

**REVISED LEGISLATIVE DIGEST**

(9/26/2017, Substituted in Board)

[Planning Code - Commercial Uses in Polk Street and Pacific Avenue Neighborhood Commercial Districts; Technical and Other Amendments]

**Ordinance amending the Planning Code to 1) limit lot sizes in the Pacific Avenue Neighborhood Commercial District (“Pacific NCD”) and the Polk Street Neighborhood Commercial District (“Polk NCD”); 2) limit the size of Non-Residential Uses in the Pacific NCD and Polk NCD, and exempting movie theaters in the Polk NCD from certain size limits; 3) restrict lot mergers in the Pacific NCD and Polk NCD; 4) require ground floor Commercial Uses in the Polk NCD and on certain portions of Pacific Avenue; 5) modify residential and non-residential off-street parking requirements in the Pacific NCD and Polk NCD; 6) prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on certain streets and alleys in the Pacific NCD and Polk NCD; 7) deem nonconforming uses in the Polk NCD to be discontinued after 18 months of non-use; 8) modify the maximum concentration of Eating and Drinking Uses in the Polk NCD; 9) prohibit massage establishment, chair/foot massage, and kennel uses in the Polk Street NCD; 10) restrict medical services in the Polk NCD and Pacific NCD; 11) prohibit storefront mergers in the Polk NCD; 12) require a dwelling unit mix in the Pacific NCD and Polk NCD; 13) prohibit the loss of residential units through demolition, merger, or conversion and allow division if it meets a dwelling unit mix requirement in the Polk NCD and Pacific NCD; 14) require Conditional Use authorization before replacing a legacy business in the Polk NCD and Pacific NCD; 15) correct, clarify, and simplify language in other Planning Code Sections; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.**

Amendments to Current Law

This ordinance would amend the Planning Code as described below.

Section 121.1

- Existing Code: Establishes size limits (in square feet) above which Conditional Use authorization would be required for development of large lots in Neighborhood Commercial and Neighborhood Commercial Transit Districts.
- Proposed Amendments would: Reduce the current size limits in the Polk NCD and Pacific NCD.

Section 121.2

- Existing Code: Establishes Non-Residential Use Size limits in Neighborhood Commercial and Neighborhood Commercial Transit Districts that can be exceeded only with a Conditional Use Authorization. In the West Portal, North Beach, and Castro NCDs and the Regional Commercial District, there is an additional limit that cannot be exceeded except in the circumstances specified.
- Proposed Amendments would: Add the Polk NCD and Pacific NCD to the list with the additional limit, and exempt Movie Theaters in the Polk NCD.

Section 121.7

- Existing Code: Restricts lot mergers on certain streets in certain districts.
- Proposed Amendments would: Restrict lot mergers in the Polk NCD and Pacific NCD.

Section 145.4

- Existing Code: Requires Active Commercial uses on certain street frontages.
- Proposed Amendments would: Require Active Commercial uses on street frontages in the Polk NCD and on portions of Pacific Avenue.

Sections 151 and 151.1

- Existing Code: Establishes off-street parking requirements.
- Proposed Amendments would: Reduce parking requirements for dwellings and for Non-Residential Uses in the Polk NCD and Pacific NCD.

Section 155

- Existing Code: Prohibits garage entries, driveways, or other vehicular access to off-street parking or loading on certain specified streets and alleys.
- Proposed Amendments would: Prohibit garage entries, driveways, or other vehicular access to off-street parking or loading on portions of Polk Street, California Street, Hyde Street, Broadway, and Bush Street.

Section 186.1

- Existing Code: Provides that in certain NCDs, a nonconforming use that ceases for 18 months will be deemed discontinued.
- Proposed Amendments would: Provide that a nonconforming use in the Polk NCD that ceases for 18 months will be deemed discontinued.

Section 207.6

- Existing Code: Requires that new residential construction must include a minimum percentage of units of at least two bedrooms in order to ensure an adequate supply of family-sized units in existing and new housing stock.

- Proposed Amendments would: Add dwelling unit mix requirements for the Pacific Avenue and Polk Street NCDs.

Section 207.8

- Existing Code: Restricts division of Dwelling Units in certain districts.
- Proposed Amendments would: Apply restrictions on division of Dwelling Units to the Polk NCD and Pacific NCD.

Section 303

- Proposed Amendments would: Increase the allowable concentration of eating and drinking uses in the Polk NCD from 25% to 35%.

Section 723

- Existing Code: Sets forth zoning controls for the Polk NCD.
- Proposed Amendments would:
  - Update the description of the Polk NCD and its active, pedestrian-oriented storefronts.
  - Establish requirements and conditions for replacing Legacy Businesses and conditions under which Conditional Use authorization would not be required.
  - Prohibit storefront mergers.
  - Prohibit removal, demolition, merger, or conversion of Residential Units and permit division.
  - Make various changes and clarifications to the Polk NCD Zoning Control Table.

Section 726

- Existing Code: Sets forth zoning controls for the Pacific NCD.
- Proposed Amendments would:
  - Establish requirements and conditions for replacing Legacy Businesses and conditions under which Conditional Use authorization would not be required.
  - Prohibit removal, demolition, merger, or conversion of Residential Units and permit division.
  - Make various changes and clarifications to the Pacific NCD Zoning Control Table.