



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Summary:

Article 7: Phase 2 of the Planning Code Reorganization Project And North Beach Amendments

Amended Sections:	Article 7 and Various Other Sections
Case Number:	2014-001965PCA
Board File/Enactment #:	170203/129-17
Sponsored by:	Mayor Lee
Effective Date:	July 30, 2017

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Ordinance amending the Planning Code to reorganize Article 7 and to update, correct, clarify, and simplify Code language in other Planning Code Sections; prohibit Kennels, Large Scale Urban Agriculture, Business Hours from 2 a.m. to 6 a.m., and the demolition or merge of units on the second story and above in the North Beach Neighborhood Commercial District (NCD); preserve the small storefronts, street frontage and prohibit vehicular access on certain streets within the North Beach NCD and SUD; create the definition of Special Food Manufacturing and amending the Eating and Drinking Controls for the North Beach SUD; and requiring Conditional Use for Bars and Principally Permitting Restaurants in the Broadway NCD.

PLEASE NOTE: The zoning control table for the Valencia Street NCT District was inadvertently deleted as part of this ordinance. A correction ordinance (BF 170820) is pending the Mayor's signature and should become effective approximately four weeks from the effective date of this ordinance. In the interim, the Zoning Administer has determined that the Department will use the old zoning control table for the Valencia Street NCT to determine the land use controls for this zoning district.

The Way It Was

Main Amendments

1. Article 7 of the Planning Code used zoning control tables that had a different format than the zoning control tables found in Article 2 of the Planning Code.
2. All of the uses allowed in NCDs were defined in Section 790 of the Planning Code.
3. The mailed notice requirement for Conditional Use (CU) authorization was 20 days for NCDs and Mixed Use Districts (MUD) and 10 days for all other zoning districts. Variance mailing requirement was 10 days for all zoning districts.
4. Section 316 contained procedures and findings for CU authorization in NCDs and MUDs.

Definition Changes

5. Other Entertainment; Public Use; Other Institution, Larger; Other Institution Small; Business or Professional Services; and Other Retail Sales and Service were all use definitions in Article 7 that grouped together several other uses.
6. Massage Establishment, as defined in Section 790.60, included the following uses defined in Section 102: Massage Establishment and Foot/Chair Massage. Per the definition, Foot and Chair Massage establishments were allowed without a CU if it is visible to the public.

7. Personal Services, as was defined in Section 790.116, included the following uses defined in Section 102: Personal Service and Instructional Services.
8. Takeout Food Use was defined in Section 102 as an individual Retail Sales and Service Use; it was also defined in Section 790.122 as an individual use.
9. Mobile Food Facilities were listed as a separate use in the Article 2 zoning control tables, and defined as a distinct and separate use in Section 102 of the Planning Code.
10. Use Characteristic is a term used in the Article 2 zoning control tables, but it was not defined in the Planning Code.
11. Accessory Uses was defined in Section 204 of the Planning Code.

North Beach and Broadway Amendments

12. Residential Uses were permitted on the first floor in the North Beach NCD.
13. Planned Unit Developments were permitted in the North Beach NCD with CU authorization.
14. Active Ground Floor Commercial was not required in the North Beach NCD/SUD per Section 145.4.
15. There were no limits on lot mergers within the North Beach NCD/SUD and the Telegraph Hill-North Beach Residential SUD per Section 121.7.
16. There were no limits on storefront consolidation in the North Beach NCD and SUD.
17. Per Section 155, vehicular access (driveways) was prohibited on Columbus between Washington and North Point Streets, but permitted on Grant Avenue, and Green Street and Alleys in North Beach.
18. Large Scale Agriculture and Kennels required CU authorization within the North Beach NCD.
19. Within the North Beach NCD/SUD, Business Hours were able to be extended from 2:00 AM to 6:00 AM with CU authorization.
20. Within the North Beach NCD/SUD, Restaurants were exempt from the 18-month abandonment period per Section 186.1. Instead, Restaurants were considered abandoned after three years, which is the standard throughout the Planning Code.
21. Within the North Beach NCD/SUD, Movie Theaters were exempt from the non-residential use size limits in Section 121.2.
22. Limited Restaurants were permitted as an accessory in the North Beach NCD /SUD.
23. Bakeries and other specialty food manufacturing businesses were considered Limited Restaurants in the North Beach NCD/SUD and required CU authorization.
24. Eating and Drinking uses in the North Beach SUD were permitted with CU authorization only if they did not take over a space previously occupied by a Basic Neighborhood Sale or Service use, as defined in Planning Code Section 780.3.
25. Within the Broadway NCD, Bars were principally permitted and Restaurants required CU authorization.

The Way It Would Be:

Main Amendments

1. The zoning control tables in Article 7 have been replaced with new zoning control tables, which have the same format as the tables found in Article 2.
2. The use definitions in Section 790 of the Planning Code have been deleted. NCDs now use the standardized use definitions in Section 102.
3. The mailing notice requirement for CUs and Variances is now 20 days for all zoning districts.
4. Section 316 is deleted. CU procedures for CUs in all zoning districts are now in Section 306 of the Planning Code.

Definition Changes

5. The following use groupings have been split up into their discrete uses so that they can be regulated separately. The control for the use is the same as the control for the use grouping. For example, if Other Entertainment required CU authorization, then General Entertainment and Nighttime Entertainment would also require a CU authorization.
 - a. Other Entertainment: General Entertainment, and Nighttime Entertainment.
 - b. Public Use: Public Facilities, Open Recreation Area, Passive Outdoor Recreation, Community Recycling Center, Internet Service Exchange, Public Transportation Facility, Utility Installation, and Wireless Telecommunications Services Facility.
 - c. Other Institution, Small: Childcare Facilities with 12 or fewer children and Residential Care Facilities with six or fewer persons (Please note that the numerical distinctions have been maintained as they relate to how the use is regulated, but there is only one definition for these uses in Section 102).
 - d. Other Institutions, Large: Child Care Facilities with 13 or more children, Residential Care Facilities with seven or more people, Community Facilities, Private Community Facilities, Job Training, Post-Secondary Educational Institution, School, Religious Institution, Social Service or Philanthropic Facility, and Trade School.
 - e. Other Retail Sales and Service: General Retail Sales & Service, General Grocery, Specialty Grocery, Cat Boarding, Tourist Oriented Gift Store, Jewelry Store, Non-Auto Vehicle Sales/Rental, and Pharmacy.
 - f. Business or Professional Services: Retail Professional Service, Design Professional, and Trade Office.
6. Massage Establishment and Foot/Chair Massage are now regulated separately in Article 7.
7. Personal Services and Instructional Service (Section 102) are regulated separately in Article 7; however, they both have the same controls that Personal Service (Section 790.116) had in that district.
8. Takeout Food Use has been removed from the Planning Code as a separately defined use. The use generally falls under the definition of Limited Restaurant.
9. Mobile Food Facilities is no longer a within the Retail Sales and Service use category. The new definition in Section 102 now indicates how the use is regulated (either as a temporary use or a permanent restaurant use).
10. A definition for "Use Characteristic" has been added to Section 102.
11. The definition of Accessory Uses in Section 204 has been moved to Section 102.

North Beach NCD and SUD

12. Residential Uses are no longer permitted on the first floor in the North Beach NCD.
13. Planned Unit Developments are no longer permitted in the North Beach NCD.
14. Active Ground Floor Commercial is required in the North Beach NCD/SUD per Section 145.4. Those uses that are not considered Active Ground Floor Commercial have been shown to be prohibited in the district's zoning control table.
15. Per Section 121.7, lot mergers of over 25 feet in width within the North Beach NCD/SUD and the Telegraph Hill-North Beach Residential SUD require CU authorization or a waiver by the Zoning Administrator per Section 121.7.
16. Storefront mergers are prohibited within in the North Beach NCD/SUD.
17. In addition to the prohibitions on vehicular access on Columbus Avenue, vehicular access is also be prohibited on Grant Avenue between Columbus Avenue and Filbert Street, and Green Street between Grant Avenue and Columbus/Stockton Streets. Driveways on Alleys (as defined in

Section 102) within the North Beach NCD and the Telegraph Hill-North Beach Residential SUD are also prohibited.

18. Large Scale Agriculture and Kennels are prohibited within the North Beach NCD.
19. Business Hours between 2:00 AM to 6:00 AM are prohibited.
20. Within the North Beach NCD, Restaurants are subject to the 18-month abandonment period per Section 186.1.
21. Within the North Beach NCD, Movie Theaters are no longer exempt from the non-residential use size limits in Section 121.2.
22. Limited-Restaurants are no longer permitted as an Accessory Use in the North Beach NCD.
23. The definitions “Specialty Food Manufacturing” has been added to the North Beach SUD and requires CU for approval within the SUD. This use covers bakeries and other such businesses.
24. The North Beach SUD has been amended to permit Eating and Drinking uses with CU authorization on the ground floor only if the following is met: A Bar may occupy a space that is currently or last legally occupied by a Bar; a Restaurant may occupy a space that is currently or was last legally occupied by a Restaurant or Bar; and a Limited Restaurant may occupy a space that is currently or was last legally occupied by a Limited Restaurant, Restaurant or Bar.
25. Within the Broadway NCD, Bars now require CU authorization and Restaurants are principally permitted.

Link to Signed Legislation:

<https://sfgov.legistar.com/View.ashx?M=F&ID=5293271&GUID=2BDC1E7C-0072-4F30-9B8A-C27771947423>