

1 [Planning Code - Uses in the Upper Market NCT and NCT-3 Zoning Districts]

2

3 **Ordinance amending the Planning Code to revise the NCT-3 (Moderate-Scale**

4 **Neighborhood Commercial Transit) District controls to allow Arts Activities,**

5 **~~Philanthropic Administrative Services,~~ and Public Facilities as a principal use on all**

6 **stories and provide that in this District Arts Activities are considered to be active uses;**

7 **revise the Upper Market Neighborhood Commercial Transit (NCT) District controls to**

8 **allow Arts Activities and ~~Institutional Uses~~ as a principal use on all the first and second**

9 **stories, allow Institutional Uses as a principal use on the first and second stories and**

10 **as a conditional use on the third story and above, ~~and to allow General Entertainment~~**

11 **as a principal use on the first and second stories, delete the note for an existing**

12 **ground-floor bar, and require a health service use on the first story that is not a**

13 **licensed community or free clinic to comply with formula retail controls; ~~delete the~~**

14 **~~Upper Market NCT District from the requirements for ground floor commercial uses;~~**

15 **modify the requirements for liquor stores and bars in the NCT-3 and Upper Market**

16 **Street NCT Districts, add additional conditional use criteria for liquor stores and**

17 **require liquor stores to comply with standard location and operating conditions, and**

18 **add additional uses to the definition of Open Air Sales; delete Philanthropic**

19 **Administrative Services from the Code as a separately-defined Institutional Use;**

20 **affirming the Planning Department's determination under the California Environmental**

21 **Quality Act; making findings of consistency with the General Plan, and the eight**

22 **priority policies of Planning Code, Section 101.1; and adopting findings of public**

23 **necessity, convenience, and general welfare under Planning Code, Section 302.**

24 NOTE: Unchanged Code text and uncodified text are in plain Arial font.

25 Additions to Codes are in *single-underline italics Times New Roman font*.

Deletions to Codes are in *strikethrough italics Times New Roman font*.

Board amendment additions are in double-underlined Arial font.

1 **Board amendment deletions** are in ~~strikethrough~~ Arial font.
2 **Asterisks (* * * *)** indicate the omission of unchanged Code
3 subsections or parts of tables.

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

5
6 Section 1. Findings.

7 (a) The Planning Department has determined that the actions contemplated in this
8 ordinance comply with the California Environmental Quality Act (California Public Resources
9 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
10 Supervisors in File No. 190248 and is incorporated herein by reference. The Board affirms
11 this determination.

12 (b) On May 9, 2019, the Planning Commission, in Resolution No. 20450, adopted
13 findings that the actions contemplated in this ordinance are consistent, on balance, with the
14 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
15 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
16 Board of Supervisors in File No. 190248, and is incorporated herein by reference.

17 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that
18 these Planning Code amendments will serve the public necessity, convenience, and general
19 welfare for the reasons set forth in Planning Commission Resolution No. 20450.

20
21 Section 2. The Planning Code is hereby amended by revising Sections 102, ~~445.4,~~
22 202.2, 303, 710, 718, 721, 752, 754, 757, 759, 760, and 764, to read as follows:

23 **SEC. 102. DEFINITIONS.**

24 * * * *

1 **Institutional Community Use.** A subcategory of Institutional Uses that includes Child Care
2 Facility, Community Facility, Private Community Facility, Job Training, ~~Philanthropic~~
3 ~~Administrative Services~~, Religious Institution, Social Service or Philanthropic Facility, and
4 Public Facility.

5 **Liquor Store.** A Retail Sales and Service Use that sells beer, wine, or distilled spirits to a
6 customer in an open or closed container for consumption off the premises and that needs a
7 State of California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine)
8 or type 21 (off-sale general). This classification shall not include retail uses that:

9 * * * *

10 (c) For purposes of Planning Code Sections 249.5, 781.8, 781.9, 782, and 784, the
11 retail uses explicitly exempted from this definition as set forth above shall only apply to
12 General Grocery and Specialty Grocery stores that exceed 5,000 square feet in size and shall
13 not:

14 * * * *

15 (3) sell single servings of beer in container sizes 24 ounces or smaller.

16 Liquor Store uses are subject to the operating conditions of Section 202.2(a)(6). Where conditionally
17 permitted, the Conditional Use authorization shall also satisfy the conditions of Section 303(z).

18 * * * *

19 **Open Air Sales.** A Commercial Use Characteristic generally categorized as a Retail Sales
20 and Service Use that involves open air sale of new and/or used merchandise, except vehicles,
21 but including agricultural products, plants and gardening supplies, building materials, crafts,
22 and/or art work.

23 * * * *

24 ~~Service, Philanthropic Administrative.~~ An Institutional Community Use that provides
25 executive, management, administrative, and clerical services and support related to

1 philanthropic activities that serve non-profit institutions and organizations; such philanthropic
2 activities may include funding and support of educational, medical, environmental, cultural,
3 and social services institutions and organizations. Such Uses:

4 (a) may not be located on the First Story of buildings where the most recent prior Use
5 was any Use other than Residential or Office; and

6 (b) may be located in a single undivided space not physically separated from a
7 Residential Use; provided that any Residential Conversion above the First Story, associated
8 with, or following commencement of such Use, shall be considered a Conditional Use
9 requiring approval pursuant to Section 317.

10
11 **SEC. 202.2. LOCATION AND OPERATING CONDITIONS.**

12 (a) **Retail Sales and Service Uses.** The Retail Sales and Service Uses listed
13 below shall be subject to the corresponding conditions:

14 * * * *

15 (6) Liquor Stores. *Liquor Stores, as defined in Section 102, shall comply with the*
16 *following requirements:*

17 (A) Employees of the establishment shall walk a 100-foot radius from
18 the premises sometime between 30 minutes after closing time and 8:00 a.m. the following
19 morning, and shall pick up and dispose of any discarded beverage containers and other trash
20 left by patrons. The business operator shall maintain the main entrance to the building and all
21 sidewalks abutting the subject property in a clean and sanitary condition in compliance with
22 the Department of Public Works Streets and Sidewalk Maintenance Standards, maintained by
23 the Department's Bureau of Street Use and Mapping. In addition, the business operator shall
24 be responsible for daily monitoring of the sidewalk within a one-block radius of the subject
25

1 business to maintain the sidewalk free of litter associated with the business during business
2 hours in accordance with Article 1, Section 34 of the Police Code.

3 (B) The business operator shall provide outside lighting sufficient to
4 illuminate street and sidewalk areas and adjacent parking as appropriate to maintain security, without
5 disturbing area residents.

6 (C) The store frontage shall comply with the visibility requirements of Section
7 145.1(c)(6) and the signage requirements of Article 6 of this Code. In addition, all advertising and
8 signage shall be placed and maintained in a manner that ensures that law enforcement personnel have
9 a clear and unobstructed view of the interior of the premises, including the area in which the cash
10 registers are maintained, from the exterior public sidewalk or entrance to the premises.

11 * * * *

12 **SEC. 303. CONDITIONAL USES.**

13 * * * *

14 (z) Liquor Stores. With regard to the Conditional Use application for a Liquor Store use,
15 the Planning Commission shall consider, in addition to the criteria set forth in subsection (c) above:

16 (A) the existing concentration of Liquor Store uses within 300 feet of the proposed
17 location; and

18 (B) the availability of General Grocery or Specialty Grocery stores in the area
19 selling alcoholic beverages as well as a range of foods.

20
21 **SEC. 752. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**
22 **DISTRICT.**

23 (a) NCT-3 Districts are walkable and transit-oriented moderate- to high-density
24 mixed-use neighborhoods of varying scale concentrated near transit services. The NCT-3
25 Districts are mixed use districts that support neighborhood-serving eCommercial #Uses on

1 lower floors and housing above. These districts are well-served by public transit and aim to
2 maximize residential and commercial opportunities on or near major transit services. The
3 district's form can be either linear along transit-priority corridors, concentric around transit
4 stations, or broader areas where transit services criss-cross the neighborhood. Housing
5 density is limited not by lot area, but by the regulations on the built envelope of buildings,
6 including height, bulk, setbacks, and lot coverage, and standards for Residential Uses,
7 including open space and exposure, and urban design guidelines. Residential parking is not
8 required and generally limited. Commercial establishments are discouraged or prohibited from
9 building accessory off-street parking in order to preserve the pedestrian-oriented character of
10 the district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways,
11 garage entries) to off-street parking and loading on critical stretches of NC and transit streets
12 to preserve and enhance the pedestrian-oriented character and transit function.

13 (b) NCT-3 Districts are intended in most cases to offer a wide variety of comparison
14 and specialty goods and services to a population greater than the immediate neighborhood,
15 additionally providing convenience goods and services to the surrounding neighborhoods.
16 NCT-3 Districts include some of the longest linear commercial streets in the City, some of
17 which have continuous retail development for many blocks. Large-scale lots and buildings and
18 wide streets distinguish the districts from smaller-scaled commercial streets, although the
19 districts may include small as well as moderately scaled lots. Buildings may range in height,
20 with height limits varying from four to eight stories.

21 (c) NCT-3 building standards permit moderately large Commercial Uses and
22 buildings. Rear yards are protected at residential levels.

23 (d) A diversified commercial environment is encouraged for the NCT-3 District, and
24 a wide variety of uses are permitted with special emphasis on neighborhood-serving
25 businesses. Eating and Drinking, Entertainment, and financial service uses generally are

permitted with certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

(e) Housing development in new buildings is encouraged above the second story. Existing #Residential #Units are protected by limitations on demolitions and upper-story conversions. Accessory Dwelling Units are permitted within the district pursuant to subsections 207(c)(4) and 207(c)(6) of this Code.

**Table 752. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT NCT-3
ZONING CONTROL TABLE**

		NCT-3		
Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

1	Arts Activities	§ 102	<u>P(6)</u> NP(5)	<u>P NP(6)</u>	<u>P NP(6)</u>
2					
3	****	****	****	****	****
4	Institutional Use Category				
5	Institutional Uses*	§ 102	P	P	P
6	Hospital	§ 102	C	C	C
7	Medical Cannabis Dispensary**	§§ 102, 202.2(e)	DR	DR	NP
8	<i>Philanthropic Admin. Services</i>	§ 102	<i>NP</i>	<i>NP</i>	<i>NP</i>
9	<i>Public Facilities</i>	§ 102	<i>C</i>	<i>C</i>	<i>C</i>
10	****				
11	Sales and Service Use Category				
12	Retail Sales and Service	§§ 102, 202.2(a)	P	P	P
13	Uses*				
14					
15	Liquor Store	§ 102	<u>C (5)</u> NP	NP	NP
16					
17	****	****	****	****	****

18 * Not listed below

19 * * * *

20 (5) Liquor Stores operating only with a Type 20 ABC License (Beer and Wine sale only) are
 21 exempt from Conditional Use authorization and Principally Permitted.

22 (6) Arts Activities in the NCT-3 District are considered to be "active uses." as defined in
 23 Section 145.41 of this Code.

24 ~~(5) P in the geographic area described as Flexible Retail Zones in Section 202.9.~~

25 ~~(6) C in the geographic area described as Flexible Retail Zones in Section 202.9.~~

1 **SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
2 **DISTRICT.**

3 The Upper Market Street Neighborhood Commercial Transit District is located on
4 Market Street from Church to Noe Streets, and on side streets off Market. Upper Market
5 Street is a multi-purpose commercial district that provides *limited convenience goods and services*
6 to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. *A*
7 *large number of offices are located on Market Street within easy transit access to downtown.* The
8 width of Market Street and its use as a major arterial diminish the perception of the Upper
9 Market Street Transit District as a single commercial district. The street appears as a
10 collection of dispersed centers of commercial activity, concentrated at the intersections of
11 Market Street with secondary streets.

12 * * * *

13 The Upper Market Street *Transit* *District* controls are designed to promote moderate-
14 scale development which contributes to the definition of Market Street's design and character.
15 They are also intended to preserve the existing mix of *e*Commercial *u*Ses and maintain the
16 livability of the district and its surrounding residential areas. Large-lot and use development is
17 reviewed for consistency with existing development patterns. Rear yards are protected at all
18 levels. To promote mixed-use buildings, most *e*Commercial *u*Ses are permitted with some
19 limitations above the second story. In order to maintain continuous retail frontage and
20 preserve a balanced mix of *e*Commercial *u*Ses, ground-story neighborhood-serving uses are
21 encouraged, and *e*Eating and *d*Dinking, *e*Entertainment, and financial service uses are
22 limited. Ground floor-commercial space is required along Market and Church Streets. Most
23 *automobile Automotive Service* and *d*Drive-*u*Up *Facility* uses are prohibited or conditional.

24 Housing development in new buildings is encouraged above the *s*Second *s*Story.
25 Existing upper-story *r*Residential *u*Units are protected by limitations on demolitions and upper-

1 story conversions. Accessory Dwelling Units are permitted within the district pursuant to
 2 subsections 207(c)(4) and 207(c)(6) of this Code.

3 **Table 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 4 **DISTRICT**
 5 **ZONING CONTROL TABLE**

		Upper Market Street NCT		
Zoning Category	§ References	Controls		

NON-RESIDENTIAL STANDARDS AND USES				

		Controls by Story		
		1st	2nd	3rd+
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
<i>Amusement Game Arcade</i>	§ 102	€	P	NP
<i>Arts Activities</i>	§ 102	<u>P(8)</u>	<u>P</u>	<u>P</u>
*****	*****	*****	*****	*****
Entertainment, General	§ 102	<u>P</u> €(8)	<u>P</u> NP	NP
*****	*****	*****	*****	*****
Institutional Use Category				
Institutional Uses	§ 102	<u>P(8)</u>	<u>P</u> €	C
*****	*****	*****	*****	*****
<i>Philanthropic Admin. Services</i>	§ 102	NP	NP	NP
<i>Public Facilities</i>	§ 102	€	€	€
*****	*****	*****	*****	*****

Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P	P	NP
****	****	****	****	****
Bar	§§ 102, 202.2(a)	C(7)	<u>C</u> NP(7)	NP
****	****	****	****	
Liquor Store	§ 102	C(2)	NP	NP
****	****	****	****	****
Restaurant	§§ 102, 202.2(a)	<u>P</u> C(4)	<u>C(4)</u> NP	NP
Restaurant, Limited	§§ 102, 202.2(a)	P	<u>C</u> NP	NP
****	****	****	****	****
Services, Health	§ 102	P(7)	P	C

Not listed below

(2) ~~[Note deleted.]~~ *C not required if selling only beer and wine and not distilled spirits.*

(4) UPPER MARKET STREET LIQUOR LICENSES FOR RESTAURANTS

Boundaries: Applicable to the Upper Market Street Neighborhood Commercial Transit District.

Controls: A Restaurant Use may only add a *Bar use* (ABC license types 47, 49 or 75) as a *Conditional Use* on the ground level if, in addition to the criteria set forth in Section 303, the Planning Commission finds that the Restaurant is operating as a Bona Fide Eating Place. Should a Restaurant fail to operate as a Bona Fide Eating Place for any length of time, the *Conditional Use* authorization *for the Bar use* shall be subject to immediate revocation.

(7) Clinics licensed as community and free clinics as defined under California Health and Safety Code Section 1204(a)(1) and clinics exempt from licensing under California Health and Safety Code Section 1206(b) are Principally Permitted Uses. Other Health Service uses are subject to the provisions of Section 303.1 of this Code. Within the Upper Market Street Neighborhood Commercial Transit District, an existing Bar on the ground floor operating

1 under a Conditional Use authorization may expand to the second floor if: (a) the space to be
 2 converted has not been in Residential use within the previous five years, (b) an internal
 3 staircase connecting the ground floor Bar use and the upper floor already exists, and (c)
 4 there will be no expansion of the building envelope.

5 *(8) Within the Upper Market Neighborhood Commercial Transit District, up to four mechanical*
 6 *amusement devices are considered an accessory use and up to ten mechanical amusement devices*
 7 *will be considered an Amusement Game Arcade use.*

8 (8) Arts Activities and Institutional Community Uses in the Upper Market Street NCT District
 9 are considered to be "active uses," as defined in Section 145.4 of this Code.

11 **SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

12 * * * *

13 **Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1**
 14 **ZONING CONTROL TABLE**

		NC-1		
Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Institutional Use Category				
Institutional Uses*	§ 102	P	C	NP

****	****	****	****	****
Philanthropic Admin. Services	§ 102	NP	NP	NP
****	****	****	****	****

SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

		Upper Fillmore NCD		
Zoning Category	§ References	Controls		

NON-RESIDENTIAL STANDARDS AND USES

		Controls by Story		
		1st	2nd	3rd+

Institutional Use Category

Institutional Uses	§ 102	P	C	C
****	****	****	****	****
Philanthropic Admin. Services	§ 102	P	P	P
****	****	****	****	****

Sales and Service Use Category

****	****	****	****	****
Non-Retail Sales and Service*	§ 102	NP	NP	NP
<u>Office, General</u>	<u>§ 102</u>	<u>NP(1)</u>	<u>NP(1)</u>	<u>NP(1)</u>

****	****	****	****	****
------	------	------	------	------

* Not listed below

(1) ~~[Note deleted.]~~ A General Office use that provides executive, management, administrative, and clerical services and support related to philanthropic activities that serve non-profit institutions and organizations, including activities that may include funding and support of educational, medical, environmental, cultural, and social services institutions and organizations, is a Permitted Use. Such Uses (a) may not be located on the First Story of buildings where the most recent prior Use was any Use other than Residential or Office and (b) may be located in a single undivided space not physically separated from a Residential Use. Any Residential Conversion above the First Story, associated with, or following commencement of such Use, shall be considered a Conditional Use requiring approval pursuant to Section 317.

* * * *

SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

		Japantown NCD
Zoning Category	§ References	Controls

NON-RESIDENTIAL USES		

		Controls by Story

		1st	2nd	3rd+

Institutional Use Category				
Institutional Uses*	§ 102	P	P	P
*****	*****	*****	*****	*****
Philanthropic Admin. Services	§ 102	C	P	P
*****	*****	*****	*****	*****

SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

**Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

		Mission Street NCT		
Zoning Category	§ References	Controls		

NON-RESIDENTIAL USES				

		Controls by Story		
		1st	2nd	3rd+

Institutional Use Category				
Institutional Uses*	§ 102	NP	NP	NP
*****	*****	*****	*****	*****
Philanthropic Admin. Services	§ 102	NP)	NP	P(6)

****	****	****	****	****
------	------	------	------	------

* Not listed below

(6) Note deleted. ~~Philanthropic Administrative Services shall not exceed 2,500 gross square feet per use.~~

SEC. 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

* * * *

**Table 757. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

		Folsom Street NCT		
Zoning Category	§ References	Controls		

NON-RESIDENTIAL USES				

		Controls by Story		
		1st	2nd	3rd+

Institutional Use Category				
Institutional Uses*	§ 102	NP	NP	NP
****	****	****	****	****
Philanthropic Admin. Services	§ 102	P(8)	P(8)	NP
****	****	****	****	****

1 **SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

2 * * * *

3 **Table 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 4 **DISTRICT**
 5 **ZONING CONTROL TABLE**

		Divisadero St. NCT		
Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Institutional Use Category				
Institutional Uses*	§ 102	P	C	C
* * * *	* * * *	* * * *	* * * *	* * * *
Philanthropic Admin. Services	§ 102	NP	P(2)	NP
* * * *	* * * *	* * * *	* * * *	* * * *

20
 21 **SEC. 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

22 * * * *

23 **Table 760. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 24 **ZONING CONTROL TABLE**

		Fillmore St. NCT		
Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL USES				
* * * *				
		Controls by Story		
		1st	2nd	3rd+
* * * *				
Institutional Use Category				
Institutional Uses*	§ 102	P	P	P
* * * *	* * * *	* * * *	* * * *	* * * *
Philanthropic Admin. Services	§ 102	NP	P	NP
* * * *	* * * *	* * * *	* * * *	* * * *

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment


1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4 Section 5. Amendment of Specific Zoning Control Tables. Zoning Control Tables 711,
5 712, 713, 714, 715, 716, 717, 719, 720, 722, 723, 724, 725, 728, 729, 730, 731, 732, 733,
6 734, 750, 751, 753, 755, 756, 761, 762, and 763 are hereby amended identically to the
7 amendment of Zoning Control Table 710 in Section 2 of this ordinance, to delete Philanthropic
8 Admin. Services from the list of Institutional Uses in the "Controls by Story" section.

9
10 Section 6. At its regular meeting on July 8, 2019, the Board of Supervisors Land Use
11 and Transportation Committee amended Planning Code Section 145.4. At its subsequent
12 meeting on July 15, 2019, the Committee removed that amendment from this ordinance, so
13 the text of Section 145.4 no longer appears in the ordinance.

14
15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By:


18 JUDITH A. BOYAJIAN
19 Deputy City Attorney

20 n:\leganas2019\1900283\01376083.docx



City and County of San Francisco

Tails Ordinance

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

File Number: 190248

Date Passed: July 30, 2019

Ordinance amending the Planning Code to revise the NCT-3 (Moderate-Scale Neighborhood Commercial Transit) District controls to allow Arts Activities, Philanthropic Administrative Services, and Public Facilities as a principal use on all stories and provide that in this District Arts Activities are considered to be active uses; revise the Upper Market Neighborhood Commercial Transit (NCT) District controls to allow Arts Activities and Institutional Uses as a principal use on all the first and second stories, allow Institutional Uses as a principal use on the first and second stories and as a conditional use on the third story and above, and to allow General Entertainment as a principal use on the first and second stories, delete the note for an existing ground-floor bar, and require a health service use on the first story that is not a licensed community or free clinic to comply with formula retail controls; delete the Upper Market NCT District from the requirements for ground floor commercial uses; modify the requirements for liquor stores and bars in the NCT-3 and Upper Market Street NCT Districts, add additional conditional use criteria for liquor stores and require liquor stores to comply with standard location and operating conditions, and add additional uses to the definition of Open Air Sales; delete Philanthropic Administrative Services from the Code as a separately-defined Institutional Use; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

July 08, 2019 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

July 08, 2019 Land Use and Transportation Committee - CONTINUED AS AMENDED

July 15, 2019 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 15, 2019 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

July 23, 2019 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee


July 30, 2019 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani and Yee


Excused: 1 - Walton

File No. 190248

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
7/30/2019 by the Board of Supervisors of
the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

8.9.19

Date Approved