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GENERAL PLANNING INFORMATION

Limited Commercial Uses LCU & LCCU

Date:
January 2019

Subject:
Limited Commercial Uses LCU & LCCU

Planning Code Section 186 & 231

Introduction

Generally, commercial uses are not permitted in the RH (Residential House) and RM (Residential Mixed) Districts. They also are generally forbidden in RED (Residential Enclave) Districts and RTO/M (Residential Transit Oriented/Mission) Districts with limited exceptions for corner lots in RTO and RM Districts.

Planning Code Section 186

In addition to prohibiting the establishment of new commercial uses in most residential districts, the Planning Code provides for the general elimination over time of existing legal non-conforming uses. In Residential Districts there are time limits established in the code for these uses to be converted to conforming uses, based on various criteria. The Planning Code acknowledges that some of these uses may provide a valuable neighborhood service that is not inherently disruptive, particularly when limited in scale.

While these limited commercial uses would not otherwise comply with residential zoning controls and would therefore be non-conforming uses, the Planning Code allows certain Limited non-conforming uses (LCU) to continue indefinitely; consequently, there are a number of small commercial uses interspersed throughout residential areas, for example small corner stores, which often referred to as 'Mom and Pop' stores.

Permitted Uses

In RH, RM, and RTO Districts, the commercial uses that are allowed to continue are those permitted at the ground floor or below in an NC-1 (Neighborhood Commercial Cluster) District, with some restrictions. NC-1 is the most restrictive of the Neighborhood Commercial Districts. Thus the uses allowed in LCU buildings are unlikely to be highly intensive or disruptive to the surrounding neighborhood.



Examples of allowable uses include small-scale retail uses (e.g. clothing stores, bookstores, hardware and produce stores), personal services (e.g. nail and beauty salons) or business services that are open to the public (accountants, real estate offices, law offices). Please contact the Planning Information Center (PIC) at (415) 558-6377, pic@sfgov.org if you have questions about allowable uses in an LCU.

In addition to the NC-1 rules applying to uses in LCUs, there may be additional restrictions based on proximity to nearby Neighborhood Commercial (NC) districts. If an LCU is within ¼ mile of any Individual Area Neighborhood Commercial District (these are sometimes referred to as 'named' districts such as Polk St. NCD., Upper Market St. NCD etc) or within ¼ mile of any Restricted Use Subdistrict (RUSD), the most restrictive rules of each NC or RUSD district would apply to the LCU. For example, if an LCU was within ¼ mile of both a named district and an RUSD and a proposed use was allowed in NC-1 and the named district but not the RUSD, then it would not be permitted. If the use was principally permitted in an NC-1 and the RUSD but required Conditional Use (CU) in the named district, then a CU authorization would be required.

For RED Districts, the Code provides a short and specific list of allowable uses for LCUs as follows: personal service use falling within zoning category 816.31; home and business service use falling within zoning categories 816.42 through 816.47; live/work unit falling within zoning category 816.55; wholesale

sales, storage or light manufacturing uses falling within zoning categories 816.64 through 816.67.

Neighborhood Notification

Any change of use of an LCU within an RH, RM, or RTO district will require Neighborhood Notification per Planning Code Section 311.

Changes in use in LCUs in RED districts may or may not require notice depending on location and the specific use change. Please contact the PIC if you have questions, (415) 558-6377, pic@sfgov.org.

Additional Controls

Planning Code Section 186 provides additional limitations on businesses to help insure compatibility with the surrounding residential neighborhood including, among other things: limiting hours of operation to between 6 a.m. and 10 p.m.; limiting public sidewalk use to tables and chairs only. (See Planning Code Section 186(b) for a full listing).



Continuation and Abandonment

LCUs remain subject to the restrictions otherwise applicable to non-conforming uses in Planning Code Sections 180-183. Most importantly, while LCUs may continue indefinitely, they may not expand. If an LCU is converted to a use that is allowed as a principal or conditional use in the zoning district in which the property is located, it cannot return to its former non-conforming status. Also, if an LCU is discontinued or abandoned for a period of three years it loses its non-conforming status and any new use would have to comply with the applicable zoning controls or seek to reactivate the LCU.

LCUs in RH, RM, RTO, and RED Districts that have been discontinued or abandoned, as defined in Section 183, may be reactivated with conditional use authorization. In approving such a use and in addition to the findings required by Section 303, the Planning Commission shall find that: (1) the subject space is located on or below the ground floor and was in commercial or industrial use prior to January 1, 1960; and (2) the proposed commercial use meets all the requirements of Section 186 and other applicable sections of the Planning Code.

Establishment of New Limited Corner Commercial Uses (LCCU)

There are Limited Corner Commercial Uses (LCCU) that are now allowed in RM and RTO districts. Basically corner lots in RTO and RM-3 or RM-4 districts may have commercial uses that are allowed in NC-1 districts. They are subject to a 1,200 square foot maximum use size in RTO and RTO-M Districts with no part of the use extending more than 50 feet in depth from the corner and they are subject to a 2,500 square foot maximum use size in RM-3 and RM-4 Districts with no part of the use extending more than 100 feet in depth from the corner. These uses are subject to limitations similar to LCUs, including hours of operation between 6:00 a.m. and 10:00 p.m. only. See Planning Codes Section 231 for more details. Although these uses are also referred to as LCU's, they are permitted, not non-conforming; therefore, the additional standards applicable to non-conforming uses in Sections 180-185 do not apply, e.g. the conversion/discontinuance/abandonment provisions and limits on expansion (up to the stated maximum floor area).



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**FOR OTHER PLANNING INFORMATION:
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*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*