



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Summary: Uses in the Upper Market NCT & NCT-3 Zoning Districts

Amended Sections: 102, 202.2, 303, 710, 718, 721, 752, 754, 757, 759, 760 and 764
Case Number: 2019-003581PCA
Board File/Enactment #: 190248/182-19
Initiated by: Supervisor Mandelman
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The Ordinance amended the Moderate-Scale Neighborhood Commercial Transit District (NCT-3) and the Upper Market Street Neighborhood Commercial Transit District to increase the permissibility of certain Arts, Institutional, and Retail uses. It also requires Health Service uses that are not licensed community or free clinics to comply with formula retail controls.

The Way It Is Was

Liquor Stores were not subject to any specific location or operating conditions or, when requiring Conditional Use authorization, any specific Conditional Use authorization findings

The Way It Is

Liquor Stores are subject to new locational and operating conditions, including:

- (a) having employees walk a 100-foot radius from the premises to pick up and dispose of any discarded beverage containers and other trash left by patrons;
- (b) provide lighting to illuminate adjacent street, sidewalk, and parking areas for security purposes;
- (c) compliance with the storefront transparency and fenestration requirements in Planning Code Section 145.1; and
- (d) maintain a clear line of sight from the public right of way to the cash registers.

In addition, when a Liquor Store requires Conditional Use authorization, the Planning Commission shall consider the existing concentration of Liquor Stores within 300 feet of the proposed location and the availability of General Grocery or Specialty Grocery Stores in the area selling alcoholic beverages

in addition to a range of foods.

Open Air Sales were a commercial use characteristic that was generally categorized as a Retail Sales and Service use involving the open-air sale of new and/or used merchandise, including agricultural products, crafts, and/or art work.

Plants and gardening supplies and building materials are explicitly included in the list of goods sold as an Open Air Sales activity.

Philanthropic Administrative Services was an Institutional Community use within the Planning Code.

Philanthropic Administrative Services are no longer a use in the Planning Code.

NCT-3

Controls by Story

Zoning Category	1st	2nd	3rd+
Arts Activities	NP	NP	NP
Philanthropic Admin Services	NP	NP	NP
Public Facilities	C	C	C
Liquor Store	NP	NP	NP

NCT-3 (changes in yellow; strikethrough indicates removed from Code)

Controls by Story

Zoning Category	1st	2nd	3rd+
Arts Activities	P (6)	P	P
Philanthropic Admin Services	NP	NP	NP
Public Facilities	P	P	P
Liquor Store	C (5)	NP	NP

(5) P at 1st Story if ABC license type 20 (beer and wine only)

(6) Art Activities are considered active uses as defined in Planning Code Section 145.4

Upper Market St NCT

Controls by Story

Zoning Category	1st	2nd	3rd+
Arts Activities	NP	NP	NP
Entertainment, General	C	NP	NP
Institutional Uses	P	C	C
Philanthropic Admin Services	NP	NP	NP
Public Facilities	C	C	C
Bar	C(7)	NP(7)	NP

Upper Market St NCT (changes in yellow; strikethrough indicates removed from Code)

Controls by Story

Zoning Category	1st	2nd	3rd+
Arts Activities	P (8)	P	P
Entertainment, General	P	P	NP
Institutional Uses	P (8)	P	C
Philanthropic Admin Services	P	P	C
Public Facilities	P	P	C

Liquor Store	C	NP	NP
Restaurant	C	NP	NP
Restaurant, Limited	P	NP	NP
Services, Health	P	P	C

(7) an existing Bar on the ground floor operating under a Conditional Use authorization may expand to the second

floor if: (a) the space to be converted has not been in Residential use within the

previous five years, (b) an internal staircase connecting the ground floor Bar

use and the upper floor already exists, and (c) there will be no expansion of the building envelope

Bar	C	C	NP
Liquor Store	C (2)	NP	NP
Restaurant	P	C	NP
Restaurant, Limited	P	C	NP
Services, Health	P (7)	P	C

(2) P at 1st Story if ABC license type 20 (beer and wine only)

(7) Clinics licensed as community and free clinics as defined under California Health and Safety Code Section 1204(a)(1) and clinics exempt from licensing under California Health and Safety Code Section 1206(b) are Principally Permitted Uses. Other Health Service uses are subject to the provisions of Planning Code Section 303.1.

(8) Arts Activities and Institutional Community Uses in the Upper Market Street NCT District are considered to be active uses as defined in Planning Code Section 145.4

Link to Signed Legislation:

<https://sfgov.legistar.com/View.ashx?M=F&ID=7586829&GUID=07F8CE46-C523-41C4-94C0-F30248FE5683>