

1 [Zoning – New Controls for Massage Establishments.]

2
3 **Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict**
4 **permitted accessory massage uses and to make all other massage establishments, as**
5 **defined, except chair massage in plain view of the public, subject to a conditional use**
6 **permit; amending Planning Code Section 303 to list additional criteria for the Planning**
7 **Commission to consider when analyzing conditional use applications for massage**
8 **establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and**
9 **812.1, to change massage establishments from a permitted use to a conditional use in**
10 **the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair**
11 **Districts, and in the Broadway Neighborhood Commercial District, the Castro**
12 **Neighborhood Commercial District, and the Chinatown Mixed Use Districts; amending**
13 **Planning Code Sections 790.114 and 890.114, to add massage establishments that**
14 **employ only state-certified massage practitioners to the definitions of Medical Services**
15 **in the Neighborhood Commercial Districts and Mixed Use Districts, respectively; and**
16 **adopting findings, including environmental findings and findings of consistency with**
17 **the priority policies of Planning Code Section 101.1 and the General Plan.**

18 NOTE: Additions are *single-underline italics Times New Roman*;
19 deletions are *strike-through italics Times New Roman*.
20 Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough-normal~~.

21 Be it ordained by the People of the City and County of San Francisco:

22 Section 1. Findings. The Board of Supervisors of the City and County of San
23 Francisco hereby find and determine that:

24 (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
25 ordinance will serve the public necessity, convenience and welfare, for the reasons set forth in
(Mayor, Supervisors Chu, Chiu

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1 Planning Commission Resolution No. 17882, and incorporates such reasons by this
2 reference thereto. A copy of said resolution is on file with the Clerk of the Board of
3 Supervisors in File No. 090402.

4 (b) Pursuant to Planning Code Section 101.1, the Board of Supervisors finds that the
5 ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and
6 with the General Plan and hereby incorporates a report containing those findings as if fully set
7 forth herein. A copy of said report is on file with the Clerk of the Board of Supervisors in File
8 No. 090402.

9 (c) The Planning Department concluded environmental review of this ordinance
10 pursuant to the California Environmental Quality Act, Public Resources Code Section 2100 et
11 seq. Documentation of that review is on file with the Clerk of the Board of Supervisors in File
12 No. 090402.

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14 Section 2. The San Francisco Planning Code is hereby amended by amending Section
15 790.60, to read as follows:

16 **SEC. 790.60. MASSAGE ESTABLISHMENT.**

17 A retail use as defined in Section 1900 of the Health Code, except a use that is a sole
18 proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where
19 the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600
20 et seq., or one that employs or uses only persons certified by the state's Massage Therapy Organization,
21 pursuant to the California Business and Professions Code Section 4600 et seq., provided that the
22 massage establishment has first obtained a permit from the Department of Public Health
23 pursuant to Section 1908 of the San Francisco Health Code, and provided that: ~~the use is~~
24 ~~located no less than 1,000 feet from the premises of any other massage establishment; except that these~~
25 ~~requirements shall not apply where: (a) massage services are incidental to the institutional uses~~

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1 ~~permitted in Sections 790.44 and 790.50 of this Code or to the use by an individual member of the~~
2 ~~facilities of a health club, gymnasium, or other facility with a regular membership which health club,~~
3 ~~gymnasium or other facility is used primarily for instruction and training in body building, exercising,~~
4 ~~reducing, sports, dancing, or other similar physical activities, or (2) the only massage service provided~~
5 ~~is chair massage, such service is visible to the public, and customers are fully clothed at all times.~~

6 (a) the massage use is accessory to a principal use, if the massage use is accessed by the
7 principal use and: (1) the principal use is a dwelling unit and the massage use conforms to the
8 requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or (2) the
9 principal use is a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or more
10 rooms, a large institution as defined in Section 790.50 of this Code, or a hospital or medical center, as
11 defined in Section 790.44 of this Code, or

12 (b) the only massage service provided is chair massage, such service is visible to the public,
13 and customers are fully-clothed at all times.

14 (c) If the massage use does not meet the requirements of (a) or (b), above, then the massage use
15 shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303 of this
16 Code. When considering an application for a conditional use permit pursuant to this subsection, the
17 Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the following
18 criteria:

19 (1) Whether the applicant has obtained, and maintains in good standing, a permit for a
20 Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San
21 Francisco Health Code;

22 (2) Whether the use's façade is transparent and open to the public. Permanent transparency
23 and openness are preferable. Elements that lend openness and transparency to a façade include: i)
24 active street frontage of at least 25' in length where 75% of that length is devoted to entrances to
25 commercially used space or windows at the pedestrian eye-level; ii) windows that use clear, untinted

1 glass, except for decorative or architectural accent; iii) any decorative railings or decorative grille
2 work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75
3 percent open to perpendicular view and no more than six feet in height above grade;

4 (3) Whether the use includes pedestrian-oriented lighting. Well lit establishments where
5 lighting is installed and maintained along all public rights-of-way adjacent to the building with the
6 massage use during the post-sunset hours of the massage use are encouraged;

7 (4) Whether the use is reasonably oriented to facilitate public access. Barriers that
8 make entrance to the use more difficult than to an average service-provider in the area are to
9 be strongly discouraged. These include (but are not limited to) foyers equipped with double
10 doors that can be opened only from the inside and security cameras.

11 (d) Nothing herein shall preclude the Board of Supervisors from adopting more restrictive
12 provisions for Massage Establishments, or prohibiting Massage Establishments in specific areas of the
13 City.

14
15 Section 3. The San Francisco Planning Code is hereby amended by adding Section
16 890.60, to read as follows:

17 **SEC. 890.60. MESSAGE ESTABLISHMENT.**

18 A retail use as defined in Section 1900 of the Health Code, except a use that is a sole
19 proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where
20 the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600
21 et seq., or one that employs or uses only persons certified by the state's Massage Therapy Organization,
22 pursuant to the California Business and Professions Code Section 4600 et seq., provided that the
23 massage establishment has first obtained a permit from the Department of Public Health
24 pursuant to Section 1908 of the San Francisco Health Code, and provided that: ~~the use is~~
25 located no less than 1,000 feet from the premises of any other massage establishment; except that these

1 ~~requirements shall not apply where: (a) massage services are incidental to the institutional uses~~
2 ~~permitted in Sections 790.44 and 790.50 of this Code or to the use by an individual member of the~~
3 ~~facilities of a health club, gymnasium, or other facility with a regular membership which health club,~~
4 ~~gymnasium or other facility is used primarily for instruction and training in body building, exercising,~~
5 ~~reducing, sports, dancing, or other similar physical activities, or (2) the only massage service provided~~
6 ~~is chair massage, such service is visible to the public, and customers are fully clothed at all times.~~

7 (a) the massage use is accessory to a principal use, if the massage use is accessed by the
8 principal use and: (1) the principal use is a dwelling unit and the massage use conforms to the
9 requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or (2) the
10 principal use is a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or more
11 rooms, a large institution as defined in Section 790.50 of this Code, or a hospital or medical center, as
12 defined in Section 790.44 of this Code, or

13 (b) the only massage service provided is chair massage, such service is visible to the public,
14 and customers are fully-clothed at all times.

15 (c) If the massage use does not meet the requirements of (a) or (b), above, then the massage use
16 shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303 of this
17 Code. When considering an application for a conditional use permit pursuant to this subsection, the
18 Planning Commission shall consider, in addition to the criteria listed in Section 303(c), the following
19 criteria:

20 (1) Whether the applicant has obtained, and maintains in good standing, a permit for a
21 Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San
22 Francisco Health Code;

23 (2) Whether the use's façade is transparent and open to the public. Permanent transparency
24 and openness are preferable. Elements that lend openness and transparency to a façade include: i)
25 active street frontage of at least 25' in length where 75% of that length is devoted to entrances to

commercially used space or windows at the pedestrian eye-level; ii) windows that use clear, untinted glass, except for decorative or architectural accent; iii) any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75 percent open to perpendicular view and no more than six feet in height above grade;

(3) Whether the use includes pedestrian-oriented lighting. Well lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with the massage use during the post-sunset hours of the massage use are encouraged;

(4) Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to an average service-provider in the area are to be strongly discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.

(d) Nothing herein shall preclude the Board of Supervisors from adopting more restrictive provisions for Massage Establishments, or prohibiting Massage Establishments in specific areas of the City.

Section 4. The San Francisco Planning Code is hereby amended by amending Section 218.1, to read as follows:

SEC. 218.1. MASSAGE ESTABLISHMENTS.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	PDR-1	PDR-2	
											SEC. 218.1. MASSAGE ESTABLISHMENTS.
C	C	C	C	C	C	C	C	C	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	Massage establishments, as defined by Section 1900 of the San Francisco Health

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											<p><i>which it is conducted are not less than 1,000 feet from the premises of any other massage establishment; except that such proviso shall not apply where massage services are incidental to the institutional uses permitted in Sections 217(a) through (d) or to the use by an individual member of the facilities of a health club, gymnasium or other facility with a regular membership which health club, gymnasium or other facility is used primarily for instruction and training in body building, exercising, reducing, sports, dancing or similar physical activities; and further provided that: (c) the following standards and conditions are met: (1) the hours of operation of the massage activity shall be limited to from 7:00 a.m. to 12:00 a.m.; (2) signs announcing the massage activity shall be no more than a single sign affixed to the wall of the building and shall not exceed nine square feet in area and shall not be directly illuminated; (3) there shall be no outdoor activity associated with the massage activity; (4) disposed of on a daily basis during the days the establishment is in operation; and (6) any change of there shall be no alcoholic beverages served on the premises; (5) there shall be a litter patrol financed by the establishment</i></p>
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										<p><i>such that any litter within 100 feet of the premises is cleaned and ownership or change in operation of the massage establishment which requires a new Health Permit shall be required to meet these standards and conditions; and provided that: (a) the massage use is accessory to a principal use, if the massage use is accessed by the principal use and: (1) the principal use is a dwelling unit and the massage use conforms to the requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or (2) the principal use is a tourist hotel as defined in Section 790.46 of this Code, that contains 100 or more rooms, a large institution as defined in Section 790.50 of this Code, or a hospital or medical center, as defined in Section 790.44 of this Code, or (b) the only massage service provided is chair massage, such service is visible to the public, and customers are fully-clothed at all times. (c) If the massage use does not meet the requirements of (a) or (b), above, then the massage use shall obtain a conditional use permit from the Planning Commission, pursuant to Section 303 of this Code. When considering an application for a conditional use permit pursuant to this subsection, the Planning</i></p>
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										<p><u>Commission shall consider, in addition to the criteria listed in Section 303(c), the following criteria:</u></p> <p><u>(1) Whether the applicant has obtained, and maintains in good standing, a permit for a Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code;</u></p> <p><u>(2) Whether the use's façade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a façade include: i) active street frontage of at least 25' in length where 75% of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level; ii) windows that use clear, untinted glass, except for decorative or architectural accent; iii) any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75 percent open to perpendicular view and no more than six feet in height above grade;</u></p> <p><u>(3) Whether the use includes pedestrian-oriented lighting. Well lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with the massage use</u></p>
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										<p><i>during the post-sunset hours of the massage use are encouraged.</i></p> <p><u>(4) Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to an average service-provider in the area are to be strongly discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.</u></p> <p><i>(d) Nothing herein shall preclude the Board of Supervisors from adopting more restrictive provisions for Massage Establishments, or prohibiting Massage Establishments in specific areas of the City.</i></p>
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Section 5. The San Francisco Planning Code is hereby amended by amending Section 303, to read as follows:

SEC. 303. CONDITIONAL USES.

(a) General. The City Planning Commission shall hear and make determinations regarding applications for the authorization of conditional uses in the specific situations in which such authorization is provided for elsewhere in this Code. The procedures for conditional uses shall be as specified in this Section and in Sections 306 through 306.6, except that Planned Unit Developments shall in addition be subject to Section 304, medical institutions and post-secondary educational institutions shall in addition be subject to the institutional master plan requirements of Section 304.5, and conditional use and Planned Unit

1 Development applications filed pursuant to Article 7, or otherwise required by this Code for
2 uses or features in Neighborhood Commercial Districts, and conditional use applications
3 within South of Market Districts, shall be subject to the provisions set forth in Sections 316
4 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this
5 Code, with respect to scheduling and notice of hearings, and in addition to those provided for
6 in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and
7 reconsideration.

8 (b) Initiation. A conditional use action may be initiated by application of the owner, or
9 authorized agent for the owner, of the property for which the conditional use is sought. For a
10 conditional use application to relocate a general advertising sign under subsection (l) below,
11 application shall be made by a general advertising sign company that has filed a Relocation
12 Agreement application and all required information with the Planning Department pursuant to
13 Section 2.21 of the San Francisco Administrative Code.

14 (c) Determination. After its hearing on the application, or upon the recommendation of
15 the Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of
16 this Code and no hearing is required, the City Planning Commission shall approve the
17 application and authorize a conditional use if the facts presented are such to establish:

18 (1) That the proposed use or feature, at the size and intensity contemplated and at the
19 proposed location, will provide a development that is necessary or desirable for, and
20 compatible with, the neighborhood or the community:

21 (A) In Neighborhood Commercial Districts, if the proposed use is to be located at a
22 location in which the square footage exceeds the limitations found in Planning Code §
23 121.2(a) or 121.2(b), the following shall be considered:

24 (i) The intensity of activity in the district is not such that allowing the larger use will be
25 likely to foreclose the location of other needed neighborhood-servicing uses in the area; and

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

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

5 (2) That such use or feature as proposed will not be detrimental to the health, safety,
6 convenience or general welfare of persons residing or working in the vicinity, or injurious to
7 property, improvements or potential development in the vicinity, with respect to aspects
8 including but not limited to the following:

9 (A) The nature of the proposed site, including its size and shape, and the proposed
10 size, shape and arrangement of structures;

11 (B) The accessibility and traffic patterns for persons and vehicles, the type and volume
12 of such traffic, and the adequacy of proposed off-street parking and loading and of proposed
13 alternatives to off-street parking, including provisions of car-share parking spaces, as defined
14 in Section 166 of this Code.

15 (C) The safeguards afforded to prevent noxious or offensive emissions such as noise,
16 glare, dust and odor;

17 (D) Treatment given, as appropriate, to such aspects as landscaping, screening, open
18 spaces, parking and loading areas, service areas, lighting and signs; and

19 (3) That such use or feature as proposed will comply with the applicable provisions of
20 this Code and will not adversely affect the Master Plan; and

21 (4) With respect to applications filed pursuant to Article 7 of this Code, that such use or
22 feature as proposed will provide development that is in conformity with the stated purpose of
23 the applicable Neighborhood Commercial District, as set forth in zoning control category .1 of
24 Sections 710 through 729 of this Code; and

1 (5) (A) With respect to applications filed pursuant to Article 7, Section 703.2(a), zoning
2 categories .46, .47, and .48, in addition to the criteria set forth above in Section 303(c)(1-4),
3 that such use or feature will:

4 (i) Not be located within 1,000 feet of another such use, if the proposed use or feature
5 is included in zoning category .47, as defined by Section 790.36 of this Code; and/or

6 (ii) Not be open between two a.m. and six a.m.; and

7 (iii) Not use electronic amplification between midnight and six a.m.; and

8 (iv) Be adequately soundproofed or insulated for noise and operated so that incidental
9 noise shall not be audible beyond the premises or in other sections of the building and fixed-
10 source equipment noise shall not exceed the decibel levels specified in the San Francisco
11 Noise Control Ordinance.

12 (B) Notwithstanding the above, the City Planning Commission may authorize a
13 conditional use which does not satisfy the criteria set forth in (5)(A)(ii) and/or (5)(A)(iii) above,
14 if facts presented are such to establish that the use will be operated in such a way as to
15 minimize disruption to residences in and around the district with respect to noise and crowd
16 control.

17 (C) The action of the Planning Commission approving a conditional use does not take
18 effect until the appeal period is over or while the approval is under appeal.

19 (6) With respect to applications for live/work units in RH, RM and RTO Districts filed
20 pursuant to Section 209.9(f) or 209.9(h) of this Code, that:

21 (A) Each live/work unit is within a building envelope in existence on the effective date of
22 Ordinance No. 412-88 (effective October 10, 1988) and also within a portion of the building
23 which lawfully contains at the time of application a nonconforming, nonresidential use;

24 (B) There shall be no more than one live/work unit for each 1,000 gross square feet of
25 floor area devoted to live/work units within the subject structure; and

1 (C) The project sponsor will provide any off-street parking, in addition to that otherwise
2 required by this Code, needed to satisfy the reasonably anticipated auto usage by residents of
3 and visitors to the project.

4 Such action of the City Planning Commission, in either approving or disapproving the
5 application, shall be final except upon the filing of a valid appeal to the Board of Supervisors
6 as provided in Section 308.1.

7 (d) Conditions. When considering an application for a conditional use as provided
8 herein with respect to applications for development of "dwellings" as defined in Chapter 87 of
9 the San Francisco Administrative Code, the Commission shall comply with that Chapter which
10 requires, among other things, that the Commission not base any decision regarding the
11 development of "dwellings" in which "protected class" members are likely to reside on
12 information which may be discriminatory to any member of a "protected class" (as all such
13 terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, when
14 authorizing a conditional use as provided herein, the City Planning Commission, or the Board
15 of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in
16 this Code, as are in its opinion necessary to secure the objectives of the Code. Once any
17 portion of the conditional use authorization is utilized, all such conditions pertaining to such
18 authorization shall become immediately operative. The violation of any condition so imposed
19 shall constitute a violation of this Code and may constitute grounds for revocation of the
20 conditional use authorization. Such conditions may include time limits for exercise of the
21 conditional use authorization; otherwise, any exercise of such authorization must commence
22 within a reasonable time.

23 (e) Modification of Conditions. Authorization of a change in any condition previously
24 imposed in the authorization of a conditional use shall be subject to the same procedures as a
25 new conditional use. Such procedures shall also apply to applications for modification or

1 waiver of conditions set forth in prior stipulations and covenants relative thereto continued in
2 effect by the provisions of Section 174 of this Code.

3 (f) Conditional Use Abatement. The Planning Commission may consider the possible
4 revocation of a conditional use or the possible modification of or placement of additional
5 conditions on a conditional use when the Planning Commission determines, based upon
6 substantial evidence, that the applicant for the conditional use had submitted false or
7 misleading information in the application process that could have reasonably had a substantial
8 effect upon the decision of the Commission or the conditional use is not in compliance with a
9 condition of approval, is in violation of law if the violation is within the subject matter
10 jurisdiction of the Planning Commission or operates in such a manner as to create hazardous,
11 noxious or offensive conditions enumerated in Section 202(c) if the violation is within the
12 subject matter jurisdiction of the Planning Commission and these circumstances have not
13 been abated through administrative action of the Director, the Zoning Administrator or other
14 City authority. Such consideration shall be the subject of a public hearing before the Planning
15 Commission but no fee shall be required of the applicant or the subject conditional use
16 operator.

17 (1) The Director of Planning or the Planning Commission may seek a public hearing on
18 conditional use abatement when the Director or Commission has substantial evidence
19 submitted within one year of the effective date of the Conditional Use authorization that the
20 applicant for the conditional use had submitted false or misleading information in the
21 application process that could have reasonably had a substantial effect upon the decision of
22 the Commission or substantial evidence of a violation of conditions of approval, a violation of
23 law, or operation which creates hazardous, noxious or offensive conditions enumerated in
24 Section 202(c).

1 (2) The notice for the public hearing on a conditional use abatement shall be subject to
2 the notification procedure as described in Sections 306.3 and 306.8 except that notice to the
3 property owner and the operator of the subject establishment or use shall be mailed by
4 regular and certified mail.

5 (3) In considering a conditional use revocation, the Commission shall consider whether
6 and how the false or misleading information submitted by the applicant could have reasonably
7 had a substantial effect upon the decision of the Commission, or the Board of Supervisors on
8 appeal, to authorize the conditional use, substantial evidence of how any required condition
9 has been violated or not implemented or how the conditional use is in violation of the law if the
10 violation is within the subject matter jurisdiction of the Planning Commission or operates in
11 such a manner as to create hazardous, noxious or offensive conditions enumerated in Section
12 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission. As
13 an alternative to revocation, the Commission may consider how the use can be required to
14 meet the law or the conditions of approval, how the hazardous, noxious or offensive
15 conditions can be abated, or how the criteria of Section 303(c) can be met by modifying
16 existing conditions or by adding new conditions which could remedy a violation.

17 (4) Appeals. A decision by the Planning Commission to revoke a conditional use, to
18 modify conditions or to place additional conditions on a conditional use or a decision by the
19 Planning Commission refusing to revoke or amend a conditional use, may be appealed to the
20 Board of Supervisors within 30 days after the date of action by the Planning Commission
21 pursuant to the provisions of Section 308.1(b) The Board of Supervisors may disapprove the
22 action of the Planning Commission in an abatement matter by the same vote necessary to
23 overturn the Commission's approval or denial of a conditional use. The Planning
24 Commission's action on a conditional use abatement issue shall take effect when the appeal
25 period is over or, upon appeal, when there is final action on the appeal.

1 (5) Reconsideration. The decision by the Planning Commission with regards to a
2 conditional use abatement issue or by the Board of Supervisors on appeal shall be final and
3 not subject to reconsideration within a period of one year from the effective date of final action
4 upon the earlier abatement proceeding, unless the Director of Planning determines that:

5 (A) There is substantial new evidence of a new conditional use abatement issue that is
6 significantly different than the issue previously considered by the Planning Commission; or

7 (B) There is substantial new evidence about the same conditional use abatement issue
8 considered in the earlier abatement proceeding, this new evidence was not or could not be
9 reasonably available at the time of the earlier abatement proceeding, and that new evidence
10 indicates that the Commission's decision in the earlier proceeding ha not been implemented
11 within a reasonable time or raises significant new issues not previously considered by the
12 Planning Commission. The decision of the Director of Planning regarding the sufficiency and
13 adequacy of evidence to allow the reconsideration of a conditional use abatement issue within
14 a period of one year from the effective date of final action on the earlier abatement proceeding
15 shall be final.

16 (g) Hotels and Motels.

17 (1) With respect to applications for development of tourist hotels and motels, the
18 Planning Commission shall consider, in addition to the criteria set forth in Subsections (c) and
19 (d) above:

20 (A) The impact of the employees of the hotel or motel on the demand in the City for
21 housing, public transit, childcare, and other social services. To the extent relevant, the
22 Commission shall also consider the seasonal and part-time nature of employment in the hotel
23 or motel;

24 (B) The measures that will be taken by the project sponsor to employ residents of San
25 Francisco in order to minimize increased demand for regional transportation; and

1 (C) The market demand for a hotel or motel of the type proposed.

2 (2) Notwithstanding the provisions of Sub-sections (f)(1) above, the Planning
3 Commission shall not consider the impact of the employees of a proposed hotel or motel
4 project on the demand in the City for housing where:

5 (A) The proposed project would be located on property under the jurisdiction of the San
6 Francisco Port Commission; and

7 (B) The sponsor of the proposed project has been granted exclusive rights to propose
8 the project by the San Francisco Port Commission prior to June 1, 1991.

9 (3) Notwithstanding the provisions of Subsection (f)(1) above, with respect to the
10 conversion of residential units to tourist hotel or motel use pursuant to an application filed on
11 or before June 1, 1990 under the provisions of Chapter 41 of the San Francisco
12 Administrative Code, the Planning Commission shall not consider the criteria contained in
13 Subsection (f)(1) above; provided, however, that the Planning Commission shall consider the
14 criteria contained in Subsection (f)(1)(B) at a separate public hearing if the applicant applies
15 for a permit for new construction or alteration where the cost of such construction or alteration
16 exceeds \$100,000. Furthermore, no change in classification from principal permitted use to
17 conditional use in Section 216(b)(i) of this Code shall apply to hotels or motels that have filed
18 applications on or before June 1, 1990 to convert residential units to tourist units pursuant to
19 Chapter 41 of the San Francisco Administrative Code.

20 (h) Internet Services Exchange.

21 (1) With respect to application for development of Internet Services Exchange as
22 defined in Section 209.6(c), the Planning Commission shall, in addition to the criteria set forth
23 in Subsection (c) above, find that:

1 (A) The intensity of the use at this location and in the surrounding neighborhood is not
2 such that allowing the use will likely foreclose the location of other needed neighborhood-
3 serving uses in the area;

4 (B) The building in which the use is located is designed in discrete elements, which
5 respect the scale of development in adjacent blocks, particularly any existing residential uses;

6 (C) Rooftop equipment on the building in which the use is located is screened
7 appropriately.

8 (D) The back-up power system for the proposed use will comply with all applicable
9 federal state, regional and local air pollution controls.

10 (E) Fixed-source equipment noise does not exceed the decibel levels specified in the
11 San Francisco Noise Control Ordinance.

12 (F) The building is designed to minimize energy consumption, such as through the use
13 of energy-efficient technology, including without limitation, heating, ventilating and air
14 conditioning systems, lighting controls, natural ventilation and recapturing waste heat, and as
15 such commercially available technology evolves;

16 (G) The project sponsor has examined the feasibility of supplying and, to the extent
17 feasible, will supply all or a portion of the building's power needs through on-site power
18 generation, such as through the use of fuel cells or co-generation;

19 (H) The project sponsor shall have submitted design capacity and projected power use
20 of the building as part of the conditional use application; and

21 (2) As a condition of approval, and so long as the use remains an Internet Services
22 Exchange, the project sponsor shall submit to the Planning Department on an annual basis
23 power use statements for the previous twelve-month period as provided by all suppliers of
24 utilities and shall submit a written annual report to the Department of Environment and the
25 Planning Department which shall state: (a) the annual energy consumption and fuel

1 consumption of all tenants and occupants of the Internet Services Exchange; (b) the number
2 of all diesel generators located at the site and the hours of usage, including usage for testing
3 purposes; (c) evidence that diesel generators at the site are in compliance with all applicable
4 local, regional, state and federal permits, regulations and laws; and (d) such other information
5 as the Planning Commission may require.

6 (3) The Planning Department shall have the following responsibilities regarding Internet
7 Services Exchanges:

8 (A) Upon the effective date of the requirement of a conditional use permit for an
9 Internet Services Exchange, the Planning Department shall notify property owners of all
10 existing Internet Services Exchanges that the use has been reclassified as a conditional use;

11 (B) Upon the effective date of the requirement of a conditional use permit for an
12 Internet Services Exchange, the Planning Department shall submit to the Board of
13 Supervisors and to the Director of the Department of Building Inspection a written report
14 covering all existing Internet Services Exchanges and those Internet Services Exchanges
15 seeking to obtain a conditional use permit, which report shall state the address, assessor's
16 block and lot, zoning classification, square footage of the Internet Services Exchange
17 constructed or to be constructed, a list of permits previously issued by the Planning and/or
18 Building Inspection Departments concerning the Internet Services Exchange, the date of
19 issuance of such permits, and the status of any outstanding requests for permits from the
20 Planning and/or Building Inspection Departments concerning Internet Services Exchange; and

21 (C) Within three years from the effective date of the requirement of a conditional use
22 permit for an Internet Services Exchange, the Planning Department, in consultation with the
23 Department of Environment, shall submit to the Board of Supervisors a written report, which
24 report shall contain the Planning Commission's evaluation of the effectiveness of the
25 conditions imposed on Internet Services Exchanges, and whether it recommends additional or

1 modified conditions to reduce energy and fuel consumption, limit air pollutant emissions, and
2 enhance the compatibility of industrial uses, such as Internet Services Exchanges, located
3 near or in residential or commercial districts.

4 (i) Formula Retail Uses.

5 (1) With respect to an application for a formula retail use as defined in Section 703.3,
6 whenever a conditional use permit is required per Section 703.3(f), the Planning Commission
7 shall consider, in addition to the criteria set forth in Subsection (c) above:

8 (A) The existing concentrations of formula retail uses within the Neighborhood
9 Commercial District.

10 (B) The availability of other similar retail uses within the Neighborhood Commercial
11 District.

12 (C) The compatibility of the proposed formula retail use with the existing architectural
13 and aesthetic character of the Neighborhood Commercial District.

14 (D) The existing retail vacancy rates within the Neighborhood Commercial District.

15 (E) The existing mix of Citywide-serving retail uses and neighborhood-serving retail
16 uses within the Neighborhood Commercial District.

17 (j) Large-Scale Retail Uses. With respect to applications for the establishment of large-
18 scale retail uses under Section 121.6, in addition to the criteria set forth in Subsections (c) and
19 (d) above, the Commission shall consider the following:

20 (A) The extent to which the retail use's parking is planned in a manner that creates or
21 maintains active street frontage patterns;

22 (B) The extent to which the retail use is a component of a mixed-use project or is
23 designed in a manner that encourages mixed-use building opportunities;

24 (C) This shift in traffic patterns that may result from drawing traffic to the location of the
25 proposed use; and

1 (D) The impact that the employees at the proposed use will have on the demand in the
2 City for housing, public transit, childcare, and other social services.

3 (k) Movie Theater Uses.

4 (1) With respect to a change in use or demolition of a movie theater use as set forth in
5 Sections 221.1, 703.2(b)(1)(B)(ii), 803.2(b)(2)(B)(iii) or 803.3(b)(1)(B)(ii), in addition to the
6 criteria set forth in Subsections (c) and (d) above, the Commission shall make the following
7 findings:

8 (A) Preservation of a movie theater use is no longer economically viable and cannot
9 effect a reasonable economic return to the property owner;

10 (i) For purposes of defining "reasonable economic return," the Planning Commission
11 shall be guided by the criteria for "fair return on investment" as set forth in Section 228.4(a).

12 (B) The change in use or demolition of the movie theater use will not undermine the
13 economic diversity and vitality of the surrounding Neighborhood Commercial District; and

14 (C) The resulting project will preserve the architectural integrity of important historic
15 features of the movie theater use affected.

16 (l) Relocation of Existing General Advertising Signs pursuant to a General Advertising
17 Sign Company Relocation Agreement.

18 (1) Before the Planning Commission may consider an application for a conditional use
19 to relocate an existing lawfully permitted general advertising sign as authorized by Section
20 611 of this Code, the applicant sign company must have:

21 (A) Obtained a current Relocation Agreement approved by the Board of Supervisors
22 under Section 2.21 of the San Francisco Administrative Code that covers the sign or signs
23 proposed to be relocated; and

24 (B) Submitted to the Department a current sign inventory, site map, and the other
25 information required under Section 604.2 of this Code; and

1 (C) Obtained the written consent to the relocation of the sign from the owner of the
2 property upon which the existing sign structure is erected.

3 (D) Obtained a permit to demolish the sign structure at the existing location.

4 (2) The Department, in its discretion, may review in a single conditional use application
5 all signs proposed for relocation by a general advertising company or may require that one or
6 more of the signs proposed for relocation be considered in a separate application or
7 applications. Prior to the Commission's public hearing on the application, the Department shall
8 have verified the completeness and accuracy of the general advertising sign company's sign
9 inventory.

10 (3) Only one sign may be erected in a new location, which shall be the same square
11 footage or less than the existing sign proposed to be relocated. In no event may the square
12 footage of several existing signs be aggregated in order to erect a new sign with greater
13 square footage.

14 (4) In addition to applicable criteria set forth in subsection (c) above, the Planning
15 Commission shall consider the size and visibility of the signs proposed to be located as well
16 as the following factors in determining whether to approve or disapprove a proposed
17 relocation:

18 (A) The factors set forth in this subsection (A) shall weigh in favor of the Commission's
19 approval of the proposed relocation site:

20 (i) The sign or signs proposed for relocation are lawfully existing but are not in
21 conformity with the sign regulations that existed prior to the adoption of Proposition G on
22 March 5, 2002.

23 (ii) The sign or signs proposed for relocation are on a City list, if any, of priorities for
24 sign removal or signs preferred for relocation.

1 (iii) The sign or signs proposed for relocation are within, adjacent to, or visible from
2 property under the jurisdiction of the San Francisco Port Commission, the San Francisco
3 Unified School District, or the San Francisco Recreation and Park Commission.

4 (iv) The sign or signs proposed for relocation are within, adjacent to, or visible from an
5 Historic District or conservation district designated in Article 10 or Article 11 of the Planning
6 Code.

7 (v) The sign or signs proposed for relocation are within, adjacent to, or visible from a
8 zoning district where general advertising signs are prohibited.

9 (vi) The sign or signs proposed for relocation are within, adjacent to, or visible from a
10 designated view corridor.

11 (B) The factors set forth in this Subsection (B) shall weigh against the Commission's
12 approval of the proposed relocation:

13 (i) The sign or signs proposed for relocation are or will be obstructed, partially
14 obstructed, or removed from public view by another structure or by landscaping.

15 (ii) The proposed relocation site is adjacent to or visible from property under the
16 jurisdiction of the San Francisco Port Commission, the San Francisco Unified School District,
17 or the San Francisco Recreation and Park Commission.

18 (iii) The proposed relocation site is adjacent to or visible from an Historic District or
19 conservation district designated in Article 10 or Article 11 of the Planning Code.

20 (iv) The proposed relocation site is within, adjacent to, or visible from a zoning district
21 where general advertising signs are prohibited.

22 (v) The proposed relocation site is within, adjacent to, or visible from a designated view
23 corridor.

24 (vi) There is significant neighborhood opposition to the proposed relocation site.

25 (5) In no event may the Commission approve a relocation where:

1 (A) The sign or signs proposed for relocation have been erected, placed, replaced,
2 reconstructed, or relocated on the property, or intensified in illumination or other aspect, or
3 expanded in area or in any dimension in violation of Article 6 of this Code or without a permit
4 having been duly issued therefor; or

5 (B) The proposed relocation site is not a lawful location under Planning Code Section
6 611(c)(2); or

7 (C) The sign in its new location would exceed the size, height or dimensions, or
8 increase the illumination or other intensity of the sign at its former location; or

9 (D) The sign in its new location would not comply with the Code requirements for that
10 location as set forth in Article 6 of this Code; or

11 (E) The sign has been removed from its former location; or

12 (F) The owner of the property upon which the existing sign structure is erected has not
13 consented in writing to the relocation of the sign.

14 (6) The Planning Commission may adopt additional criteria for relocation of general
15 advertising signs that do not conflict with this Section 303(l) or Section 611 of this Code.

16 (m) General Grocery Store Uses.

17 (1) With respect to a change in use or demolition of general grocery store use as set
18 forth in Sections 218.2, 703.2(b)(1)(B)(iii), 803.2(b)(1)(B)(iv) or 803.3 (b)(1)(B)(iii) which use
19 exceeds 5,000 gross square feet, in addition to the criteria set forth in Subsections (c) and (d)
20 above, the Commission shall make the following findings:

21 (A) Preservation of a general grocery store use is no longer economically viable and
22 cannot effect a reasonable economic return to the property owner. The Commission may
23 disregard the above finding if it finds that the change in use or replacement structure in the
24 case of demolition will contain a general grocery store that is of a sufficient size to serve the
25

1 shopping needs of nearby residents and offers comparable services to the former general
2 grocery store.

3 (i) For purposes of defining "reasonable economic return," the Planning Commission
4 shall be guided by the criteria for "fair return on investment" as set forth in Section 228.4(a).

5 (B) The change in use or demolition of the general grocery store use will not undermine
6 the economic diversity and vitality of the surrounding neighborhood.

7 (n) Tobacco Paraphernalia Establishments.

8 (1) With respect to a Tobacco Paraphernalia Establishment, as set forth in Section
9 227(v) of this Code, in addition to the criteria set forth in Subsections (c) and (d) above, the
10 Commission shall make the following findings:

11 (A) The concentration of such establishments in the particular zoning district for which
12 they are proposed does not appear to contribute directly to peace, health, safety, and general
13 welfare problems, including drug use, drug sales, drug trafficking, other crimes associated
14 with drug use, loitering, and littering, as well as traffic circulation, parking, and noise problems
15 on the district's public streets and lots;

16 (B) The concentration of such establishments in the particular zoning district for which
17 they are proposed does not appear to adversely impact the health, safety, and welfare of
18 residents of nearby areas, including fear for the safety of children, elderly and disabled
19 residents, and visitors to San Francisco; and

20 (C) The proposed establishment is compatible with the existing character of the
21 particular district for which it is proposed.

22 (o) Massage Establishments.

23 (1) With respect to Massage Establishments, as defined in Sections 218.1, 790.60, and 890.60 of
24 this Code, in addition to the criteria set forth in Subsection (c) above, the Commission shall make the
25 following findings:

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1 (A) Whether the applicant has obtained, and maintains in good standing, a permit for a
2 Massage Establishment from the Department of Public Health pursuant to Section 1908 of the San
3 Francisco Health Code;

4 (B) Whether the use's façade is transparent and open to the public. Permanent transparency
5 and openness are preferable. Elements that lend openness and transparency to a façade include: i)
6 active street frontage of at least 25' in length where 75% of that length is devoted to entrances to
7 commercially used space or windows at the pedestrian eye-level; ii) windows that use clear, untinted
8 glass, except for decorative or architectural accent; iii) any decorative railings or decorative grille
9 work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75
10 percent open to perpendicular view and no more than six feet in height above grade;

11 (C) Whether the use includes pedestrian-oriented lighting. Well lit establishments where
12 lighting is installed and maintained along all public rights-of-way adjacent to the building with the
13 massage use during the post-sunset hours of the massage use are encouraged.;

14 (D) Whether the use is reasonably oriented to facilitate public access. Barriers that
15 make entrance to the use more difficult than to an average service-provider in the area are to
16 be strongly discouraged. These include (but are not limited to) foyers equipped with double
17 doors that can be opened only from the inside and security cameras.

18
19 Section 6. The San Francisco Planning Code is hereby amended by amending Section
20 714.1, to read as follows:

21 **SEC. 714.1. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

22 The Broadway Neighborhood Commercial District, located in the northeast quadrant of
23 San Francisco, extends along Broadway from west of Columbus Avenue to Osgood Place. It
24 is part of a larger commercial area which includes North Beach to the north, Chinatown to the
25 south and west, and Jackson Square to the southeast. Broadway's fame and popularity as a

1 Citywide and regional entertainment district is derived from a concentration of nightclubs,
2 music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery
3 Street. These places attract locals and visitors alike, mainly in the evening and late-night
4 hours. In addition to the entertainment and some retail businesses, Broadway contains many
5 upper-story residential hotels. Due to its proximity to downtown, there is strong pressure to
6 develop upper-story offices.

7 The Broadway District controls are designed to encourage development that is
8 compatible with the existing moderate building scale and mixed-use character, and maintain
9 the district's balance of entertainment uses, restaurants, and small-scale retail stores. New
10 buildings exceeding 40 feet in height will be carefully reviewed and rear yards at residential
11 levels are protected. Most commercial uses in new buildings are permitted at the first two
12 stories. Neighborhood-serving businesses are strongly encouraged. In order to protect the
13 livability of the area, limitations apply to new fast-food restaurants and adult entertainment
14 uses at the first and second stories, as well as late-night activity. Financial services are
15 allowed on the ground story subject to certain limitations. Nonretail offices are prohibited in
16 order to prevent encroachment of the adjoining downtown office uses. Due to the high traffic
17 volume on Broadway, most automobile and drive-up uses are prohibited in order to prevent
18 further traffic congestion. Parking garages are permitted if their ingress and egress do not
19 disrupt the traffic flow on Broadway.

20 Housing development in new buildings is encouraged above the second story. Existing
21 housing is protected by limitations on demolitions and upper-story conversions.

22
23 SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT
24 ZONING CONTROL TABLE

25 TABLE INSET:

			Broadway
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
714.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	P up to 40 ft. C 40 to 65 ft. § 253.1
714.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
714.12	Rear Yard	§§ 130, 134, 136	Required at residential level only § 134(a) (e)
714.13	Street Frontage		Required § 145.1
714.14	Awning	§ 790.20	P § 136.1(a)
714.15	Canopy	§ 790.26	P § 136.1(b)
714.16	Marquee	§ 790.58	P § 136.1(c)
714.17	Street Trees		Required § 143
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
714.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
714.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
714.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
714.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)

1	714.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
2				
3	714.25	Drive-Up Facility	§ 790.30	
4				
5	714.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
6				
7	714.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.
8	714.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
9	714.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2
10				
11	714.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

12 TABLE INSET:

13 No.	14 Zoning Category	§ References	Broadway		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
16 714.38	Residential Conversion	§ 790.84	P	C	
18 714.39	Residential Demolition	§ 790.86	P	C	C
19 Retail Sales and Services					
20 714.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P #	P #	
22 714.41	Bar	§ 790.22	P	P	
23 714.42	Full-Service Restaurant	§ 790.92	P	P	
24 714.43	Large Fast Food Restaurant	§ 790.90			

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1	714.44	Small Self-Service Restaurant	§ 790.91	C	C	
2	714.45	Liquor Store	§ 790.55	C		
3	714.46	Movie Theater	§ 790.64	P	P	
4	714.47	Adult Entertainment	§ 790.36	C	C	
5	714.48	Other Entertainment	§ 790.38	P	P	
6	714.49	Financial Service	§ 790.110	C		
7	714.50	Limited Financial Service	§ 790.112	C		
8	714.51	Medical Service	§ 790.114	P	P	
9	714.52	Personal Service	§ 790.116	P	P	
10	714.53	Business or Professional Service	§ 790.108	P	P	
11	714.54	Massage Establishment	§ 790.60, § 1900 Health Code	P C	C	
13	714.55	Tourist Hotel	§ 790.46	C	C	C
14	714.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
16	714.57	Automotive Gas Station	§ 790.14			
17	714.58	Automotive Service Station	§ 790.17			
18	714.59	Automotive Repair	§ 790.15			
19	714.60	Automotive Wash	§ 790.18			
20	714.61	Automobile Sale or Rental	§ 790.12			
21	714.62	Animal Hospital	§ 790.6	C		
22	714.63	Ambulance Service	§ 790.2			
23	714.64	Mortuary	§ 790.62			
24	714.65	Trade Shop	§ 790.124	P #	C #	
25	714.66	Storage	§ 790.117			

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1	714.67	Video Store	§ 790.135	C	C	
2	714.68	Fringe Financial Service	§ 790.111			
3	714.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
4	714.69A	Self-Service Specialty Food	§ 790.93	C	C	
5	Institutions and Non-Retail Sales and Services					
6	714.70	Administrative Service	§ 790.106			
7	714.80	Hospital or Medical Center	§ 790.44			
8	714.81	Other Institutions, Large	§ 790.50	P	C	C
9	714.82	Other Institutions, Small	§ 790.51	P	P	P
10	714.83	Public Use	§ 790.80	C	C	C
11	714.84	Medical Cannabis Dispensary	§ 790.141	P		
12	RESIDENTIAL STANDARDS AND USES					
13	714.90	Residential Use	§ 790.88	P	P	P
14	714.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area § 207.4		
15	714.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 140 sq. ft. lot area § 208		
16	714.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 60 sq. ft if private, or 80 sq. ft. if common § 135(d)		
17	714.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
18	714.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR THE BROADWAY
NEIGHBORHOOD COMMERCIAL DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 714.10	§ 253.1	65-A-1 HEIGHT AND BULK DISTRICT Boundaries: Applicable for all of the Broadway NCD from Columbus Avenue to Osgood Place as mapped on Sectional Map 1H Controls: Building height and bulk limits are P up to 40 feet; C between 40 feet and 65 feet
§ 714.40	§ 790.102(n)	BROADWAY SPECIALTY RETAIL USES Boundaries: Broadway NCD Controls: Retail coffee stores defined pursuant to Code § 790.102(n) are not permitted without conditional use authorization except to the extent qualifying as specialty grocery permitted pursuant to § 790.102(b)
§ 714.65	§ 236	GARMENT SHOP SPECIAL USE DISTRICT Boundaries: Applicable only for the portion of Broadway NCD as mapped on Sectional Map 1 SU a Controls: Garment shops are P at the 1st and 2nd stories

Section 7. The San Francisco Planning Code is hereby amended by amending Section 715.1, to read as follows:

SEC. 715.1. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Castro Street District is situated in Eureka Valley, close to the geographic center of San Francisco between the Mission District, Twin Peaks, and Upper Market Street. The physical form of the district is a crossing at Castro and 18th Streets, the arms of which contain many small, but intensely active commercial businesses. The multi-purpose commercial

1 district provides both convenience goods to its immediate neighborhood as well as
 2 comparison shopping goods and services on a specialized basis to a wider trade area.
 3 Commercial businesses are active both in the daytime and late into the evening and include a
 4 number of gay-oriented bars and restaurants, as well as several specialty clothing and gift
 5 stores. The district also supports a number of offices in converted residential buildings.

6 The Castro Street District controls are designed to maintain existing small-scale
 7 development and promote a balanced mix of uses. Building standards permit small-scale
 8 buildings and uses and protect rear yards above the ground story and at residential levels. In
 9 new buildings, most commercial uses are permitted at the ground and second stories. Special
 10 controls are necessary to preserve the existing equilibrium of neighborhood-serving
 11 convenience and specialty commercial uses. In order to maintain convenience stores and
 12 protect adjacent residential livability, controls prohibit additional eating and drinking
 13 establishments and permit with certain limitations new late-night uses, adult and other
 14 entertainment, and financial service uses. The continuous retail frontage is maintained by
 15 prohibiting most automobile and drive-up uses.

16 Housing development in new buildings is encouraged above the second story. Existing
 17 housing units are protected by limitations on demolitions and upper-story conversions.

18
 19 **SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 20 **ZONING CONTROL TABLE**

21 TABLE INSET:

			Castro Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
715.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	40-X, 65B See Zoning Map

22
 23
 24
 25
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1	715.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft & above § 121.1
2				
3	715.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
4				
5	715.13	Street Frontage		Required § 145.1
6				
7	715.14	Awning	§ 790.20	P § 136.1(a)
8				
9	715.15	Canopy	§ 790.26	P § 136.1(b)
10	715.16	Marquee	§ 790.58	P § 136.1(c)
11	715.17	Street Trees		Required § 143
12				
13	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
14	715.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.0 to 1 § 124(a) (b)
15	715.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P to 1,999 sq. ft.; C 2,000 sq. ft. to 3,999 sq. ft.; NP 4,000 sq. ft. & above § 121.2
16				
17	715.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153--157, 159--160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
18				
19	715.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
20				
21	715.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
22				
23				
24				
25				

1	715.25	Drive-Up Facility	§ 790.30	
2	715.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
3	715.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m.; C 2 a.m.--6 a.m.
4	715.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
5	715.31	Business Sign	§§ 262, 602--604, 608, 609	P # § 607.1(f)2
6	715.32	Other Signs	§§ 262, 602--604, 608, 609	P # § 607.1(c) (d) (g)

7
8
9
10 TABLE INSET:

No.	Zoning Category	§ References	Castro Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
715.38	Residential Conversion	§ 790.84	P	C	
715.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
715.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
715.41	Bar	§ 790.22			
715.42	Full-Service Restaurant	§ 790.92			
715.43	Large Fast Food Restaurant	§ 790.90	C #		
715.44	Small Self-Service Restaurant	§ 790.91			
715.45	Liquor Store	§ 790.55	C		

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715.46	Movie Theater	§ 790.64	P		
715.47	Adult Entertainment	§ 790.36	C		
715.48	Other Entertainment	§ 790.38	C #		
715.49	Financial Service	§ 790.110	C	C	
715.50	Limited Financial Service	§ 790.112	C		
715.51	Medical Service	§ 790.114	P	P	C
715.52	Personal Service	§ 790.116	P	P	C
715.53	Business or Professional Service	§ 790.108	P	P	C
715.54	Massage Establishment	§ 790.60, § 1900 Health Code	P C	C	
715.55	Tourist Hotel	§ 790.46	C	C	C
715.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
715.57	Automotive Gas Station	§ 790.14			
715.58	Automotive Service Station	§ 790.17			
715.59	Automotive Repair	§ 790.15			
715.60	Automotive Wash	§ 790.18			
715.61	Automobile Sale or Rental	§ 790.12			
715.62	Animal Hospital	§ 790.6	C		
715.63	Ambulance Service	§ 790.2			
715.64	Mortuary	§ 790.62			
715.65	Trade Shop	§ 790.124	P	C	
715.66	Storage	§ 790.117			
715.67	Video Store	§ 790.135	C	C	
715.68	Fringe Financial Service	§ 790.111			

Supervisor Chu
BOARD OF SUPERVISORS

1	715.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
2	715.69A	Self-Service Specialty Food	§ 790.93			
3	Institutions and Non-Retail Sales and Services					
4	715.70	Administrative Service	§ 790.106			
5	715.80	Hospital or Medical Center	§ 790.44			
6	715.81	Other Institutions, Large	§ 790.50	P	C	C
7	715.82	Other Institutions, Small	§ 790.51	P	P	P
8	715.83	Public Use	§ 790.80	C	C	C
9	715.84	Medical Cannabis Dispensary	§ 790.141	P		
10	RESIDENTIAL STANDARDS AND USES					
11	715.90	Residential Use	§ 790.88	P	P	P
12	715.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
13	715.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
14	715.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
15	715.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
16	715.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR CASTRO STREET
NEIGHBORHOOD COMMERCIAL DISTRICT

TABLE INSET:

Supervisor Chu
BOARD OF SUPERVISORS

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Article 7 Code Section	Other Code Section	Zoning Controls
§ 715.31 § 715.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT
		Boundaries: Applicable only for the portions of the Castro Street NCD as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
§ 715.43		Boundaries: Applicable for the Castro Street NCD
		Controls: A large fast food restaurant may be permitted as a conditional use if in addition to the criteria set forth in § 303, the Commission finds that:
		(1) The large fast food restaurant will be located in an existing building that:
		(a) Is situated within the Castro Street NCD and adjacent to the Upper Market Street NCD, and
		(b) Straddles the intersection of Castro and Market Streets, where heavy pedestrian traffic already exists for the many retail businesses in the area, and the addition of a large fast food restaurant would not cause additional burdens to the street;
		(2) The large fast food restaurant will be located in a building jointly occupied by a nonprofit community group providing medical, cultural, social, or other community services to the Castro Street NCD;
		(3) The fast food restaurant will contribute substantially to the financial ability of the nonprofit community group's ability to locate and operate in that building by paying the nonprofit's rent and maintenance costs for the building for at least seven years and by making a one-time cash contribution of \$120,000 to an AIDS-related community group;
		(4) That portion of the building occupied by the community use shall be at least twice the floor area occupied by the large fast food restaurant; and
		(5) No conditional use granted pursuant to this Section

		may exceed a period of 15 years unless a new conditional use application is filed and granted by the City Planning Commission or Board of Supervisors on appeal.
§ 715.48		Boundaries: Applicable for the Castro Street NCD. Controls: Existing bars in the Castro Street Neighborhood Commercial District will be allowed to apply for and receive a place of entertainment permit from the Entertainment Commission without obtaining conditional use authorization from the Planning Commission if they can demonstrate to the satisfaction of the Entertainment Commission that they have been in regular operation as an entertainment use prior to January 1, 2004; provided, however, that a conditional use is required (1) if an application for a conditional use for the entertainment use was filed with the Planning Department prior to the date this ordinance was introduced or (2) if a conditional use was denied within 12 months prior to the effective date of this ordinance.

Section 8. The San Francisco Planning Code is hereby amended by amending Section 810.1, to read as follows:

SEC. 810.1. CHINATOWN COMMUNITY BUSINESS DISTRICT.

The Chinatown Community Business District, located in the northeast quadrant of San Francisco, extends along Broadway from the eastern portal of the Broadway Tunnel to Columbus Avenue and along Kearny Street from Columbus to Sacramento Street. This district also includes portions of Commercial Street between Montgomery Street and Grant Avenue and portions of Grant Avenue between Bush and California Streets. It is part of the larger core area of Chinatown.

The portions of Broadway, Kearny and Commercial Streets and Grant Avenue in this district are transitional edges or entries to Chinatown. North and east of the two blocks of Broadway contained in this district are North Beach and the Broadway Entertainment Districts. Kearny and Columbus Streets are close to intensive office development in the Downtown

1 Financial District. Both Grant Avenue and Commercial Street provide important pedestrian
 2 entries to Chinatown. Generally, this district has more potential for added retail and
 3 commercial development than other parts of Chinatown.

4 This zoning district is intended to protect existing housing, encourage new housing and
 5 to accommodate modest expansion of Chinatown business activities as well as street-level
 6 retail uses. The size of individual professional or business office use is limited in order to
 7 prevent these areas from being used to accommodate larger office uses spilling over from the
 8 financial district.

9 Housing development in new buildings is encouraged at upper stories. Existing housing
 10 is protected by limitations on demolitions and upper-story conversions.

11
 12 Table 810 CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL
 13 TABLE

			Chinatown Community Business District
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
.10	Height and Bulk	§§ 102.12, 105, 106, 263.4, §§ 250--252, 260, 270, 271	P up to 35 feet # C to 65 ft. C to 50 ft. (along Commercial Street) See Zoning Map, § 254 50 ft. length and 100 ft. diagonal above 40 ft. # See Zoning Map, § 270
.11	Lot Size <i>[Per Development]</i>	§§ 890.56, 121	P up to 5,000 sq. ft. C 5,001 sq. ft. & above § 121.3
.12	Rear Yard/Site Coverage	§§ 130, 134, 136	Location may be modified / 75% coverage § 134.1
.13	Sun Access Setbacks		15 ft. at specified heights § 132.3

1	.14	Maximum Street Frontage [<i>Per Building</i>]		P to 50 feet C more than 50 feet § 145.3
2				
3	.15	Awning	§ 890.21	P § 136.2(a)
4	.16	Canopy	§ 890.24	P § 136.2(b)
5				
6	17	Marquee	§ 890.58	P § 136.2(c)
7	COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES			
8	.19	Floor Area Ratio	§§ 102.9, 102.11, 123	2.8 to 1 § 124(a) (b)
9				
10	.20	Use Size [<i>Nonresidential</i>]	§ 890.130	P up to 5,000 sq. ft. C 5,000 sq. ft. & above § 121.4 Except for full-service restaurants
11				
12	.21	Open Space		1 sq. ft. for every 50 sq. ft. of building over 10,000 sq. ft. § 135.1
13				
14	.22	Off-Street Parking, Commercial and Institutional	§§ 150, 153--157, 159--160, 204.5	1:500 sq. ft. when lot size over 20,000 sq. ft. §§ 151, 161(d)
15				
16	.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
17				
18	.24	Outdoor Activity Area	§ 890.71	P in front C elsewhere
19	.25	Drive-Up Facility	§ 890.30	
20				
21	.26	Walk-Up Facility	§ 890.140	P if recessed 3 ft. C otherwise
22	.27	Hours of Operation	§ 890.48	No limit
23				
24	.30	General Advertising Sign	§§ 602--604, 608.1, 608.2	P § 607.2(e)
25	.31	Business Sign	§§ 602--604,	P § 607.2(f)

	608.1, 608.2	
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TABLE INSET:

			Chinatown Community Business District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
.38a	Residential Conversion Residential Hotels	Ch. 41 Admin. Code			
.38b	Residential Demolition Residential Hotels	Ch. 41 Admin. Code			
.39a	Residential Conversion Apartments				
.39b	Residential Demolition Apartments				
Retail Sales and Services					
.40a	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 890.102	P	P	P
.40b	Gift Store--Tourist Oriented	§ 890.39	P	P	P
.40c	Jewelry	§ 890.51	P	P	P
.41	Bar	§ 890.22	P	P	P
.42	Full-Service Restaurant	§ 890.92	P	P	P
.43	Fast Food Restaurant (Small)	§ 890.90	C	C	C
.44	Fast Food Restaurant (Large)	§ 890.91			
.45	Take-Out Food	§ 890.122	C	C	
.46	Movie Theater	§ 890.64	P	P	
.47a	Adult Entertainment	§ 890.36			

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.47b	Other Entertainment	§ 890.37	P	P	P
.48	Amusement Game Arcade	§ 890.4 § 1036 Police Code			
.49	Financial Service	§ 890.110	P		
.50	Limited Financial Service	§ 890.112	P		
.51	Medical Service	§ 890.114	P	P	P
.52	Personal Service	§ 890.116	P	P	P
.53	Professional Service	§ 890.108	P	P	P
.54	Massage Establishment	§ 890.60 § 1900 Health Code	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>
.55	Tourist Hotel	§ 890.46	C	C	C
.56	Automobile Parking Lot, Community Commercial	§§ 890.9, 156, 160	C	C	C
.57	Automobile Parking Garage, Community Commercial	§ 890.10, 160	C	C	C
.58	Automobile Parking Lot, Public	§ 890.11, 156	C	C	C
.59	Automobile Parking Garage, Public	§ 890.12	C	C	C
.60	Automotive Gas Station	§ 890.14			
.61	Automotive Service Station	§ 890.18			
.62	Automotive Repair	§ 890.15			
.63	Automotive Wash	§ 890.20			
.64	Automotive Sale or Rental	§ 890.13			
.65	Animal Hospital	§ 890.6			
.66	Ambulance Service	§ 890.2			

1	.67	Mortuary	§ 890.62	C	C	
2	.68	Trade Shop	§ 890.124	P	C	
3	.70	Administrative Service	§ 890.106			
4	.71	Light Manufacturing or Wholesale Sales	§ 890.54	#	#	
5	.72	Fringe Financial Service	§ 890.113	P#		
6	.73	Tobacco Paraphernalia Establishments	§ 890.123	C		
7	Institutions					
8	.80	Hospital or Medical Center	§ 890.44			
9						
10	.81	Other Institutions	Not counted as Commercial Fl. area § 890.50	P	P	P
11						
12	.82	Public Use	§ 890.80	C	C	C
13	.83	Medical Cannabis Dispensary	§ 890.133	P		
14	RESIDENTIAL STANDARDS AND USES					
15	.90	Residential Use	§ 890.88	P	P	P
16	.91	Residential Density, Dwelling Units	§§ 207, 207.1, 890.88(a)	1 unit per 200 sq. ft. lot area § 207.5		
17	.92	Residential Density, Group Housing	§§ 207.1, 208, 890.88(b)	1 bedroom per 140 sq. ft. lot area § 208		
18						
19	.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	48 sq. ft. § 135 Table 3		
20	.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space per unit §§ 151, 161(a) (o)		
21						
22	.95	Automobile Parking Lot, Community Residential	§ 890.7, 156, 160	C	C	C
23	.96	Automobile Parking Garage, Community Residential	§ 890.8, 160		C	C
24						
25						

SPECIFIC PROVISIONS FOR
CHINATOWN COMMUNITY BUSINESS DISTRICT

TABLE INSET:

Section		Zoning Controls
§ 810.10	§ 270	-- 50 N Height and Bulk District and 65 N Height and Bulk District as mapped on Sectional Map 1H
§ 810.71	§ 236	-- Garment Shop Special Use District applicable only for portions of the Chinatown Community Business District as mapped on Sectional Map No. 1 SU a
§ 810.72	249.35	Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).

Section 9. The San Francisco Planning Code is hereby amended by amending Section 811.1, to read as follows:

SEC. 811.1. CHINATOWN VISITOR RETAIL DISTRICT.

The Chinatown Visitor Retail Neighborhood Commercial District extends along Grant Avenue between California and Jackson Streets. This district contains a concentration of shopping bazaars, art goods stores and restaurants which attract visitors and shoppers and contribute to the City's visual and economic diversity. Grant Avenue provides an important link between Downtown retail shopping and the Broadway, North Beach and Fisherman's Wharf areas.

This district is intended to preserve the street's present character and scale and to accommodate uses primarily appealing to visitors (e.g tourist gifts shops, jewelry stores, art goods, large restaurants. In order to promote continuous retail frontage, entertainment, financial services, medical service, automotive and drive-up uses are restricted. Most commercial uses, except financial services are permitted on the first two stories.

Administrative services, (those not serving the public) are prohibited in order to prevent

1 encroachment from downtown office uses. There are also special controls on fast-food
 2 restaurants and tourist hotels. Building standards protect and complement the existing small-
 3 scale development and the historic character of the area.

4 The height limit applicable to the district will accommodate two floors of housing or
 5 institutional use above two floors of retail use. Existing residential units are protected by
 6 prohibition of upper-story conversions and limitation on demolition.

7
 8 Table 811 CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE
 9 TABLE INSET:

			Chinatown Visitor Business District
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
.10	Height and Bulk	§§ 102.12, 105, 106, 263.4 §§ 250-252, 260, 270, 271	P up to 35 feet # C to 50 ft. See Zoning Map, § 254 50 ft. length and 100 ft. diagonal above 40 ft. # See Zoning Map, § 270
.11	Lot Size <i>[Per Development]</i>	§§ 890.56, 121	P up to 2,500 sq. ft. C 5,000 sq. ft. & above § 121.3
.12	Rear Yard/Site Coverage	§§ 130, 134, 136	Location may be modified /75% coverage § 134.1
.13	Sun Access Setbacks		15 ft. at specified heights § 132.3
.14	Maximum Street Frontage <i>[Per Building]</i>		P to 50 feet C more than 50 feet § 145.3
.15	Awning	§ 890.21	P § 136.2(a)
.16	Canopy	§ 890.24	P § 136.2(b)

1	.17	Marquee	§ 890.58	P § 136.2(c)
2	COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES			
3	.19	Floor Area Ratio	§§ 102.9, 102.11, 123	2.0 to 1 § 124(a) (b)
4				
5	.20	Use Size [Nonresidential]	§ 890.130	P up to 2,500 sq. ft. C 2,501 to 5,000 sq. ft. Except for full-service restaurants--5,000 sq. ft. § 121.4
6				
7	.21	Open Space		1 sq. ft. for every 50 sq. ft. above 10,000 sq. ft. § 135.1
8				
9	.22	Off-Street Parking, Commercial and Institutional	§§ 150, 153--157, 159--160, 204.5	None required § 161(c)
10				
11	.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
12				
13	.24	Outdoor Activity Area	§ 890.71	P in front C elsewhere
14	.25	Drive-Up Facility	§ 890.30	
15				
16	.26	Walk-Up Facility	§ 890.140	P if recessed 3 ft. C otherwise
17	.27	Hours of Operation	§ 890.48	P 6 a.m.--11 p.m. C 11 p.m.--2 a.m.
18				
19	.30	General Advertising Sign	§§ 602--604, 608.1, 608.2	P § 607.2(e)
20	.31	Business Sign	§§ 602--604, 608.1, 608.2	P § 607.2(f)

21 TABLE INSET:

			Chinatown Visitor Retail District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+

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.38a	Residential Conversion Residential Hotels	Ch. 41 Admin. Code			
.38b	Residential Demolition Residential Hotels	Ch. 41 Admin. Code			
.39a	Residential Conversion Apartments				
.39b	Residential Demolition Apartments				
Retail Sales and Services					
.40a	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 890.102	P	P	
.40b	Gift Store--Tourist Oriented	§ 890.39	P	P	
.40c	Jewelry	§ 890.51	P	P	
.41	Bar	§ 890.22	P	P	
.42	Full-Service Restaurant	§ 890.92	P	P	
.43	Fast Food Restaurant (Small)	§ 890.90	C		
.44	Fast Food Restaurant (Large)	§ 890.91			
.45	Take-Out Food	§ 890.122	P	P	
.46	Movie Theater	§ 890.64			
.47a	Adult Entertainment	§ 890.36			
.47b	Other Entertainment	§ 890.37	P#	P#	
.48	Amusement Game Arcade	§ 890.4 § 1036 Police Code			
.49	Financial Service	§ 890.110			
.50	Limited Financial Service	§ 890.112			
.51	Medical Service	§ 890.114		P	

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BOARD OF SUPERVISORS

1	.52	Personal Service	§ 890.116		P	
2	.53	Professional Service	§ 890.108		P	
3	.54	Massage Establishment	§ 890.60, § 1900 Health Code	P <u>C</u>	P <u>C</u>	
4	.55	Tourist Hotel	§ 890.46	C	C	C
5	.56	Automobile Parking Lot, Community Commercial	§§ 890.9, 156, 160	C	C	C
6		Automobile Parking Garage, Community Commercial	§ 890.10, 160	C	C	C
7	.57					
8	.58	Automobile Parking Lot, Public	§ 890.11, 156	C	C	C
9		Automobile Parking Garage, Public	§ 890.12	C	C	C
10	.59					
11	.60	Automotive Gas Station	§ 890.14			
12	.61	Automotive Service Station	§ 890.18			
13	.62	Automotive Repair	§ 890.15			
14	.63	Automotive Wash	§ 890.20			
15	.64	Automotive Sale or Rental	§ 890.13			
16		Animal Hospital	§ 890.6			
17	.65					
18	.66	Ambulance Service	§ 890.2			
19	.67	Mortuary	§ 890.62	C	C	
20	.68	Trade Shop	§ 890.124	P	C	
21	.70	Administrative Service	§ 890.106			
22	.71	Light Manufacturing or Wholesale Sales	§ 890.54	#	#	
23	.72	Fringe Financial Service	§ 890.113			
24	.73	Tobacco Paraphernalia Establishments	§ 890.123	C		
25	Institutions					

Supervisor Chu
BOARD OF SUPERVISORS

1	.80	Hospital or Medical Center	§ 890.44			
2	.81	Other Institutions	§ 890.50	P	P	P
3	.82	Public Use	§ 890.80	C	C	C
4	.83	Medical Cannabis Dispensary	§ 890.133	P		
5	RESIDENTIAL STANDARDS AND USES					
6	.90	Residential Use	§ 890.88	P	P	P
7	.91	Residential Density, Dwelling Units	§§ 207, 207.1, 890.88(a)	1 unit per 200 sq. ft. lot area § 207.5		
8	.92	Residential Density, Group Housing	§§ 207.1, 208, 890.88(b)	1 bedroom per 140 sq. ft. lot area § 208		
9	.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	48 sq. ft. § 135 Table 3		
10	.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space per unit §§ 151, 161(a) (o)		
11	.95	Automobile Parking Lot, Community Residential	§ 890.7, 156, 160	C	C	C
12	.96	Automobile Parking Garage, Community Residential	§ 890.8, 160	C	C	C

SPECIFIC PROVISIONS FOR
CHINATOWN VISITOR RETAIL DISTRICT

TABLE INSET:

Section		Zoning Controls
§ 811.10	§ 270	-- 50 N Height and Bulk District as mapped on Sectional Map 1H
§ 811.71	§ 236	-- Garment Shop Special Use District applicable only for portions of the Chinatown Visitor Retail District as mapped on Sectional Map No. 1 SU a
§ 811.47b	§ 890.37	The other entertainment use must be in conjunction with an existing full-service restaurant

Supervisor Chu
BOARD OF SUPERVISORS

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2 Section 10. The San Francisco Planning Code is hereby amended by amending
3 Section 812.1, to read as follows:

4 **SEC. 812.1. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL**
5 **DISTRICT.**

6 The Chinatown Residential Neighborhood Commercial District extends along Stockton
7 Street between Sacramento and Broadway and along Powell Street between Washington
8 Street and Broadway. It is generally west and uphill from Grant Avenue and is close to the
9 relatively intensely developed residential areas of lower Nob and Russian Hills. Stockton
10 Street is a major transit corridor which serves as "Main Street" for the Chinatown
11 neighborhood. Both Stockton and Powell Streets contain a significant amount of housing as
12 well as major community institutions supportive to Chinatown and the larger Chinese
13 community. This daytime-oriented district provides local and regional specialty food shopping
14 for fresh vegetables, poultry, fish and meat. Weekends are this area's busiest shopping days.

15 Because Stockton Street is intended to remain principally in its present character, the
16 Stockton Street controls are designed to preserve neighborhood-serving uses and protect the
17 residential livability of the area. The controls promote new residential development compatible
18 with existing small-scale mixed-use character of the area. Consistent with the residential
19 character of the area, commercial development is directed to the ground story. Daytime-
20 oriented use is protected and tourist-related uses, fast-food restaurants and financial services
21 are limited.

22 Housing development in new and existing buildings is encouraged above the ground
23 floor. Institutional uses are also encouraged. Existing residential units are protected by limits
24 on demolition and conversion.

Table 812 CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

TABLE INSET:

			Chinatown Residential Neighborhood Commercial District
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
.10	Height and Bulk	§§ 102.12, 105, 106, 263.4 §§ 250--252, 260, 270, 271	P up to 35 feet # C 50 ft., portions of Grant & Pacific C 65 ft., except 85 ft. for portions of Stockton if low income housing See Zoning Map, § 254 50 ft. length and 100 ft. diagonal and above 40 ft. See Zoning Map, § 270
.11	Lot Size <i>[Per Development]</i>	§§ 890.56, 121	P up to 5,000 sq. ft. C 5,001 sq. ft. & above § 121.3
.12	Rear Yard/Site Coverage	§§ 130, 134, 136	Location may be modified § 134.1
.13	Sun Access Setbacks		15 ft. at specified heights § 132.3
.14	Maximum Street Frontage <i>[Per Building]</i>		P to 50 feet C more than 50 feet § 145.3
.15	Awning	§ 890.21	P § 136.2(a)
.16	Canopy	§ 890.24	P § 136.2(b)
.17	Marquee	§ 890.58	P § 136.2(c)
COMMERCIAL AND INSTITUTIONAL STANDARDS AND SERVICES			
.19	Floor Area Ratio	§§ 102.9, 102.11, 123	1.0 to 1 § 124(a) (b)
.20	Use Size	§ 890.130	P up to 2,500 sq. ft. C 2,501 to

	[Nonresidential]		4,000 sq. ft. § 121.4
.21	Open Space		1 sq. ft. for every 50 sq. ft. of building over 10,000 sq. ft. § 135.1
.22	Off-Street Parking, Commercial and Institutional	§§ 150, 153--157, 159--160, 204.5	None Required § 161(c)
.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
.24	Outdoor Activity Area	§ 890.71	P in front C elsewhere
.25	Drive-Up Facility	§ 890.30	
.26	Walk-Up Facility	§ 890.140	P if recessed 3 ft. C otherwise
.27	Hours of Operation	§ 890.48	P 6 a.m.--11 p.m. C 11 p.m.--2 a.m.
.30	General Advertising Sign	§§ 602--604, 608.1, 608.2	P § 607.2(e)
.31	Business Sign	§§ 602--604, 608.1, 608.2	P § 607.2(f)

TABLE INSET:

			Chinatown Residential Neighborhood Commercial District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
.38a	Residential Conversion Residential Hotels	Ch. 41 Admin. Code			
.38b	Residential Demolition	Ch. 41 Admin.			

	Residential Hotels	Code			
.39a	Residential Conversion Apartments				
.39b	Residential Demolition Apartments				
Retail Sales and Services					
.40a	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 890.102	P		
.40b	Gift Store--Tourist Oriented	§ 890.39			
.40c	Jewelry	§ 890.51	C		
.41	Bar	§ 890.22	C		
.42	Full-Service Restaurant	§ 890.92	P		
.43	Fast Food Restaurant (Small)	§ 890.90	C		
.44	Fast Food Restaurant (Large)	§ 890.91	C		
.45	Take-Out Food	§ 890.122	C		
.46	Movie Theater	§ 890.64	C		
.47a	Adult Entertainment	§ 890.36			
.47b	Other Entertainment	§ 890.37			
.48	Amusement Game Arcade	§ 890.4 § 1036 Police Code			
.49	Financial Service	§ 890.110	C		
.50	Limited Financial Service	§ 890.112	C		
.51	Medical Service	§ 890.114	P		
.52	Personal Service	§ 890.116	P		
.53	Professional Service	§ 890.108	P		

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1	.54	Massage Establishment	§ 890.60 § 1900 Health Code	P C		
2	.55	Tourist Hotel	§ 890.46			
3	.56	Automobile Parking Lot, Community Commercial	§§ 890.9, 156, 160	C		
4	.57	Automobile Parking Garage, Community Commercial	§ 890.10, 160	C		
5	.58	Automobile Parking Lot, Public	§ 890.11, 156	C		
6	.59	Automobile Parking Garage, Public	§ 890.12			
7	.60	Automotive Gas Station	§ 890.14			
8	.61	Automotive Service Station	§ 890.18			
9	.62	Automotive Repair	§ 890.15			
10	.63	Automotive Wash	§ 890.20			
11	.64	Automotive Sale or Rental	§ 890.13			
12	.65	Animal Hospital	§ 890.6			
13	.66	Ambulance Service	§ 890.2			
14	.67	Mortuary	§ 890.62	C	C	
15	.68	Trade Shop	§ 890.124	P		
16	.70	Administrative Service	§ 890.106			
17	.71	Light Manufacturing or Wholesale Sales	§ 890.54	#	#	
18	.72	Fringe Financial Service	§ 890.113			
19	.73	Tobacco Paraphernalia Establishments	§ 890.123	C		
20	Institutions					
21						
22						
23						
24						
25						

1	.80	Hospital or Medical Center	§§ 124.1, 890.44	C	C	C
2	.81	Other Institutions	§ 890.50	P	P	P
3	.82	Public Use	§ 890.80	C	C	C
4	.83	Medical Cannabis Dispensary	§ 890.133	P		
5	RESIDENTIAL STANDARDS AND USES					
6	.90	Residential Use	§ 890.88	P	P	P
7	.91	Residential Density, Dwelling Units	§§ 207, 207.1, 890.88(a)	1 unit per 200 sq. ft. lot area § 207.5		
8	.92	Residential Density, Group Housing	§§ 207.1, 208, 890.88(b)	1 bedroom per 140 sq. ft. lot area § 208		
9	.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	48 sq. ft. § 135 Table 3		
10	.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space per unit §§ 151, 161(a) (g)		
11	.95	Automobile Parking Lot, Community Residential	§ 890.7, 156, 160	C	C	C
12	.96	Automobile Parking Garage, Community Residential	§ 890.8, 160	C	C	C

**SPECIFIC PROVISIONS FOR CHINATOWN
RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**

TABLE INSET:

Section		Zoning Controls
§ 812.10	§ 270	-- 50 N Height and Bulk District and 65 N Height and Bulk District as mapped on Sectional Map 1H
§ 812.71	§ 236	-- Garment Shop Special Use District applicable only for portions of the Chinatown Residential Neighborhood Commercial District

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1 as mapped on Sectional Map No. 1 SU

2
3 Section 11. The San Francisco Planning Code is hereby amended by amending
4 Section 790.114, to read as follows:

5 **SEC. 790.114. SERVICE, MEDICAL.**

6 A retail use which provides medical and allied health services to the individual by
7 physicians, surgeons, dentists, podiatrists, psychologists, psychiatrists, acupuncturists,
8 chiropractors, or any other health-care professionals when licensed by a State-sanctioned
9 Board overseeing the provision of medically oriented services. It includes a clinic, primarily
10 providing outpatient care in medical, psychiatric or other health services, and not part of a
11 hospital or medical center, as defined in Section 790.44 of this Code. It also includes a massage
12 establishment, as defined by Section 1900 of the Health Code, that is a sole proprietorship, as defined
13 in California Business and Professions Code Section 4612(b)(1), and where the sole proprietor is
14 certified pursuant to the California Business and Professions Code Section 4600 et seq., and one that
15 employs or uses only persons certified by the state's Massage Therapy Organization, pursuant to the
16 California Business and Professions Code Section 4600 et seq.

17
18 Section 12. The San Francisco Planning Code is hereby amended by amending
19 Section 890.114, to read as follows:

20 **SEC. 890.114. SERVICE, MEDICAL.**

21 A use, generally an office use, which provides medical and allied health services to the
22 individual by physicians, surgeons, dentists, podiatrists, psychologists, psychiatrists,
23 acupuncturists, chiropractors, or any other health-care professionals when licensed by a
24 State-sanctioned Board overseeing the provision of medically oriented services. It includes a
25 clinic, primarily providing outpatient care in medical, psychiatric or other health services, and

1 not part of a hospital or medical center, as defined in Section 890.44 of this Code. It also
2 includes a massage establishment, as defined by Section 1900 of the Health Code, that is a sole
3 proprietorship, as defined in California Business and Professions Code Section 4612(b)(1), and where
4 the sole proprietor is certified pursuant to the California Business and Professions Code Section 4600
5 et seq., and one that employs or uses only persons certified by the state's Massage Therapy
6 Organization, pursuant to the California Business and Professions Code Section 4600 et seq.

7
8 Section 13. This Section shall be uncodified.

9 By amending the definition of Massage Establishments in Sections 790.60, 890.60 and
10 218.1 of the Planning Code, this ordinance is intended to supersede Zoning Administrator
11 interpretations that construed the prior definition of Massage Establishments, as follows: (a)
12 Interpretation of Code Section 204; Subject: Massage as accessory to other personal service;
13 Effective Date: 3/1997; (b) Interpretation of Code Sections 790.114 and 890.114; Subject:
14 Massage use in conjunction with medical service uses; Effective Date: 8/2005; (c)
15 Interpretation of Code Sections 204, 790.114, 790.116, 890.114 and 890.116; Subject:
16 Massage as an accessory to medical or personal service use; Effective Date: 3/1997, Revised
17 5/2007.

18
19 APPROVED AS TO FORM:
20 DENNIS J. HERRERA, City Attorney

21 By:

22 
23 ANDREA RUIZ-ESQUIDE
24 Deputy City Attorney
25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 090402

Date Passed:

Ordinance amending Planning Code Sections 790.60, 890.60 and 218.1 to restrict permitted accessory massage uses and to make all other massage establishments, as defined, except chair massage in plain view of the public, subject to a conditional use permit; amending Planning Code Section 303 to list additional criteria for the Planning Commission to consider when analyzing conditional use applications for massage establishments; amending the tables at Sections 218.1, 714.1, 715.1, 810.1, 811.1, and 812.1, to change massage establishments from a permitted use to a conditional use in the PDR 1, or Light Industrial Buffer, and PDR 2, or Production, Distribution, and Repair Districts, and in the Broadway Neighborhood Commercial District, the Castro Neighborhood Commercial District, and the Chinatown Mixed Use Districts; amending Planning Code Sections 790.114 and 890.114, to add massage establishments that employ only state-certified massage practitioners to the definitions of Medical Services in the Neighborhood Commercial Districts and Mixed Use Districts, respectively; and adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

May 19, 2009 Board of Supervisors — SUBSTITUTED

June 16, 2009 Board of Supervisors — PASSED ON FIRST READING

Ayes: 9 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell, Mirkarimi

Absent: 1 - Alioto-Pier

Excused: 1 - Elsbernd

June 23, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

File No. 090402

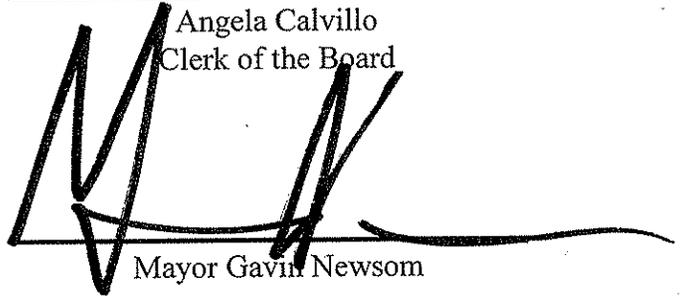
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on June 23, 2009 by
the Board of Supervisors of the City and
County of San Francisco.

7-2-09

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom