

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 9/27/2021)

[Planning Code - Small Business Zoning Controls in Chinatown and North Beach and on Polk Street]

Ordinance amending the Planning Code to 1) allow neighborhood-serving Social Service and Philanthropic Facility uses in Chinatown Mixed Use Districts with conditional use authorization; 2) change the provision for abandonment of a use that exceeds a use size maximum in Chinatown Mixed Use Districts; 3) allow re-establishment of a nonconforming use size in Chinatown Mixed Use Districts under certain circumstances; 4) change the use size limit and use size maximum in the Chinatown Community Business District; 5) exempt Institutional Community uses and Legacy Business Restaurants in Chinatown Mixed Use Districts from use size limits; 6) allow lot mergers under certain conditions in the Polk Street Neighborhood Commercial District; and 7) exclude the portion of Powell Street south of Union Street from the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict; and 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 public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

Existing Law

Section 121.4 of the Planning Code establishes use size maximums and use size limits (the latter being thresholds triggering conditional use authorization requirements) for the Chinatown Visitor Retail and Chinatown Residential Neighborhood Commercial Districts. Among other things, Section 121.4 (1) prohibits uses above the use size maximum; (2) provides that a use that exceeds the use size maximum shall be deemed abandoned with any change of use or if no business has been operational for a period of three years or more, unless the change of use is for a Legacy Business or Institutional Use, or if a Legacy Business or Institutional Use occupies the non-conforming space after the three-year period, and exempts Restaurants from the use size limit in the Chinatown Visitor Retail District.

Section 723 of the Planning Code prohibits the merger of existing ground floor retail or commercial spaces and storefronts in the Polk Street Neighborhood Commercial District (Polk Street NCD).

Section 781.6 of the Planning Code and the corresponding Zoning Map establish the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict.

Amendments to Current Law

This ordinance would amend Section 121.4 to (1) establish a 5000 square foot use size maximum and would change the use size limit from 5000 to 2500 square feet in the Chinatown Community Business District; (2) allow Social Service and Philanthropic Facilities to exceed the use size maximums with conditional use authorization; (3) shorten the abandonment period for uses exceeding the use size maximum to eighteen months; (4) allow re-establishment of a nonconforming use size for Institutional Community uses and Restaurants that are Legacy Businesses that occupy the nonconforming space after eighteen months; (5) allow Social Service and Philanthropic Facility uses in the non-conforming space with conditional use authorization; (6) change the exemption from the use size limit in the Chinatown Visitor Retail District to apply only to a Restaurant that is a Legacy Business and to an Institutional Community Use; and (7) exempt a Restaurant that is a Legacy Business and to an Institutional Community Use from the use size limits in the Chinatown Residential Neighborhood Commercial, and Chinatown Community Districts.

This ordinance would also amend Section 723 to allow two adjacent storefronts to be consolidated or merged if the storefronts are for a Legacy Business on a corner lot within the same building and Block and Lot number, and provided that the consolidation or merger of storefronts would not result in a use size in excess of the principally permitted use size within the Polk Street NCD.

This ordinance would also amend Section 781.6 to exclude the portion of Powell Street south of Union Street from the North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict, and retain that area as part of the North Beach Neighborhood Commercial District.

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