercial District.	~~*P up to 2,999 square feet; C 3,000 square feet and above*~~	*P up to 3,000 square feet; C 3,001 square feet and above*
SEC. 728. 24th Street – Noe Valley Neighborhood Commercial District.	~~*P up to 2,499 square feet; C 2,500 square feet and above*~~	*P up to 2,500 square feet; C 2,501 square feet and above*
SEC. 730. Inner Sunset Neighborhood Commercial District	~~*P up to 2,499 square feet; C 2,500 square feet and above*~~	*P up to 2,500 square feet; C 2,501 square feet and above*
SEC. 731. Noriega Street Neighborhood Commercial District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 732. Irving Street Neighborhood Commercial District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 733. Taraval Street Neighborhood Commercial District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 734. Judah Street Neighborhood Commercial District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 735. Inner Balboa Street Neighborhood Commercial District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 736. Outer Balboa Street Neighborhood Commercial District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 737. Bayview Neighborhood Commercial District.	~~*P up to 5,999 square feet; C 6,000 square feet and above*~~	*P up to 6,000 square feet; C 6,001 square feet and above*

SEC. 738. Cortland Avenue Neighborhood Commercial District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 739. Geary Boulevard Neighborhood Commercial District.	~~*P up to 5,999 square feet; C 6,000 square feet and above*~~	*P up to 6,000 square feet; C 6,001 square feet and above*
SEC. 740. Mission Bernal Neighborhood Commercial District.	~~*P up to 5,999 square feet; C 6,000 square feet and above*~~	*P up to 6,000 square feet; C 6,001 square feet and above*
SEC. 741. San Bruno Avenue Neighborhood Commercial District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 742. Cole Valley Neighborhood Commercial District.	~~*P up to 2,999 square feet; C 3,000 square feet and above*~~	*P up to 3,000 square feet; C 3,001 square feet and above*
SEC. 743. Lower Haight Street Neighborhood Commercial District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 744. Lower Polk Street Neighborhood Commercial District.	~~*P up to 5,999 square feet; C 6,000 square feet and above*~~	*P up to 6,000 square feet; C 6,001 square feet and above*
SEC. 745. Inner Taraval Street Neighborhood Commercial District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 746. Leland Avenue Commercial District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 750. NCT-1 – Neighborhood Commercial Transit Cluster District.	~~*P up to 2,999 square feet; C 3,000 square feet and above*~~	*P up to 3,000 square feet; C 3,001 square feet and above*
SEC. 751. NCT-2 – Small-Scale Neighborhood Commercial Transit District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 752. NCT-3 – Moderate-Scale Neighborhood Commercial Transit District.	~~*P up to 5,999 square feet; C 6,000 square feet and above*~~	*P up to 6,000 square feet; C 6,001 square feet and above*
SEC. 753. Soma Neighborhood Commercial Transit District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*

SEC. 754. Mission Street Neighborhood Commercial Transit District.	~~*P up to 5,999 square feet; C 6,000 square feet and above*~~	*P up to 6,000 square feet; C 6,001 square feet and above*
SEC. 755. Ocean Avenue Neighborhood Commercial Transit District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 756. Glen Park Neighborhood Commercial Transit District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 757. Folsom Street Neighborhood Commercial Transit District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 759. Divisadero Street Neighborhood Commercial Transit District.	~~*P up to 3,999 square feet; C 4,000 square feet and above*~~	*P up to 4,000 square feet; C 4,001 square feet and above*
SEC. 760. Fillmore Street Neighborhood Commercial Transit District.	~~*P up to 5,999 square feet; C 6,000 square feet and above*~~	*P up to 6,000 square feet; C 6,001 square feet and above*
SEC. 761. Hayes-Gough Neighborhood Commercial Transit District.	~~*P up to 2,999 square feet; C 3,000 square feet and above*~~	*P up to 3,000 square feet; C 3,001 square feet and above*
SEC. 762. Valencia Street Neighborhood Commercial Transit District.	~~*P up to 2,999 square feet; C 3,000 square feet and above*~~	*P up to 3,000 square feet; C 3,001 square feet and above*
SEC. 763. 24th Street – Mission Neighborhood Commercial Transit District.	~~*P up to 2,499 square feet; C 2,500 square feet and above*~~	*P up to 2,500 square feet; C 2,501 square feet and above*
SEC. 764. Upper Market Street Neighborhood Commercial Transit District.	~~*P up to 2,999 square feet; C 3,000 square feet and above*~~	*P up to 3,000 square feet; C 3,001 square feet and above*

[Sample Table]

Table [ ]. [ ] DISTRICT ZONING CONTROL TABLE

* * * *

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

Development Standards		
* * * *		
Use Size	* * * *	~~*P up to [ ] square feet; C [ ] square feet and above*~~ *P up to [ ] square feet; C [ ] square feet and above*
* * * *		

Section 5. Non-Residential Use Size in Article 2 and 8 Zoning Control Tables.

Articles 2 and 8 of the Planning Code are hereby amended by revising the Zoning Control Tables for Sections 210.1, 210.2, 827, 829, 831, 832, and 834, under the Non-Residential Standards and Uses heading and the Development Standards subheading, in the § References column and Controls column of the Use Size row, to read as follows, as further shown in the Sample Zoning Control Table below:

Planning Code Section	Use Size Row	Revised Text for § References	Revised Text for [District] Controls
SEC. 210.1. C-2 Districts: Community Business	Use Size Limits	§§ 121.6*; 121.5*	C required for single Retail Use greater than 50,000 gross square feet. NP above 120,000 gross square feet. *Division of large use sizes per § 121.5.*
SEC. 210.2. C-3 Districts: Downtown Commercial	Use Size Limits	§§ 121.6*; 121.5*	C required for single retail use over 90,000 gross square feet. Single Retail Uses in excess of 120,000 gross square feet that sell groceries; contain more than 20,000 Stockkeeping Units (SKUs); and devote more than 5% of its total sales floor area to the sale of non-taxable merchandise are NP. *Division of large use sizes per § 121.5.*

SEC. 827. Rincon Hill Downtown Residential Mixed Use District (RH-DTR)	Use Size [Non-Residential]	§§ 890.130; *121.5,* 145.14	P for non-residential uses up to 25,000 sq. ft., C above. No individual ground floor tenant may occupy more than 75' of frontage for a depth of 25' from Folsom Street. §§ 145.14. *Division of large use sizes per § 121.5.*
SEC. 829. South Beach Downtown Residential Mixed Use District (SB-DTR)	Use Size [Non-Residential]	§§ 890.130*; 121.5*	P for non-residential uses up to 25,000 sq. ft., C above. *Division of large use sizes per § 121.5.*
SEC. 831. Mixed Use – General	Use Size Limits	§§ 121.6*; 121.5*	C required for single retail use over 50,000 gross square feet. Single Retail Uses in excess of 120,000 gross square are NP. *Division of large use sizes per § 121.5.*
SEC. 832. Mixed Use – Office	Use Size Limits	§§ 121.6*; 121.5*	C required for single retail use over 50,000 gross square feet. Single Retail Uses in excess of 120,000 gross square feet are NP. *Division of large use sizes per § 121.5.*
SEC. 834. Residential Enclave District	Use Size Limits	§§ 121.6*; 121.5*	C required for single retail use over 50,000 gross square feet. *Division of large use sizes per § 121.5.*

[Sample Table]

Table [ ]. [ ] DISTRICT ZONING CONTROL TABLE

* * * *

* * * *		
Zoning Category	**§ References**	**[District] Controls**
NON-RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *		
Use Size	* * * * *; 121.5*	* * * *

* * * *		*Division of large use sizes per § 121.5*
* * * *		

Section 6. 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 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Giulia Gualco-Nelson
GIULIA GUALCO-NELSON
Deputy City Attorney

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FILE NO. 250634

LEGISLATIVE DIGEST

[Planning Code - Use Size Limits]

Ordinance amending the Planning Code to eliminate limits on Non-Residential Use Sizes in the Castro Street Neighborhood Commercial District (NCD), Pacific Avenue NCD, Polk Street NCD, West Portal Avenue NCD, North Beach NCD and North Beach Special Use District, Regional Commercial Districts, and Residential-Commercial District; allow specified Non-Residential Uses that exceed the Use Size limits to divide into smaller spaces that may continue to exceed the Use Size limits, without conditional use authorization; adjust the Use Size limit in all NCDs to a round number; 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 the size of Non-Residential Uses in several ways. Section 121.2 prescribes square footage thresholds for Non-Residential Uses in Neighborhood Commercial and Neighborhood Commercial-Transit Districts. Non-Residential Uses that exceed these size thresholds require a Conditional Use Authorization.

Section 121.2 also prescribes a square footage limit above which Non-Residential Uses are not permitted in Castro Street Neighborhood Commercial District (NCD), Pacific Avenue NCD, Polk Street NCD, West Portal Avenue NCD, North Beach NCD, North Beach Special Use District, and Regional Commercial Districts. Section 209 establishes a square footage limit for Non-Residential Uses in the Residential-Commercial Districts.

Section 121.6 requires a CUA for the establishment of a single retail use in excess of 50,000 gross square feet in any zoning district other than the C-3 (Downtown Commercial) Zoning Districts. Section 186.1 prohibits certain enlargements and alterations of nonconforming uses.

Amendments to Current Law

This ordinance would amend Planning Code Section 121.2 to eliminate hard caps on Non-Residential Use Sizes in Castro Street Neighborhood Commercial District (NCD), Pacific Avenue NCD, Polk Street NCD, West Portal Avenue NCD, North Beach NCD, North Beach Special Use District, and Regional Commercial Districts. The ordinance would also adjust the use size limits to a round number for all the NCD zoning control tables.

This ordinance would create Section 121.5 to allow specified Non-Residential Uses that exceed the use Size limits to divide into smaller spaces that may continue to exceed the use size limits, without conditional use authorization, and make parallel amendments to Sections 121.2, 121.6, 186.1, and the applicable zoning control tables. To be eligible for the benefits of Section 121.5, a Non-Residential Use must meet two conditions. First, Section 121.5 must be referenced in the applicable zoning control table. Second, the list of exclusions listed in Section 121.5 cannot apply, which include use size limits set forth in Special Use Districts; use size limits that apply per lot; zoning districts established pursuant to a development agreement or redevelopment plan; P (Public) Districts (Section 211); and Chinatown Mixed Use Districts (Sections 810, 811, and 812).

Background Information

This ordinance contains findings documenting the high vacancy rates for retail in the City, and the difficulties facing small retail businesses. The findings explain how facilitating the division of large retail spaces into smaller retail spaces and lifting the prohibitions on certain Non-Residential Use Sizes will assist small businesses and the City's economic recovery from the pandemic.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

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

- [x] 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- [ ] 2. Request for next printed agenda (For Adoption Without Committee Reference)
  (Routine, non-controversial and/or commendatory matters only)
- [ ] 3. Request for Hearing on a subject matter at Committee
- [ ] 4. Request for Letter beginning with "Supervisor _____ inquires…"
- [ ] 5. City Attorney Request
- [ ] 6. Call File No. _____ from Committee.
- [ ] 7. Budget and Legislative Analyst Request (attached written Motion)
- [ ] 8. Substitute Legislation File No. _____
- [ ] 9. Reactivate File No. _____
- [ ] 10. Topic submitted for Mayoral Appearance before the Board on _____

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission

☒ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

☐ Yes ☐ No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Supervisors Melgar; Sherrill, and Sauter

Subject:

Planning Code - Use Size Limits

Long Title or text listed:

Ordinance amending the Planning Code to eliminate limits on Non-Residential Use Sizes in the Castro Street Neighborhood Commercial District (NCD), Pacific Avenue NCD, Polk Street NCD, West Portal Avenue NCD, North Beach NCD and North Beach Special Use District, Regional Commercial Districts, and Residential-Commercial District; allow specified Non-Residential Uses that exceed the Use Size limits to divide into smaller spaces that may continue to exceed the Use Size limits, without conditional use authorization; adjust the Use Size limit in all NCDs to a round number; 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.

Signature of Sponsoring Supervisor: /s/Myrna Melgar