File No. 120241 Committee Item No. 2
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development **Date** July 23, 2012

Board of Supervisors Meeting **Date** _____

Cmte Board

Cmte	Board	
☐	☐	**Motion**
☐	☐	**Resolution**
☒	☐	**Ordinance**
☒	☐	**Legislative Digest**
☐	☐	**Budget and Legislative Analyst Report**
☐	☐	**Legislative Analyst Report**
☐	☐	**Youth Commission Report**
☐	☐	**Introduction Form (for hearings)**
☒	☐	**Department/Agency Cover Letter and/or Report**
☐	☐	**MOU**
☐	☐	**Grant Information Form**
☐	☐	**Grant Budget**
☐	☐	**Subcontract Budget**
☐	☐	**Contract/Agreement**
☐	☐	**Form 126 – Ethics Commission**
☐	☐	**Award Letter**
☐	☐	**Application**
☒	☐	**Public Correspondence**

OTHER **(Use back side if additional space is needed)**

☒	☐	Planning Commission Resolution No. 18647
☒	☐	Environmental Review Determination, dtd 6/4/12
☒	☐	Small Business Commission Recommendation, dtd 5/29/12
☐	☐	
☐	☐	
☐	☐	
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Completed by: Alisa Miller **Date** July 20, 2012
Completed by: _____ **Date** _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

[Planning Code - Establishing Four Outer Sunset Neighborhood Commercial Districts]

Ordinance amending the San Francisco Planning Code by: 1) adding Section 739.1 to establish the Noriega Street Neighborhood Commercial District including specified non-residential properties zoned NC-2 along Noriega Street; 2) adding Section 740.1 to establish the Irving Street Neighborhood Commercial District including specified non-residential properties zoned NC-2 along Irving Street; 3) adding Section 741.1 to establish the Taraval Street Neighborhood Commercial District including specified non-residential properties zoned NC-2 along Taraval Street; 4) adding Section 742.1 to establish the Judah Street Neighborhood Commercial District including specified non-residential properties zoned NC-2 along Judah Street; 5) amending Sections 263.20 and 710.10 of the NC-1 Zoning Control Table to include properties zoned NC-1 along Noriega, Irving, Taraval, and Judah Streets; 6) amending Section 790.124 (trade shops) to remove horsepower and square footage limitations and impose operating conditions regarding noise and odor; 7) amending Sheet ZN05 of the Zoning Map to include the new Neighborhood Commercial Districts; and making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1.

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

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

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this Ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 120241.

(b) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these Planning Code and Zoning Map amendments will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 18647 and the Board incorporates such reasons herein by reference. A copy of Planning Commission Resolution No. 18647 is on file with the Clerk of the Board of Supervisors in File No. 120241.

(c) The Board of Supervisors finds that these Planning Code and Zoning Map amendments are consistent with the General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 18647 and the Board incorporates such reasons herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by adding Section 739.1, to read as follows:

SEC. 739.1. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Noriega Street Neighborhood Commercial District is located in the Outer Sunset neighborhood and includes the non-residential currently-zoned NC-2 properties fronting both sides of Noriega Street between 19th and 27th and 30th through 33rd Avenues.

The District provides a selection of convenience goods and services for the residents of the Outer Sunset District. There are a high concentration of restaurants, drawing customers from throughout the City and the region. There are also a significant number of professional, realty, and business offices as well as financial institutions.

The Noriega Street Neighborhood Commercial District controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that support the District's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories, although certain limitations apply to uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and to protect adjacent residential livability. To protect continuous frontage, drive-up uses are prohibited and active, pedestrian-oriented ground floor uses generally must be provided, unless such uses are authorized by Conditional Use. These controls are designed to encourage the street's active retail frontage, and local fabrication and production of goods.

SEC. 739. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			Noriega Street Neighborhood Commercial District
No.	***Zoning Category***	***§ References***	***Controls***
BUILDING STANDARDS			
739.10	*Height and Bulk Limit*	*§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 263.20, 270, 271*	*Varies See Zoning Map. Additional 5 feet for commercial uses on the ground floor*
739.11	*Lot Size [Per Development]*	*§§ 790.56, 121.1*	*P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1*
739.12	*Rear Yard*	*§§ 130, 134, 136*	*Required at the second story and above and at all residential levels § 134(a) (e)*
739.13	*Street Frontage*		*Active Frontage Required § 145.1; Generally Active Use Required*

			Noriega Street Neighborhood Commercial District
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
			§ 145.4(c), unless exempted by Conditional Use
739.14	Awning	§ 790.20	P § 136.1(a)
739.15	Canopy	§ 790.26	P § 136.1(b)
739.16	Marquee	§ 790.58	P § 136.1(c)
739.17	Street Trees		Required § 138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES#			
739.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a)(b)
739.21	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
739.22	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)
739.23	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)
739.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
739.25	Drive-Up Facility	§ 790.30	
739.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed

			Noriega Street Neighborhood Commercial District
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
			§ 145.2(b)
739.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m.; C 2 a.m. - 6 a.m.
739.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609	P § 607.1(e)1
739.31	Business Sign	§§ 262, 602 - 604, 608, 609	P § 607.1(e)2
739.32	Other Signs	§§ 262, 602 - 604, 608, 609	P § 607.1(c)(d)(g)

No.	Zoning Category	§ References	Noriega Street Neighborhood Commercial District		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
739.38	Residential Conversion	§ 790.84	P	C	
739.39	Residential Demolition	§790.86	P	C	C
Retail Sales and Services					
739.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
739.41	Bar	§ 790.22	P		
739.43	Limited-Restaurant	§ 790.90	P#		
739.44	Restaurant	§ 790.91	P#		
739.45	Liquor Store	790.55	P		
739.46	Movie Theater	§ 790.64	P		

No.	Zoning Category	§ References	Noriega Street Neighborhood Commercial District Controls by Story		
		§ 790.118	1st	2nd	3rd+
739.47	Adult Entertainment	§ 790.36			
739.48	Other Entertainment	§ 790.38	P		
739.49	Financial Service	§ 790. 110	P#	C#	
739.50	Limited Financial Service	§ 790.112	P#		
739.51	Medical Service	§ 790.114	P	P	
739.52	Personal Service	§ 790.116	P	P	
739.53	Business or Professional Service	§ 790.108	P	P	
739.54	Massage Establishment	§ 790.60 § 1900 Health Code	C		
739.55	Tourist Hotel	§ 790.46	C	C	C
739.56	Automobile Parking	§ 790.8, 156, 160	C	C	C
739.57	Automotive Gas Station	§ 790.14	C		
739.58	Automotive Service Station	§ 790.17	C		
739.59	Automotive Repair	§ 790.15	C		
739.60	Automotive Wash	§ 790.18			
739.61	Automobile Sale or Rental	§ 790.12			
739.62	Animal Hospital	§ 790.6	C		
739.63	Ambulance Service	§ 790.2			
739.64	Mortuary	§ 790.62			
739.65	Trade Shop	§ 790.124	P#	C#	
739.66	Storage	§ 790.117			
739.68	Fringe Financial Service	§ 790.111	P#		

No.	Zoning Category	§ References	Noriega Street Neighborhood Commercial District Controls by Story		
		§ 790.118	1st	2nd	3rd+
739.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
739.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.4			
739.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
739.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
739.70	Administrative Service	§ 790.106			
739.80	Hospital or Medical Center	§ 790.44			
739.81	Other Institutions, Large	§ 790.50	P	C	C
739.82	Other Institutions, Small	§ 790.51	P	P	P
739.83	Public Use	§ 790.80	C	C	C
739.84	Medical Cannabis Dispensary	§ 790.141	P#		
RESIDENTIAL STANDARDS AND USES					
739.90	Residential Use	§ 790.88	P	P	P
739.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
739.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
739.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
739.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		

No.	Zoning Category	§ References	Noriega Street Neighborhood Commercial District		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
739.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls	
§ 739.43 § 739.44	§ 703.3	Restaurants and Limited-Restaurants are P; Formula Retail Restaurants and Limited-Restaurants are C	
§ 739.84	§ 790.141 Health Code § 3308	Medical cannabis dispensaries may only operate between the hours of 8 a.m. and 10 p.m.	
§ 739.65	§ 703.3	Trade shops are subject to Formula Retail controls	
§ 739.68	§ 790.11	Fringe Financial Services are P subject to the restrictions set forth in Subsection 249.35(c)(3).	

Section 3. The San Francisco Planning Code is hereby amended by adding Section 740.1, to read as follows:

SEC. 740.1. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Irving Street Neighborhood Commercial District is located in the Outer Sunset neighborhood and includes the non-residential currently-zoned NC-2 properties fronting both sides of

Irving Street between 19th and 27th Avenues. The District provides a selection of convenience goods and services for the residents of the Outer Sunset District. There are a high concentration of restaurants, drawing customers from throughout the City and the region. There are also a significant number of professional, realty, and business offices as well as financial institutions.

The Irving Street Neighborhood Commercial District controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that support the District's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories, although certain limitations apply to uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and to protect adjacent residential livability. These controls are designed to encourage the street's active retail frontage, and local fabrication and production of goods.

SEC. 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			Irving Street Neighborhood Commercial District
No.	***Zoning Category***	***§ References***	***Controls***
BUILDING STANDARDS			
740.10	*Height and Bulk Limit*	*§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 263.20, 270, 271*	*Varies See Zoning Map Additional 5 feet for commercial uses on the ground floor*
740.11	*Lot Size [Per Development]*	*§§ 790.56, 121.1*	*P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1*
740.12	*Rear Yard*	*§§ 130, 134, 136*	*Required at the second story*

			Irving Street Neighborhood Commercial District
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
			and above and at all residential levels § 134(a) (e)
740.13	Street Frontage		Active Frontage Required § 145.1; Generally Active Use Required § 145.4(c), unless exempted by Conditional Use
740.14	Awning	§ 790.20	P § 136.1(a)
740.15	Canopy	§ 790.26	P § 136.1(b)
740.16	Marquee	§ 790.58	P § 136.1(c)
740.17	Street Trees		Required § 138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES#			
740.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a)(b)
740.21	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
740.22	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)
740.23	Off-Street Freight Loading	§§ 150, 153 - 155, 204.5	Generally, none required if gross floor area is less than

			Irving Street Neighborhood Commercial District
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
			10,000 sq. ft §§ 152, 161(b)
740.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
740.25	Drive-Up Facility	§ 790.30	
740.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
740.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m.; C 2 a.m. - 6 a.m.
740.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609	P § 607.1(e)1
740.31	Business Sign	§§ 262, 602 - 604, 608, 609	P § 607.1(e)2
740.32	Other Signs	§§ 262, 602 - 604, 608, 609	P § 607.1(c)(d)(g)

No.	**Zoning Category**	**§ References**	**Irving Street Neighborhood Commercial District**		
			Controls by Story		
		§ 790.118	**1st**	**2nd**	**3rd+**
740.38	Residential Conversion	§ 790.84	P	C	
740.39	Residential Demolition	§790.86	P	C	C

No.	Zoning Category	§ References	Irving Street Neighborhood Commercial District Controls by Story		
		§ 790.118	1st	2nd	3rd+
Retail Sales and Services					
740.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
740.41	Bar	§ 790.22	P		
740.43	Limited-Restaurant	§ 790.90	P#		
740.44	Restaurant	§ 790.91	P#		
740.45	Liquor Store	790.55	P		
740.46	Movie Theater	§ 790.64	P		
740.47	Adult Entertainment	§ 790.36			
740.48	Other Entertainment	§ 790.38	P		
740.49	Financial Service	§ 790. 110	P#	C#	
740.50	Limited Financial Service	§ 790.112	P#		
740.51	Medical Service	§ 790.114	P	P	
740.52	Personal Service	§ 790.116	P	P	
740.53	Business or Professional Service	§ 790.108	P	P	
740.54	Massage Establishment	§ 790.60 § 1900 Health Code	C		
740.55	Tourist Hotel	§ 790.46	C	C	C
740.56	Automobile Parking	§ 790.8, 156, 160	C	C	C
740.57	Automotive Gas Station	§ 790.14	C		
740.58	Automotive Service Station	§ 790.17	C		
740.59	Automotive Repair	§ 790.15	C		
740.60	Automotive Wash	§ 790.18			
740.61	Automobile Sale or Rental	§ 790.12			

No.	Zoning Category	§ References	Irving Street Neighborhood Commercial District		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
740.62	Animal Hospital	§ 790.6	C		
740.63	Ambulance Service	§ 790.2			
740.64	Mortuary	§ 790.62			
740.65	Trade Shop	§ 790.124	P#	C#	
740.66	Storage	§ 790.117			
740.68	Fringe Financial Service	§ 790.111	P#		
740.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
740.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.4			
738.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
738.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
740.70	Administrative Service	§ 790.106			
740.80	Hospital or Medical Center	§ 790.44			
740.81	Other Institutions, Large	§ 790.50	P	C	C
740.82	Other Institutions, Small	§ 790.51	P	P	P
740.83	Public Use	§ 790.80	C	C	C
740.84	Medical Cannabis Dispensary	§ 790.141	P#		
RESIDENTIAL STANDARDS AND USES					
740.90	Residential Use	§ 790.88	P	P	P
740.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
740.92	Residential Density, Group	§§ 207.1,	Generally, 1 bedroom		

No.	Zoning Category	§ References	Irving Street Neighborhood Commercial District		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
	Housing	790.88(b)	per 275 sq. ft. lot area § 208		
740.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
740.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
740.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls	
§ 740.43 § 740.44	§ 703.3	Restaurants and Limited-Restaurants are P; Formula Retail Restaurants and Limited-Restaurants are NP	
§ 740.43 § 740.44	§ 781.2	IRVING STREET RESTAURANT SUBDISTRICT **Boundaries:** Applicable only for the portion of the Irving Street NC-2 District between 19th and 27th Avenues as mapped on Sectional Map SU05 **Controls:** Restaurants are C; Formula Retail restaurants and Limited-Restaurant are NP	

§ 740.84	*§790.141*	*Medical cannabis dispensaries may only operate between the hours of 8 a.m. and 10 p.m.*	
§ 740.65	*§ 703.3*	*Trade shops are subject to Formula Retail controls*	
§ 740.68	*§ 790.11*	*Fringe Financial Services are P subject to the restrictions set forth in Subsection 249.35(c)(3)*	

Section 4. The San Francisco Planning Code is hereby amended by adding Section 741.1, to read as follows:

SEC. 741.1. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Taraval Street Neighborhood Commercial District is located in the Outer Sunset neighborhood and includes the non-residential currently-zoned NC-2 properties fronting both sides of Taraval Street from 19th through 27th Avenues. The District provides a selection of convenience goods and services for the residents of the Outer Sunset District. There are a high concentration of restaurants, drawing customers from throughout the City and the region. There are also a significant number of professional, realty, and business offices as well as financial institutions.

The Taraval Street Neighborhood Commercial District controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that support the District's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories, although certain limitations apply to uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and to protect adjacent residential livability. These controls are designed to encourage the street's active retail frontage, and local fabrication and production of goods.

SEC. 741. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			Taraval Street Neighborhood Commercial District
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
741.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 263.20, 270, 271	Varies See Zoning Map. Additional 5 feet for commercial uses on the ground floor
741.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
741.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
741.13	Street Frontage		Active Frontage Required § 145.1; Generally Active Use Required § 145.4(c), unless exempted by Conditional Use
741.14	Awning	§ 790.20	P § 136.1(a)
741.15	Canopy	§ 790.26	P § 136.1(b)
741.16	Marquee	§ 790.58	P § 136.1(c)
741.17	Street Trees		Required § 138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES#			
741.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a)(b)
741.21	Use Size	§ 790.130	P up to 3,999 sq. ft.;

			Taraval Street Neighborhood Commercial District
No.	***Zoning Category***	***§ References***	***Controls***
BUILDING STANDARDS			
	[Non-Residential]		*C 4,000 sq. ft. & above* *§ 121.2*
741.22	*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)*
741.23	*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)*
741.24	*Outdoor Activity Area*	*§ 790.70*	*P if located in front; C if located elsewhere* *§ 145.2(a)*
741.25	*Drive-Up Facility*	*§ 790.30*	
741.26	*Walk-Up Facility*	*§ 790.140*	*P if recessed 3 ft.;* *C if not recessed* *§ 145.2(b)*
741.27	*Hours of Operation*	*§ 790.48*	*P 6 a.m. - 2 a.m.;* *C 2 a.m. - 6 a.m.*
741.30	*General Advertising Sign*	*§§ 262, 602 - 604, 608, 609*	*P* *§ 607.1(e)1*
741.31	*Business Sign*	*§§ 262, 602 - 604, 608, 609*	*P* *§ 607.1(f)2*
741.32	*Other Signs*	*§§ 262, 602 - 604, 608, 609*	*P* *§ 607.1(c)(d)(g)*

No.	Zoning Category	§ References	Taraval Street Neighborhood Commercial District Controls by Story		
		§ 790.118	1st	2nd	3rd+
741.38	Residential Conversion	§ 790.84	P	C	
741.39	Residential Demolition	§790.86	P	C	C
Retail Sales and Services					
741.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
741.41	Bar	§ 790.22	P		
741.43	Limited-Restaurant	§ 790.90	P#		
741.44	Restaurant	§ 790.91	P#		
741.45	Liquor Store	790.55	P		
741.46	Movie Theater	§ 790.64	P		
741.47	Adult Entertainment	§ 790.36			
741.48	Other Entertainment	§ 790.38	P		
741.49	Financial Service	§ 790. 110	P#	C#	
741.50	Limited Financial Service	§ 790.112	P#		
741.51	Medical Service	§ 790.114	P	P	
741.52	Personal Service	§ 790.116	P	P	
741.53	Business or Professional Service	§ 790.108	P	P	
741.54	Massage Establishment	§ 790.60 § 1900 Health Code	C		
741.55	Tourist Hotel	§ 790.46	C	C	C
741.56	Automobile Parking	§ 790.8, 156, 160	C	C	C
741.57	Automotive Gas Station	§ 790.14	C		
741.58	Automotive Service Station	§ 790.17	C		
741.59	Automotive Repair	§ 790.15	C		

No.	Zoning Category	§ References	Taraval Street Neighborhood Commercial District		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
741.60	Automotive Wash	§ 790.18			
741.61	Automobile Sale or Rental	§ 790.12			
741.62	Animal Hospital	§ 790.6	C		
741.63	Ambulance Service	§ 790.2			
741.64	Mortuary	§ 790.62			
741.65	Trade Shop	§ 790.124	P#	C#	
741.66	Storage	§ 790.117			
741.68	Fringe Financial Service	§ 790.111	P#		
741.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
741.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.4			
741.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
741.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
741.70	Administrative Service	§ 790.106			
741.80	Hospital or Medical Center	§ 790.44			
741.81	Other Institutions, Large	§ 790.50	P	C	C
741.82	Other Institutions, Small	§ 790.51	P	P	P
741.83	Public Use	§ 790.80	C	C	C
741.84	Medical Cannabis Dispensary	§ 790.141	P#		
RESIDENTIAL STANDARDS AND USES					
741.90	Residential Use	§ 790.88	P	P	P
741.91	Residential Density, Dwelling Units	§§ 207, 207.1,	Generally, 1 unit per		

No.	Zoning Category	§ References	Taraval Street Neighborhood Commercial District Controls by Story		
		§ 790.118	1st	2nd	3rd+
		790.88(a)	800 sq. ft. lot area § 207.4		
741.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
741.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
741.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
741.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls§	
§ 741.43 § 741.44	§ 703.3	Restaurants and Limited-Restaurants are P; Formula Retail Restaurants and Limited-Restaurants are NP	
§ 741.43 § 741.44	§ 781.1	TARAVAL STREET RESTAURANT SUBDISTRICT **Boundaries:** Applicable only for the Taraval Street NC-2 District between 12th and 36th Avenues as mapped on Sectional Maps SU05	

		and SU06 ***Controls:*** *Restaurants and Limited-restaurant are C; Formula Retail restaurants and Limited-restaurant are NP*	
§ 741.84	*§790.141 Health Code §3308*	*Medical cannabis dispensaries may only operate between the hours of 8 a.m. and 10 p.m.*	
§ 741.65	*§ 703.3*	*Trade shops are subject to Formula Retail controls*	
§ 741.68	*§ 790.11*	*Fringe Financial Services are P subject to the restrictions set forth in Subsection 249.35(c)(3)*	

Section 5. The San Francisco Planning Code is hereby amended by adding Section 742.1, to read as follows:

SEC. 742.1. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Judah Street Neighborhood Commercial District is located in the Outer Sunset neighborhood and includes the non-residential currently-zoned NC-2 properties fronting both sides of Judah Street from 29th through 33rd Avenues. The District provides a selection of convenience goods and services for the residents of the Outer Sunset District. There are a high concentration of restaurants, drawing customers from throughout the City and the region. There are also a significant number of professional, realty, and business offices as well as financial institutions.

The Judah Street Neighborhood Commercial District controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that support the District's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses

are permitted at the first two stories, although certain limitations apply to uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and to protect adjacent residential livability. These controls are designed to encourage the street's active retail frontage, and local fabrication and production of goods.

SEC. 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			Judah Street Neighborhood Commercial District
No.	***Zoning Category***	***§ References***	***Controls***
BUILDING STANDARDS			
742.10	*Height and Bulk Limit*	*§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 263.20, 270, 271*	*Varies* *See Zoning Map. Additional 5 feet for commercial uses on the ground floor*
742.11	*Lot Size* *[Per Development]*	*§§ 790.56, 121.1*	*P up to 9,999 sq. ft.;* *C 10,000 sq. ft. & above* *§ 121.1*
742.12	*Rear Yard*	*§§ 130, 134, 136*	*Required at the second story and above and at all residential levels* *§ 134(a) (e)*
742.13	*Street Frontage*		*Active Frontage Required* *§ 145.1;* *Generally Active Use Required § 145.4(c), unless exempted by Conditional Use*
742.14	*Awning*	*§ 790.20*	*P* *§ 136.1(a)*
742.15	*Canopy*	*§ 790.26*	*P* *§ 136.1(b)*
742.16	*Marquee*	*§ 790.58*	*P* *§ 136.1(c)*

			Judah Street Neighborhood Commercial District
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
742.17	Street Trees		Required § 138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES#			
742.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a)(b)
742.21	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
742.22	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)
742.23	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)
742.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
742.25	Drive-Up Facility	§ 790.30	
742.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
742.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m.; C 2 a.m. - 6 a.m.
742.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609	P § 607.1(e)1
742.31	Business Sign	§§ 262, 602 - 604, 608, 609	P § 607.1(f)2

			Judah Street Neighborhood Commercial District
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
742.32	Other Signs	§§ 262, 602 - 604, 608, 609	P § 607.1(c)(d)(g)

No.	Zoning Category	§ References	Judah Street Neighborhood Commercial District		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
742.38	Residential Conversion	§ 790.84	P	C	
742.39	Residential Demolition	§790.86	P	C	C
Retail Sales and Services					
742.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
742.41	Bar	§ 790.22	P		
742.43	Limited-Restaurant	§ 790.90	P#		
742.44	Restaurant	§ 790.91	P#		
742.45	Liquor Store	790.55	P		
742.46	Movie Theater	§ 790.64	P		
742.47	Adult Entertainment	§ 790.36			
742.48	Other Entertainment	§ 790.38	P		
742.49	Financial Service	§ 790. 110	P#	C#	
742.50	Limited Financial Service	§ 790.112	P#		
742.51	Medical Service	§ 790.114	P	P	
742.52	Personal Service	§ 790.116	P	P	
742.53	Business or Professional Service	§ 790.108	P	P	

No.	Zoning Category	§ References	Judah Street Neighborhood Commercial District Controls by Story		
		§ 790.118	1st	2nd	3rd+
742.54	Massage Establishment	§ 790.60 § 1900 Health Code	C		
742.55	Tourist Hotel	§ 790.46	C	C	C
742.56	Automobile Parking	§ 790.8, 156, 160	C	C	C
742.57	Automotive Gas Station	§ 790.14	C		
742.58	Automotive Service Station	§ 790.17	C		
742.59	Automotive Repair	§ 790.15	C		
742.60	Automotive Wash	§ 790.18			
742.61	Automobile Sale or Rental	§ 790.12			
742.62	Animal Hospital	§ 790.6	C		
742.63	Ambulance Service	§ 790.2			
742.64	Mortuary	§ 790.62			
742.65	Trade Shop	§ 790.124	P#	C#	
742.66	Storage	§ 790.117			
742.68	Fringe Financial Service	§ 790.111	P#		
742.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
742.69B	Amusement Game Arcade (Mechanical Amusement Devices)	§ 790.4			
742.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
742.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
742.70	Administrative Service	§ 790.106			

No.	Zoning Category	§ References	Judah Street Neighborhood Commercial District Controls by Story		
		§ 790.118	1st	2nd	3rd+
742.80	Hospital or Medical Center	§ 790.44			
742.81	Other Institutions, Large	§ 790.50	P	C	C
742.82	Other Institutions, Small	§ 790.51	P	P	P
742.83	Public Use	§ 790.80	C	C	C
742.84	Medical Cannabis Dispensary	§ 790.141	P#		
RESIDENTIAL STANDARDS AND USES					
742.90	Residential Use	§ 790.88	P	P	P
742.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
742.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
742.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
742.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
742.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls§	
§ 741.43 § 741.44	§ 703.3	Restaurants and Limited-Restaurants are P; Formula Retail Restaurants and Limited-	

		Restaurants are C	
§ 742.84	*§790.141 Health Code §3308*	*Medical cannabis dispensaries may only operate between the hours of 8 a.m. and 10 p.m.*	
§ 742.65	*§ 703.3*	*Trade shops are subject to Formula Retail controls*	
§ 742.68	*§ 790.11*	*Fringe Financial Services are P subject to the restrictions set forth in Subsection 249.35(c)(3).*	

Section 6. The San Francisco Planning Code is hereby amended by amending Sections 263.20 and Section 710.10 of the NC-1 Zoning Control Table, to read as follows:

SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR *ACTIVE* GROUND FLOOR USES IN ~~NCT 30-X, 40-X AND 50-X HEIGHT AND BULK DISTRICTS, IN NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION STREET, FROM SILVER AVENUE TO THE DALY CITY BORDER, AND IN SPECIFIED NC-1 DESIGNATED PARCELS AND IN SPECIFIED N~~ *CERTAIN* DISTRICTS.

(a) **Intent.** In order to encourage generous ground floor ceiling heights for commercial and other active uses, encourage additional light and air into ground floor spaces, allow for walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and usability of front stoops, and create better building frontage on the public street, up to an additional 5' of height is allowed along major streets in NCT districts, or in specific ~~NC-3, NC-2, or NC-1~~ districts listed below, for buildings that feature either higher ground floor ceilings for non-residential uses or ground floor residential units (that have direct walk-up access from the sidewalk) raised up from sidewalk level.

(b) **Applicability.** The special height exception described in this section shall only apply to projects that meet all of the following criteria:

(1) project is located in a 30-X, 40-X or 50-X Height and Bulk District as designated on the Zoning Map;

(2) project is located:

(A) in an NCT district as designated on the Zoning Map;

(B) in the Upper Market Street, Inner Clement Street and Outer Clement Street NCDs;

(C) on a NC-2 or NC-3 designated parcel fronting Mission Street, from Silver Avenue to the Daly City border;

(D) on a NC-2 designated parcel on Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 39th Avenue;

(E) on a NC-1 designated parcel within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; or

(F) on a NC-3 designated parcel fronting on Geary Boulevard from Masonic Avenue to 28th Avenue, except for parcels on the north side of Geary Boulevard between Palm Avenue and Parker Avenue;

(G) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on Noriega Street west of 19th Avenue;

(H) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on Irving Street west of 19th Avenue;

(I) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on Taraval Street west of 19th Avenue;

(J) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on Judah Street west of 19th Avenue;

(3) project features ground floor commercial space or other active use as defined by Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk grade, or in the case of residential uses, such walk-up residential units are raised up from sidewalk level;

(4) said ground floor commercial space, active use, or walk-up residential use is primarily oriented along a right-of-way wider than 40 feet;

(5) said ground floor commercial space or active use occupies at least 50% of the project's ground floor area; and

(6) except for projects located in NCT districts, the project sponsor has conclusively demonstrated that the additional 5' increment allowed through Section 263.20 would not add new shadow to any public open spaces.

(c) One additional foot of height, up to a total of five feet, shall be permitted above the designated height limit for each additional foot of ground floor clear ceiling height in excess of 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised above sidewalk grade.

SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1 ZONING CONTROL TABLE

			NC-1
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
710.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 263.20, 270, 271	Varies See Zoning Map Additional 5 feet for NC-1 parcels with a commercial use on the ground floor

			NC-1
No.	**Zoning Category**	**§ References**	**Controls**
BUILDING STANDARDS			
			within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street. *Additional 5 feet forNC-1 parcels with a commercial use on the ground floor located on Noriega, Irving, Taraval and Judah Streets west of 19th Avenue*

Section 7. The San Francisco Planning Code is hereby amended by amending Section 790.124, to read as follows:

SEC. 790.124. TRADE SHOP.

(a) *Definition.* A retail use which provides custom crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service *for the goods being produced on site*; if conducted within an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R District. A trade shop includes, but is not limited to:

~~(a)~~ *(1)* Repair of personal apparel, accessories, household goods, appliances, furniture and similar items, but excluding repair of motor vehicles and structures;

~~(b)~~ *(2)* Upholstery services;

~~(c)~~ *(3)* Carpentry;

~~(d)~~ *(4)* Building, plumbing, electrical, painting, roofing, furnace or pest control contractors and storage of incidental equipment and supplies used by them, if no processing of building materials, such as mixing of concrete or heating of asphalt, is conducted on the premises, and if parking, loading and unloading of all vehicles used by the contractor is located entirely within the building containing the use;

~~(e)~~ *(5)* Printing of a minor processing nature, including multicopy and blueprinting services and local newspaper printing;

~~(f)~~ *(6)* Tailoring; and

~~(g)~~ *(7)* Other artisan craft uses, including fine arts uses.

~~*It does not include a shop which uses a single machine of more than five horsepower capacity, or a shop in which the mechanical equipment, together with related floor space used primarily by the operators of such equipment, occupies in the aggregate more than 1/3 of the total gross floor area of the use.*~~

A trade shop is distinct from light manufacturing, as defined in Section 790.54(a) of this Code.

(b) Operating Conditions.

(1) When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance of fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health.

For information about compliance with construction noise requirements, contact the Department of Building Inspection.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department.

(2) While it is inevitable that some low level of odor may be detectable to nearby residents and passers by, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutant standards, contact the Bay Area Air Quality Management District (BAAQMD) and Code Enforcement, Planning Department.

(3) Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works.

Section 8. Sheet ZN05 of the San Francisco Zoning Map of the City and County of San Francisco is hereby amended, as follows:

Description of Property	Use District Hereby Approved
The non-residential properties zoned NC-2 fronting both sides of Noriega Street between 19th and 27th and 30th through 33rd Avenues	Noriega Street Neighborhood Commercial District

The non-residential properties zoned NC-2 fronting both sides of Irving Street between 19th and 27th Avenues	Irving Street Neighborhood Commercial District
The non-residential properties zoned NC-2 fronting both sides of Taraval Street from 19th through 27th Avenues	Taraval Street Neighborhood Commercial District
The non-residential properties zoned NC-2 fronting both sides of Judah Street from 29th through 33rd Avenues	Judah Street Neighborhood Commercial District

Section 9. Effective Date. This Ordinance shall become effective 30 days from the date of passage.

Section 10. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

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

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney

FILE NO. 120241

REVISED LEGISLATIVE DIGEST

(7/17/2012, Substituted in Board)

[Planning Code - Establishing Four Outer Sunset Neighborhood Commercial Districts]

Ordinance amending the San Francisco Planning Code by: 1) adding Section 739.1 to establish the Noriega Street Neighborhood Commercial District including specified non-residential properties zoned NC-2 along Noriega Street; 2) adding Section 740.1 to establish the Irving Street Neighborhood Commercial District including specified non-residential properties zoned NC-2 along Irving Street; 3) adding Section 741.1 to establish the Taraval Street Neighborhood Commercial District including specified non-residential properties zoned NC-2 along Taraval Street; 4) adding Section 742.1 to establish the Judah Street Neighborhood Commercial District including specified non-residential properties zoned NC-2 along Judah Street; 5) amending Sections 263.20 and 710.10 of the NC-1 Zoning Control Table to include properties zoned NC-1 along Noriega, Irving, Taraval, and Judah Streets; 6) amending Section 790.124 (trade shops) to remove horsepower and square footage limitations and impose operating conditions regarding noise and odor; 7) amending Sheet ZN05 of the Zoning Map to include the new Neighborhood Commercial Districts; and making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

Article 7 of the Planning Code establishes a number of Neighborhood Commercial Districts throughout the City. Planning Code Section 724.124 defines a "Trade Shop" and Section 263.20 authorizes an additional 5 feet of building height for active ground floor uses under specified circumstances.

Amendments to Current Law

The proposed legislation establishes four new Neighborhood Commercial Districts (NCDs) in the Outer Sunset for non-residential properties currently zoned NC-2 along Noriega Street, Irving Street, Taraval Street, and Judah Street. The definition of "Trade Shop" has been amended to remove horsepower limitations and space restrictions. The NC-1 Zoning Control Table and Section 263.20 are amended to include properties zoned NC-1 on Noriega, Irving, Taraval and Judah Streets west of 19th Avenue, and the Zoning Map is amended to include the new Neighborhood Commercial Districts.

Background Information

The commercial corridors in the Outer Sunset District provide a selection of convenience goods and services for the residents of the Outer Sunset. There are a high concentration of restaurants that draw customers from throughout the City and the region. There are also a significant number of professional, realty, and business offices, as well as financial institutions.

The intent of this legislation is to enhance the character of the Noriega, Irving, Taraval and Judah Streets by requiring active ground-floor uses, encouraging the production of locally-made goods in the Outer Sunset District, and customizing the planning controls to meet the needs of the community.

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June 18, 2012

Supervisor Chu and
Ms. Angela Calvillo, Clerk
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: **Transmittal of Planning Case Number 2012.0522TZ**
BF No. 12-0241: Proposed Neighborhood Commercial Districts in the Outer Sunset and Proposed Changes to the Trade Shop Definition.

Recommendation: **Approval with Modifications**

Dear Supervisor Chu and Ms. Calvillo,

On June 14, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance under Board of Supervisors File Number 12-0241.

At the June 14th hearing, the Commission voted 7-0 to recommend approval with modifications of the proposed Ordinance which would create three new named Neighborhood Commercial Districts in the Outer Sunset and modify the definition of Trade Shop.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission. The attached resolution and exhibit provides more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers
Manager of Legislative Affairs

Cc: City Attorneys Marlena Byrne

Attachments (one copy of the following): Planning Commission Resolution No. 18288
Department Executive Summary

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Planning Commission Resolution No. 18647

HEARING DATE: JUNE 14, 2012

Project Name:	**Amendments relating to the proposed Sunset NCDs**
Case Number:	2012.0522TZ [Board File No. 120241]
Initiated by:	Supervisor Chu/ Introduced March 13, 2012
Staff Contact:	Aaron Starr, Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Reviewed by:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation:	**Recommend Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE WITH MODIFICATIONS THAT WOULD AMEND THE SAN FRANCISCO PLANNING CODE BY: 1) ADDING SECTION 739.1 TO ESTABLISH THE OUTER SUNSET COMMERCIAL CLUSTER 1 NEIGHBORHOOD COMMERCIAL DISTRICT THAT INCLUDES CURRENTLY ZONED NC-2 NORIEGA STREET FROM 19TH THROUGH 27TH AND 30TH THROUGH 33RD AVENUES; 2) ADDING SECTION 740.1 TO ESTABLISH THE OUTER SUNSET COMMERCIAL CLUSTER 2 NEIGHBORHOOD COMMERCIAL DISTRICT THAT INCLUDES CURRENTLY ZONED NC-1 TARAVAL STREET FROM 40TH THROUGH 41ST AVENUES AND FROM 45TH THROUGH 47TH AVENUES, NORIEGA STREET FROM 38TH THROUGH 39TH AND 44TH THROUGH 47TH AVENUES, JUDAH STREET FROM 27TH THROUGH 29TH, 38TH THROUGH 40TH, AND 44TH THROUGH 47TH AVENUES, AND IRVING STREET FROM 40TH THROUGH 41ST AND 45TH THROUGH 46TH AVENUES; 3) ADDING SECTION 741.1 TO ESTABLISH THE OUTER SUNSET LINEAR STREETS NEIGHBORHOOD COMMERCIAL DISTRICT THAT INCLUDES CURRENTLY ZONED NC-2 TARAVAL STREET FROM 19TH THROUGH 36TH AVENUES, JUDAH STREET FROM 29TH THROUGH 33RD AVENUES, AND IRVING STREET FROM 19TH THROUGH 27TH AVENUES; 4) AMENDING SECTION 790.124 (TRADE SHOPS) TO ALLOW CATERING, REMOVE HORSEPOWER LIMITATIONS, AND ALLOW WHOLESALING, MANUFACTURING AND PROCESSING AS AN ACCESSORY USE FOR UP TO TWO-THIRDS OF THE GROSS FLOOR AREA; 5) AMENDING ZONING MAP SHEET ZN05 TO INCLUDE THE NEW NEIGHBORHOOD COMMERCIAL DISTRICTS; AND 6) MAKING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

PREAMBLE

Whereas, on March 13, 2012, Supervisor Chu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 12-0241 which would amend the San Francisco Planning

Code by: 1) adding Section 739.1 to establish the Outer Sunset Commercial Cluster 1 Neighborhood Commercial District that includes currently zoned NC-2 properties along Noriega Street from 19th through 27th and 30th through 33rd Avenues; 2) adding Section 740.1 to establish the Outer Sunset Commercial Cluster 2 Neighborhood Commercial District that includes currently zoned NC-1 properties along Taraval Street from 40th through 41st Avenues and from 45th through 47th Avenues, Noriega Street from 38th through 39th and 44th through 47th Avenues, Judah Street from 27th through 29th, 38th through 40th, and 44th through 47th Avenues, and Irving Street from 40th through 41st and 45th through 46th Avenues; 3) adding Section 741.1 to establish the Outer Sunset Linear Streets Neighborhood Commercial District that includes currently zoned NC-2 properties along Taraval Street from 19th through 36th Avenues, Judah Street from 29th through 33rd Avenues, and Irving Street from 19th through 27th Avenues; 4) amending Section 790.124 (trade shops) to allow catering, remove horsepower limitations, and allow wholesaling, manufacturing and processing as an accessory use for up to two-thirds of the gross floor area; 5) amending Zoning Map Sheet ZN05 to include the new Neighborhood Commercial Districts; and 6) making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1; and

Whereas, on June 14, 2012, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance; and

Whereas, on June 4, 2012, the Project was determined to be exempt from the California Environmental Quality Act ("CEQA") under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)) as described in the determination contained in the Planning Department files for this Project; and

Whereas, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties; and

Whereas, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

Whereas, the Commission has reviewed the proposed Ordinance; and

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends ***approval of the proposed Ordinance with modifications*** and adopts the attached Draft Resolution to that effect.

The proposed modifications include:

1. Maintain the current NC-1 Zoning in the Sunset District. Allow a 5′ height bonus for these parcels under the "Specific Provisions for NC-1 District" table located in Section 710.1 and through amendments to Section 263.20.
2. Create three new named NCDs that correspond to the street names. These would include the "Irving and Judah Streets NCD"; the "Noriega Street NCD"; and the "Taraval Street NCD." (See Exhibit F)

3. Achieve the goal of active use through alternative method. In the new NCDs, require Conditional Use authorization for those uses that are not also defined as active commercial uses, instead of adding a special provision to the new NCDs that requires a CU for non-active commercial uses. This change would alter the use table by requiring conditional use for Liquor Stores, Movie Theaters, Business or Professional Services, Fringe Financial, Neighborhood Agriculture, and Medical Cannabis Dispensaries.

4. Create a separate use category for catering in the Planning Code instead of adding catering to the Trade Shop Definition.

5. Remove the 1/3 of gross floor area limitation on mechanical equipment from the Trade Shop Definition.

6. Minor Clarifications:

   a. Add reference to new height exemption in Section 263.20 and simplify existing title for this section. The existing section is titled: "Special Height Exception: Additional Five Feet Height For Ground Floor Uses In NCT 30-X, 40-X And 50-X Height And Bulk Districts, In NC-2 And NC-3 Designated Parcels Fronting Mission Street, From Silver Avenue To The Daly City Border, And In Specified NC-1 Designated Parcels And In Specified NC Districts". The Department recommends, "Special Height Exception: Additional Five Feet Height For Active Ground Floor Uses in Certain Districts".

   b. Clarify the intention of the proposed changes to the Trade Shop definition by using the following language (underlined/italicized is Department proposed language, strikethrough is proposed for deletion, underlined only is language from the proposed Ordinance):

> (a) A retail use which provides custom crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service; if conducted within an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R District. A trade shop includes, but is not limited to:
>
> - ~~(a)~~ Repair of personal apparel, accessories, household goods, appliances, furniture and similar items, but excluding repair of motor vehicles and structures;
> - ~~(b)~~ Upholstery services;
> - ~~(c)~~ Carpentry;
> - ~~(d)~~ Building, plumbing, electrical, painting, roofing, furnace or pest control contractors and storage of incidental equipment and supplies used by them, if no processing of building materials, such as mixing of concrete or heating of asphalt, is conducted on the premises, and if parking, loading and unloading of all vehicles used by the contractor is located entirely within the building containing the use;
> - ~~(e)~~ Printing of a minor processing nature, including multicopy and blueprinting services and local newspaper printing;

- ~~(f)~~ Tailoring; and
- ~~(g)~~ Other artisan craft uses, including fine arts uses.

(b) A trade shop, as defined above in (a), may also be a use that does not provide sales directly to the consumer and does not reserve any storefront space for display or retail services so long as no portion of the use occupies any space within the front-most one-third of the building, and so long as the front one-third of the building is occupied by an active use.

~~It does not include a shop which uses a single machine of more than five horsepower capacity, or a shop in which the mechanical equipment, together with related floor space used primarily by the operators of such equipment, occupies in the aggregate more than 1/3 of the total gross floor area of the use.~~ The noise from any mechanical equipment shall be mitigated so as not to be heard from outside the premises. A trade shop is distinct from light manufacturing, as defined in Section 790.54(a) of this Code.

c. Correct various typos in the proposed legislation that reference the Trade Shop definition as Planning Code Section 724.124; it should be 790.124.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

- Individually named neighborhood commercial districts help to preserve and enhance the character of a neighborhood and a sense of identity. However, grouping neighborhood commercial districts that are over 1 mile apart defeats the purpose of creating a named NCD because it doesn't take into consideration the unique characteristics of a street or district. The Commission's proposed modifications would address this issue.

- There is a growing need for more PDR (Production, Distribution and Repair) space in the City. Expanding the definition of a Trade Shop will allow for more PDR type uses in different areas of the City.

- There are no other NC-1 Districts in the City that have been "named" and given specific controls. Doing this in the Outer Sunset would create unnecessary complexity to the Planning Code without a significant benefit. The controls for NC-1 Districts already adequately address their unique location and character.

- Replacing horsepower limits with performance measures is consistent with changes recently made to the Accessory Use controls to the Planning Coe and removes arbitrary numerical limits on mechanical equipment.

- Maintaining active commercial uses on the ground floor is essential to preserving Neighborhood Commercial Districts as vibrant retail corridors with lots of pedestrian activity.

1. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

I. COMMERCE & INDUSTRY ELEMENT

THE COMMERCE AND INDUSTRY ELEMENT OF THE GENERAL PLAN SETS FORTH OBJECTIVES AND POLICIES THAT ADDRESS THE BROAD RANGE OF ECONOMIC ACTIVITIES, FACILITIES, AND SUPPPORT SYSTEMS THAT CONSTITUE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

OBJECTIVE 1

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

Policy 1.2

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

The proposed Ordinance will remove existing numerical limits on mechanical equipment and replace it with reasonable performance standards in order to prevent noise from affecting adjacent businesses and residences, while allowing for more flexibility in how businesses operate.

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The proposed Ordinance would expand the availability of PDR space in the City, which will help retain existing commercial and industrial activity in the City as well as attract new such activity.

OBJECTIVE 3

PROVIDE EXPANDED EMPLOYMENT OPPORTUNITIES FOR CITY RESIDENTS, PARTICULARLY THE UNEMPLOYED AND ECONOMICALLY DISADVANTAGED.

Policy 3.1

Promote the attraction, retention and expansion of commercial and industrial firms which provide employment improvement opportunities for unskilled and semi-skilled workers.

Many of the economic activities that in the past have provided the largest sources of semi-skilled employment or entry-level jobs have included small-scale manufacturing, wholesaling, food processing, printing and publishing are experiencing employment declines due to relocation, consolidation, and

business failure. The proposed ordinance will create more areas of the City for these activities to occur, which will help promote the attraction, retention and expansion of commercial and industrial firms that provide employment improvement opportunities for unskilled and semi-skilled workers.

Policy 3.4
Assist newly emerging economic activities.

Local small-scale manufacturing is a reemerging economic activity in the City. Expanding the definition of Trade Shop will help assist in its expansion.

OBJECTIVE 4
IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

Policy 4.11
Maintain an adequate supply of space appropriate to the needs of incubator industries.

Expanding the definition of Trade Shop will help maintain an adequate supply of space appropriate to the needs of small-scale manufacturing, which is a reemerging industry in the City.

OBJECTIVE 6
MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1
Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

As amended, the proposed Ordinance not only preserves the retail requirement for Trade Shops, but it also creates three new named NCDs which recognizes and encourages the diversity of commercial districts found within the Outer Sunset.

Policy 6.2
Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

The proposed legislation would create individually named Neighborhood Commercial Districts in the Outer Sunset neighborhood, which help to preserve and enhance the character of a neighborhood and create a sense of identity. The proposed changes will also allow these areas to more easily respond to economic and technological innovation in the marketplace and society, as will expanding the definition of Trade Shops.

Policy 6.6
Adopt specific zoning districts, which conform to a generalized neighborhood commercial land use and density plan.

The proposed NCDs conform to the generalized neighborhood commercial land use and density plan published in the General Plan.

2. The proposed replacement project is consistent with the eight General Plan priority policies set forth in Section 101.1 in that:

   A) The existing neighborhood-serving retail uses will be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses will be enhanced:

   The proposed Ordinance does not propose significant changes to the controls in the subject Neighborhood Commercial Districts. However, creating named NCDs will allow the district to respond more easily to emerging issues that may impact opportunities for resident employment in and ownership of neighborhood-serving retail uses.

   B) The existing housing and neighborhood character will be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods:

   The proposed legislation would create individually named Neighborhood Commercial Districts in the Outer Sunset neighborhood, which help to preserve and enhance the character of the various neighborhoods.

   C) The City's supply of affordable housing will be preserved and enhanced:

   The proposed Ordinance will have no adverse effect on the City's supply of affordable housing.

   D) The commuter traffic will not impede MUNI transit service or overburden our streets or neighborhood parking:

   The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

   E) A diverse economic base will be maintained by protecting our industrial and service sectors from displacement due to commercial office development. And future opportunities for resident employment and ownership in these sectors will be enhanced:

   The proposed Ordinance would not adversely affect the industrial or service sectors or future opportunities for resident employment or ownership in these sectors.

F) The City will achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

Preparedness against injury and loss of life in an earthquake is unaffected by the proposed Ordinance. Any new construction or alteration associated with a use would be executed in compliance with all applicable construction and safety measures.

G) That landmark and historic buildings will be preserved:

Landmarks and historic buildings would be unaffected by the proposed Ordinance. Should a proposed use be located within a landmark or historic building, such site would be evaluated under typical Planning Code provisions and comprehensive Planning Department policies.

H) Parks and open space and their access to sunlight and vistas will be protected from development:

The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed Ordinance. It is not anticipated that permits would be such that sunlight access, to public or private property, would be adversely impacted.

I hereby certify that the Planning Commission ADOPTED the foregoing Resolution on June 14, 2012.

Linda Avery
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Miguel, Moore, Sugaya and Wu

NAYS: none

ABSENT: none

ADOPTED: June 14, 2012

SAN FRANCISCO
PLANNING DEPARTMENT

Executive Summary
Planning Code Text Change
HEARING DATE: JUNE 14, 2012

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Project Name:	**Amendments relating to the proposed Sunset NCDs**
Case Number:	2012.0522TZ [Board File No. 120241]
Initiated by:	Supervisor Chu/ Introduced March 13, 2012
Staff Contact:	Aaron Starr, Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Reviewed by:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation:	**Recommend Approval with Modifications**

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the San Francisco Planning Code by 1) adding Section 739.1 to establish the Outer Sunset Commercial Cluster 1 Neighborhood Commercial District that includes currently zoned NC-2 properties along Noriega Street from 19th through 27th and 30th through 33rd Avenues; 2) adding Section 740.1 to establish the Outer Sunset Commercial Cluster 2 Neighborhood Commercial District that includes currently zoned NC-1 properties along Taraval Street from 40th through 41st Avenues and from 45th through 47th Avenues, Noriega Street from 38th through 39th and 44th through 47th Avenues, Judah Street from 27th through 29th, 38th through 40th, and 44th through 47th Avenues, and Irving Street from 40th through 41st and 45th through 46th Avenues; 3) adding Section 741.1 to establish the Outer Sunset Linear Streets Neighborhood Commercial District that includes currently zoned NC-2 properties along Taraval Street from 19th through 36th Avenues, Judah Street from 29th through 33rd Avenues, and Irving Street from 19th through 27th Avenues; 4) amending Section 790.124 (trade shops) to allow catering, remove horsepower limitations, and allow wholesaling, manufacturing and processing as an accessory use for up to two-thirds of the gross floor area; 5) amending Zoning Map Sheet ZN05 to include the new Neighborhood Commercial Districts; and 6) making environmental findings, Planning Code Section 302 findings, and findings of consistency with General Plan and the Priority Policies of Planning Code Section 101.1.

The Way It Is Now:

Sunset Neighborhood Commercial Districts

The Outer Sunset District does not have any individual named Neighborhood Commercial Districts (NCDs). The NCDs located in this area are either zoned as Neighborhood Commercial Cluster Districts (NC-1) or Small Scale Neighborhood Commercial Districts (NC-2). See Exhibit C. The current height limit in these districts varies, but it is mostly 40-X. Irving Street includes a 105-A height limit between 19th and 22nd Avenue and a 65-A height limit from 22nd Avenue to 23rd Avenue. Taraval Street has a 65-A height limit from 19th Avenue to 27th Avenue and a 50-X height limit from 27th Avenue to 33rd Avenue. Currently there is no height bonus allowed for ground floor active uses in 40-X and 50-X Height Districts,

which some Neighborhood Commercial Districts in other parts of the City do allow. See Exhibit D for the Height and Bulk Map for this area.

Trade Shops

A trade shop is defined as a retail use that provides custom crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service. The Trade Shop must be within an enclosed building and have no openings (other than fixed windows or exits required by law) located within 50 feet of any R District. A trade shop includes, but is not limited to:

- Repair of personal apparel, accessories, household goods, appliances, furniture and similar items, but excluding repair of motor vehicles and structures;
- Upholstery services;
- Carpentry;
- Building, plumbing, electrical, painting, roofing, furnace or pest control contractors and storage of incidental equipment and supplies used by them, if no processing of building materials, such as mixing of concrete or heating of asphalt, is conducted on the premises, and if parking, loading and unloading of all vehicles used by the contractor is located entirely within the building containing the use;
- Printing of a minor processing nature, including multi-copy and blueprinting services and local newspaper printing;
- Tailoring; and
- Other artisan craft uses, including fine arts uses.

The Trade Shop definition currently does not allow the use of a machine with a capacity of five horsepower or greater, and restricts the floor area that mechanical equipment can occupy to 1/3 of the total gross floor.

The Way It Would Be:

Sunset NCDs

The proposed legislation would create three new named NCDs in the Outer Sunset:

1. The **Outer Sunset Linear Streets NCD**, which includes properties zoned NC-2 along Irving, Judah and Taraval; and
2. The **Outer Sunset Commercial Cluster 1 NCD**, which would include parcels currently zoned NC-2 along Noriega Street; and
3. The **Outer Sunset Commercial Cluster District 2 NCD**, which would include 9 separate areas currently zoned NC-1 in the Outer Sunset.

See Exhibit E for a Map of the proposed Districts

For the most part, the existing controls would not change. However there would be some modifications, as listed here:

- In all of the proposed new NCDs a 5′ height bonus would be allowed with an active use on the ground floor as defined by Section 145.11. Note: this definition of "active" revolves around transparency and is a different definition of "Active" than the definition of "Active Use" which focuses on use types governed by Section 145.42. See Exhibit G for a list of Active Uses.
- In the Outer Sunset Commercial Cluster District 2 NCD, Trade Shops would be permitted on the second floor with a CU, whereas now they are not permitted on the second floor at all.
- In all new NCDs, any ground floor commercial use that is not active as defined by Section 145.4 would require a Conditional Use authorization.

<u>Trade Shop</u>

The trade shop definition would be amended as follow:

- Catering would be included in the Trade Shop Definition.
- Wholesaling manufacturing or processing of goods or commodities would be allowed as an accessory use for up to 2/3 of the floor area if there was not also a retail component.[3]
- The 5 Horsepower limit would be replaced with a performance standard that prohibits noise from being heard outside of the premises.

ISSUES AND CONSIDERATIONS

NC-1 or Neighborhood Commercial Cluster Districts are intended to serve as local neighborhood shopping districts, providing convenience retail goods and services for the immediately surrounding neighborhoods primarily during daytime hours. These Districts are characterized by their location in residential neighborhoods, often in outlying areas of the City. Most of these districts have the lowest intensity of commercial development in the City, generally consisting of small clusters with three or more commercial establishments, commonly grouped around a corner; and in some cases short linear commercial strips with low-scale, interspersed mixed-use (residential-commercial) development.

NC-2 Districts are intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial

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[1] Section 145.1 regulates street frontages in neighborhood commercial districts. Subsection (e) defines active uses as those "that are oriented to public access and primarily to walk-up pedestrian activity. Active uses shall not include any use whose primary function is the storage of goods or vehicles, utility installations, any office use, or any use or portion of a use which by its nature requires non-transparent walls facing a public street. Uses considered active uses shall include the uses listed in Table 145.1 and as defined by the referenced Code sections, and lobbies for any permitted or conditional use in that district. Uses noted with an asterisk in Table 145.1 are restricted. . ."

[2] "Active commercial uses" shall include those uses specifically identified below in Table 145.4, and: (1) Shall not include uses oriented to motor vehicles except for automobile sale or rental where curb-cuts, garage doors, or loading access are not utilized or proposed, and such sales or rental activity is entirely within an enclosed building and does not encroach on surrounding sidewalks or open spaces;(2) Shall include public uses except for utility installations; and (3) Shall not include residential care uses as defined in Sections 790.50, 790.51, and 890.50.

[3] Trade shops currently require a retail component.

streets which have transit routes. These districts range in size from two or three blocks to many blocks, although the commercial development in longer districts may be interspersed with housing or other land uses.

Named Commercial Districts are on the same scale and intensity as NC-2 Districts. There are currently 23 named NCDs in the City. Some of the oldest named NCDs in the City include the Broadway, Castro, Upper Fillmore, Haight and Inner and Outer Clement NCDs, and there is a trend to more individually named NCDs throughout the City. These types of districts allow for more tailored controls and help to protect or enhance unique characteristics associated with a neighborhood. Changes that are made to a named commercial district only apply to that district, whereas changes made to NC-1 and NC-2 Districts apply City wide. For example, if a named NCD wants to control the number of nail salons because of an over concentration, then the controls for that named NCD can be changed to prohibit or require Conditional Use authorization for Personal Service uses. Conversely, if a neighborhood wants to encourage a type of use, the controls for that named NCD can be changed so that use is principally permitted.

NCD Height Controls

San Francisco's commercial height districts tend to be base ten numbers such as 40, 50, etc. These base ten districts may lead to buildings that are similar in height to the neighboring buildings but that are lesser in human comfort than buildings of similar scale built prior to the City's height limits. This is due to the desire to maximize the number of stories in new projects. Recent community planning efforts have highlighted some failings of these base 10 height districts. The 2008 Market & Octavia[4] and Eastern Neighborhoods[5] Plans recognize that the base ten height limits in neighborhood commercial districts often encourage inferior architecture. For this reason, both of these plans sought to encourage more active and attractive ground floor space by giving a five foot height bonus to buildings which meet the definition of "active ground floor" use. This five foot increase must be used for adding more space to the ground floor.

In 2008, Supervisor Sandoval sponsored a similar text amendment that extended this height increase outside of established plan areas to provide for a maximum five foot special height exception for active ground floor uses in the NC-2 and NC-3 designated parcels fronting portions of Mission Street[6]. Another amendment introduced by Supervisor Avalos in 2009, became now allows a maximum five foot height increase in certain NC-1 parcels in District 11[7]. Most recently, Supervisor Mar proposed adding the height exception to Geary Boulevard in Ordinance 111247. When this Commission considered Mar's Ordinance in February of this year, the Commission recommended extending this bonus to the Inner Clement, Outer Clement, and NC-2 zoned portions of Balboa Street. This most recent Ordinance will become effective on June 21, 2012.

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[4] Ord. 72-08, File No. 071157, App. 4/3/2008.

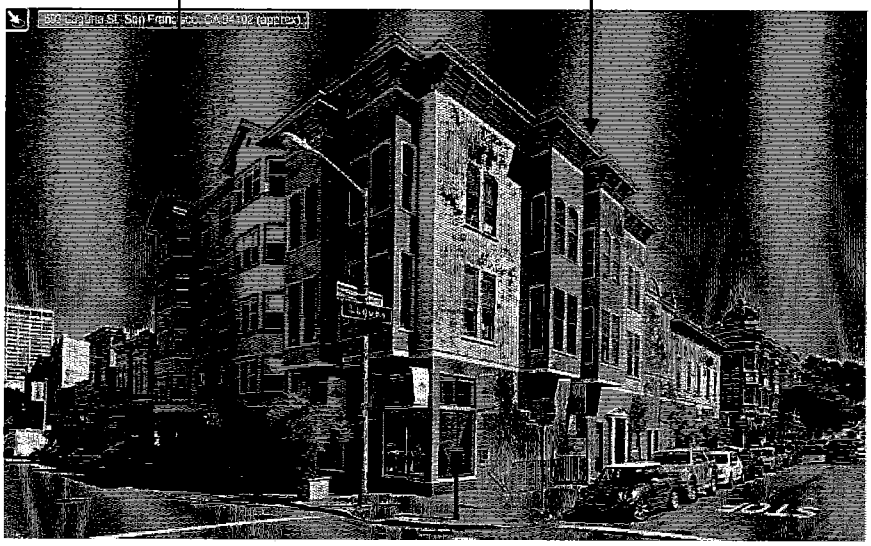
[5] Ord. 297-08, 298-08, 299-08 and 300-08, App. 12/19/2008.

[6] Ord. 321-08, File no. 081100, App. 12/19/2008.

[7] Ord. 5-10, File No. 090319, App. 1/22/2010

New Construction
5-Story Building

Traditional Building Type
3-Story Building



Study of Two Buildings: *The corner building is a three-story building that was built pre-height limits. Next to it is a building of comparable height that fits within the existing height limit (50-X). The new building, however, is five stories. While the newer building conforms to the height limit it is not performing up to the livability and comfort standards of the older building stock.*

Most of San Francisco's building stock pre-dated height limits (first established in 1940's-50's in Pacific Heights and Telegraph Hill) and therefore focused on creating desirable buildings. At times, more recent buildings seek to maximize floor space within height limits by squeezing in more floors within the height constraints. The photograph above illustrates how a building can be compatible in height and scale to its neighbors while resulting in vastly inferior interior spaces.

The community planning efforts ignited discussions regarding height limits based upon integrated considerations of not only existing development patterns but also good urban design principles and the economics of housing construction and building code requirements. This legislation does not seek to reevaluate the City's neighborhood commercial height district limits, instead it seeks to encourage "active and attractive" spaces through a five foot height increase on the ground floor in some parts of the Richmond District.

The proposed Ordinance would not cause any additional shadow on park properties, as it requires each project sponsor to demonstrate that the project will not shadow any public open space. This follows the protocol of earlier pieces of legislation which have expanded the protections offered by Section 295 of the Planning Code which prior to 2009, only applied open spaces under the jurisdiction of the Recreation and Park Commission[8]

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[8] Section 295 states: "No building permit authorizing the construction of any structure that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park

The proposed Ordinance would not allow an additional floor to new projects. A 40-X and 50-X height limit can accommodate a maximum of four and five floors, respectively. Since the additional five foot height can only be used on the ground floor, the height limit still can only accommodate the same number of floors.

Trade Shops, PDR Space and Performance Measures

According to SFMade's 2011 Report[9] "The City's recent re-zoning of the Eastern Neighborhoods has helped to clarify the desirable industrial areas for manufactures, and a combination of zoning controls and the economic climate have coalesced to alleviate the most severe land use competition. All this has resulted in a comparatively more affordable industrial real estate landscape for San Francisco." In the past few years the City has seen an increase in local, small scale manufacturing. Of the 75 manufacturing companies surveyed for SFMade's annual report, 41% reported an increase in hiring resulting in a 10.5% increase in net new jobs for 2010. This compares with a 2.1% growth in overall jobs for San Francisco between 2010 and 2011. However, the growth in these types of businesses has also increased the demand for PDR spaces, especially for spaces around 1,500 sq. ft. Allowing more flexibility within the Trade Shop definition will help address this issue by allowing light manufacturing with a separate retail operation at the front of the building in Neighborhood Commercial Districts.

In the recently reviewed NE legislation introduced by Supervisor Chiu, the Commission voted to approve the removal of numerical caps on mechanical equipment and to replace it with performance criteria. The Department recommended this be done because many of our horsepower and numerical limits are arbitrary and can be exceeded by common equipment such as coffee grinders and vacuums. The proposed changes to the Trade Shop definition makes the same changes by removing horsepower limitations, and replaces those criteria with performance standards to ensure noise is kept on site and does not impact surrounding homes and businesses.

In the recently adopted Restaurant Ordinance, changes were made to Accessory Use controls in Planning Code Section 703.2 that allow wholesaling, manufacturing or processing of foods, goods, or commodities to exceed the 1/3 floor area limit for accessory uses. This was done to ensure that bakeries and the like could still produce products on site; however it also opened up the possibility to allow for more PDR type uses in neighborhood commercial districts, so long as there was as strong retail component.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend ***approval with modification*** of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The proposed modifications include:

Commission may be issued except upon prior action of the City Planning Commission pursuant to the provisions of this Section; provided, however, that the provisions of this Section shall not apply to building permits authorizing..."

[9] http://www.sfmade.org/wordpress/wp-content/uploads/2011/11/SFMadeDigitalBrochure1.pdf

1. Maintain the current NC-1 Zoning in the Sunset District. Allow a 5' height bonus for these parcels under the "Specific Provisions for NC-1 District" table located in Section 710.1 and through amendments to Section 263.20.
2. Create three new named NCDs that correspond to the street names. These would include the "Irving and Judah Streets NCD"; the "Noriega Street NCD"; and the "Taraval Street NCD." (See Exhibit F)
3. Achieve the goal of active use through alternative method. In the new NCDs, require Conditional Use authorization for those uses that are not also defined as active commercial uses, instead of adding a special provision to the new NCDs that requires a CU for non-active commercial uses. This change would alter the use table by requiring conditional use for Liquor Stores, Movie Theaters, Business or Professional Services, Fringe Financial, Neighborhood Agriculture, and Medical Cannabis Dispensaries.
4. Create a separate use category for catering in the Planning Code instead of adding catering to the Trade Shop Definition.
5. Remove the 1/3 of gross floor area limitation on mechanical equipment from the Trade Shop Definition.
6. Minor Clarifications:
   a. Add reference to new height exemption in Section 263.20 and simplify existing title for this section. The existing section is titled: "Special Height Exception: Additional Five Feet Height For Ground Floor Uses In NCT 30-X, 40-X And 50-X Height And Bulk Districts, In NC-2 And NC-3 Designated Parcels Fronting Mission Street, From Silver Avenue To The Daly City Border, And In Specified NC-1 Designated Parcels And In Specified NC Districts". The Department recommends, "Special Height Exception: Additional Five Feet Height For Active Ground Floor Uses in Certain Districts".
   b. Clarify the intention of the proposed changes to the Trade Shop definition by using the following language (underlined/italicized is Department proposed language, strikethrough is proposed for deletion, underlined only is language from the proposed Ordinance):

> (a) A retail use which provides custom crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service; if conducted within an enclosed building having no openings other than fixed windows or exits required by law located within 50 feet of any R District. A trade shop includes, but is not limited to:
>
> - ~~(a)~~ Repair of personal apparel, accessories, household goods, appliances, furniture and similar items, but excluding repair of motor vehicles and structures;
> - ~~(b)~~ Upholstery services;
> - ~~(c)~~ Carpentry;
> - ~~(d)~~ Building, plumbing, electrical, painting, roofing, furnace or pest control contractors and storage of incidental equipment and supplies used by them,

if no processing of building materials, such as mixing of concrete or heating of asphalt, is conducted on the premises, and if parking, loading and unloading of all vehicles used by the contractor is located entirely within the building containing the use;

- ~~(e)~~ Printing of a minor processing nature, including multicopy and blueprinting services and local newspaper printing;
- ~~(f)~~ Tailoring; and
- ~~(g)~~ Other artisan craft uses, including fine arts uses.

(b) A trade shop, as defined above in (a), may also be a use that does not provide sales directly to the consumer and does not reserve any storefront space for display or retail services so long as no portion of the use occupies any space within the front-most one-third of the building, and so long as the front one-third of the building is occupied by an active use.

~~It does not include a shop which uses a single machine of more than five horsepower capacity, or a shop in which the mechanical equipment, together with related floor space used primarily by the operators of such equipment, occupies in the aggregate more than 1/3 of the total gross floor area of the use.~~ The noise from any mechanical equipment shall be mitigated so as not to be heard from outside the premises. A trade shop is distinct from light manufacturing, as defined in Section 790.54(a) of this Code.

c. Correct various typos in the proposed legislation that reference the Trade Shop definition as Planning Code Section 724.124; it should be 790.124.

BASIS FOR RECOMMENDATION

Overall the Department is in support of creating individually named neighborhood commercial districts in the Outer Sunset; they help to preserve and enhance the character of a neighborhood and they also help create a sense of identity. The Outer Sunset does not have any named NCDs, and creating them would help build a greater sense of identity and character for these areas of the City.

The Department also supports expanding the definition of a Trade Shop to allow for more PDR (Production, Distribution and Repair) type uses in different areas of the City, and replacing horsepower controls with performance measures is consistent with changes recently made to the Accessory Use controls under Supervisor David Chiu's NE legislation. However, NCDs are intended to be vibrant retail corridors with lots of pedestrian activity, so it's important to maintain active commercial uses on the ground floor.

Recommendation 1: Keep NC-1 Zoning For the Commercial Clusters

There are no other NC-1 Districts in the City that have been "named" and given specific controls. The Department believes that doing this would create unnecessary complexity to the Planning Code without a significant benefit. NC-1 Districts are small scale cluster districts intended to provide services to the immediate area. The controls for NC-1 Districts already adequately address their unique location and character. These parcels can still benefit from the 5' height bonus, if desired, by amending Section 263.20

as has been done for NC-1 parcels in District 11. The proposed changes to the Trade Shop definition would apply to all NC Districts City wide. Further, it's our understanding that the proposal to allow Trade Shops on the second floor with CU in NC-1 Districts was a drafting error.

Recommendation 2: Create Three Named Commercial Districts

In consultation with the Supervisor Chu's office, it's the Department's understanding that our recommendation is more in line with the original intention of the proposed legislation. Where the drafted proposal would create the "Outer Sunset Liner Streets NCD" and the "Outer Sunset Commercial Cluster 1 NCD", our proposal would follow the way other named NCDs in the City are organized. The purpose of having a named NCD is to preserve and enhance the individual character of a commercial district. It also allows for more targeted controls to either encourage or discourage different types of businesses. Further, grouping neighborhood commercial districts that are over 1 mile apart defeats the purpose of creating a named NCD because it doesn't take into consideration the unique characteristics of a street or district.

Recommendation 3: Alternative Method for Achieving "Active Use"

The proposed Ordinance would require Conditional Use authorization for non-active commercial uses. Active commercial uses are defined in Planning Code Section 145.4. See list of uses in Exhibit G. Any commercial use not listed under section 145.4 is considered a non-active commercial use. Rather than requiring Conditional Use authorization for these uses indirectly, the Department is proposing that these seven use types be made Conditional Uses in the proposed named NCDs. The Department believes this to be a more direct approach that will make the Code easier to understand and implement. This recommended modification will not change the intent of the proposed Ordinance.

Recommendation 4: Create a New Category for Catering

Catering uses present issues that are unique from those of a Trade Shops. Catering by definition does not have a retail component, and deliveries and pick-ups are more frequent. Given the unique characteristics of Catering and the potential to cause more disturbances to businesses and residents, the Department is recommending that Catering be added to the Code as its own use category. This will allow each NCD to choose whether or not Catering is appropriate for their neighborhood.

Recommendation 5: Floor Area Restrictions on Mechanical Equipment

Like the limitation on horsepower, the limitation on how much floor area mechanical equipment can occupy appears arbitrary and is difficult to enforce. Replacing numerical limitations with performance standards is a more flexible and meaningfully way to control noise.

Recombination 6: Minor Clarifications

The Department is recommending that the proposed "Trade Shop" definition be made more explicit that a retail establishment is required at the front of the building regardless of whether or not it is associated with the Trade Shop use. The changes to Section 263.20 are merely for clarity and consistency.

ENVIRONMENTAL REVIEW

The proposal ordinance has would result in no physical impact on the environment. The Project was determined to be exempt from the California Environmental Quality Act ("CEQA") under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)) as described in the determination contained in the Planning Department files for this Project.

PUBLIC COMMENT

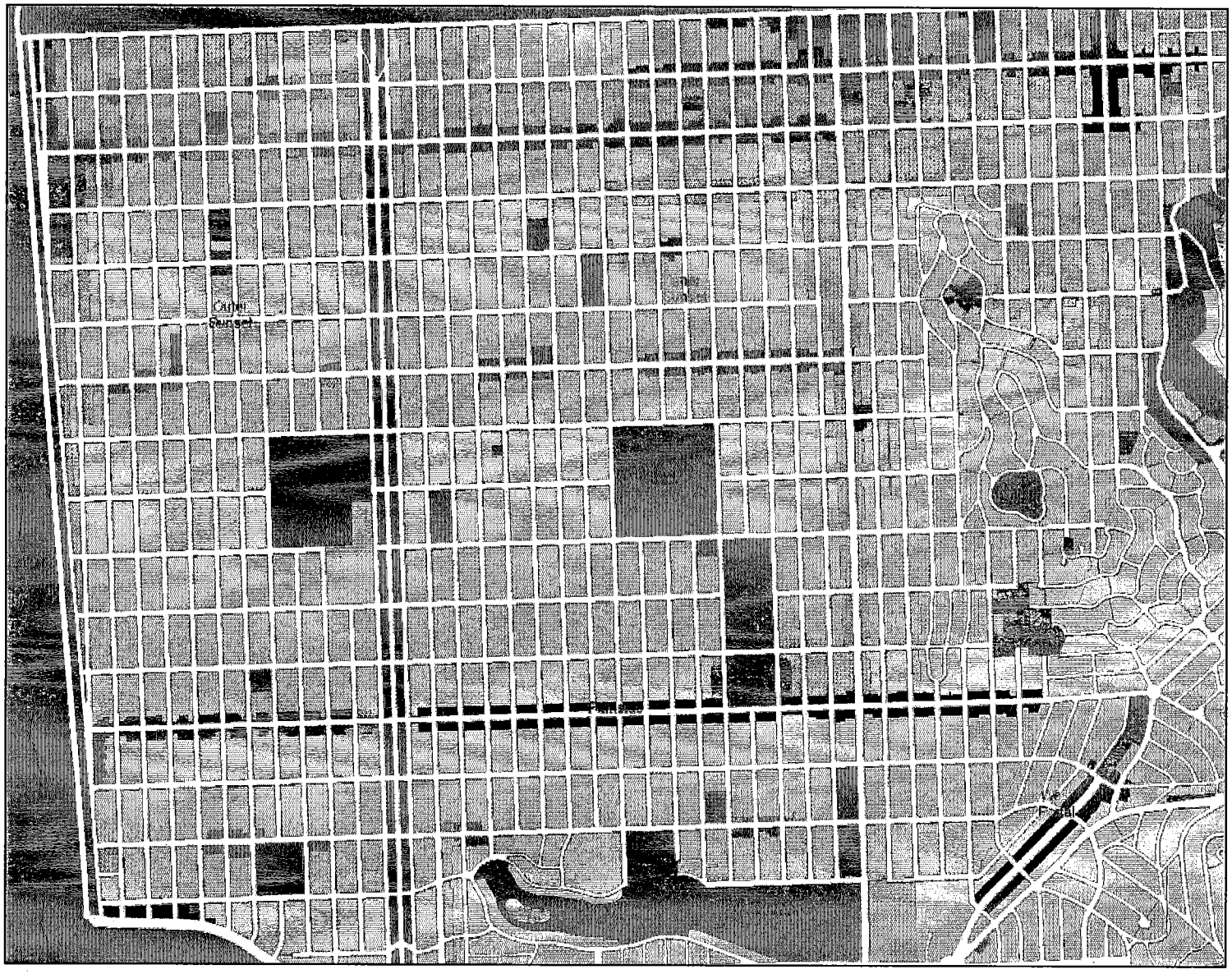
As of the date of this report, the Planning Department has received several inquiries about the proposed legislation form members of the public. The Department has not received any explicitly stated opposition or support for the proposed ordinance.

RECOMMENDATION:	Recommendation of Approval with Modification

Attachments:

Exhibit A:	Draft Planning Commission Resolution
Exhibit B:	Board of Supervisors File No. 120241
Exhibit C:	Map of Existing Districts
Exhibit D:	Height and Bulk Map
Exhibit E:	Map of Proposed Districts per Ordinance
Exhibit F:	Map of Proposed Districts per Staff's Recommendation
Exhibit G:	List of "Active Uses"
Exhibit H:	Environmental Determination

Exhibit C: Map of Existing Districts



Legend

Residential

- RH-1(D)
- RH-1
- RH-1(S)
- RH-2
- RH-3
- RM-1

NCDs

- NC-1
- NC-2
- NC-3
- Named NCDs
- NC-S

Public Districst

- Public

0 700 1,400 2,800 Feet

The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an "as is" basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.

Exhibit D

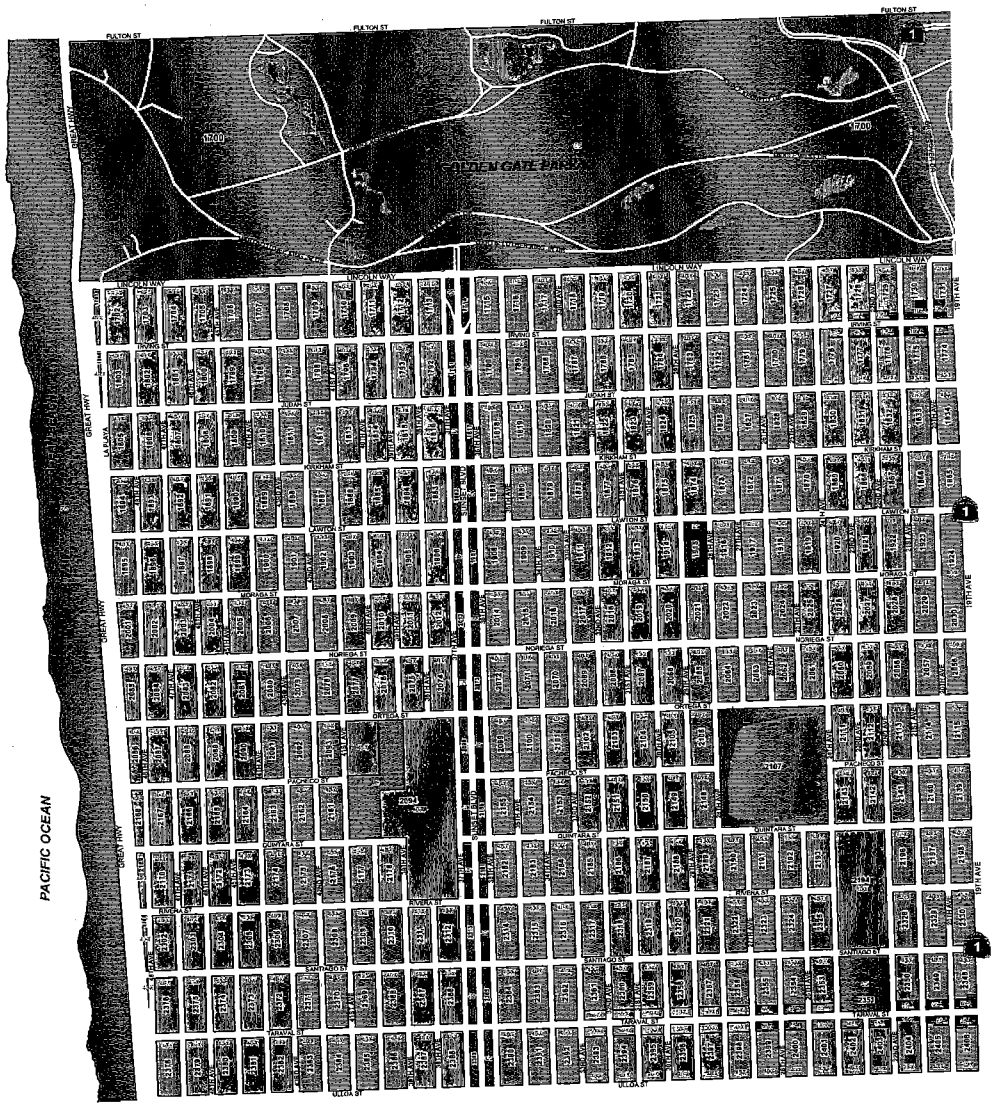

FULTON ST
GOLDEN GATE PARK
PACIFIC OCEAN
GREAT HIGHWAY
LINCOLN WAY
IRVING ST
KIRKHAM ST
LAWTON ST
MORAGA ST
JUDAH ST
NORIEGA ST
QUINTARA ST
RIVERA ST
SANTIAGO ST
TARAVAL ST
WAWONA ST
ULLOA ST
9TH AVE
19TH AVE
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Exhibit E: Map of Proposed Districts per Ordinance

SAN FRANCISCO
PLANNING DEPARTMENT

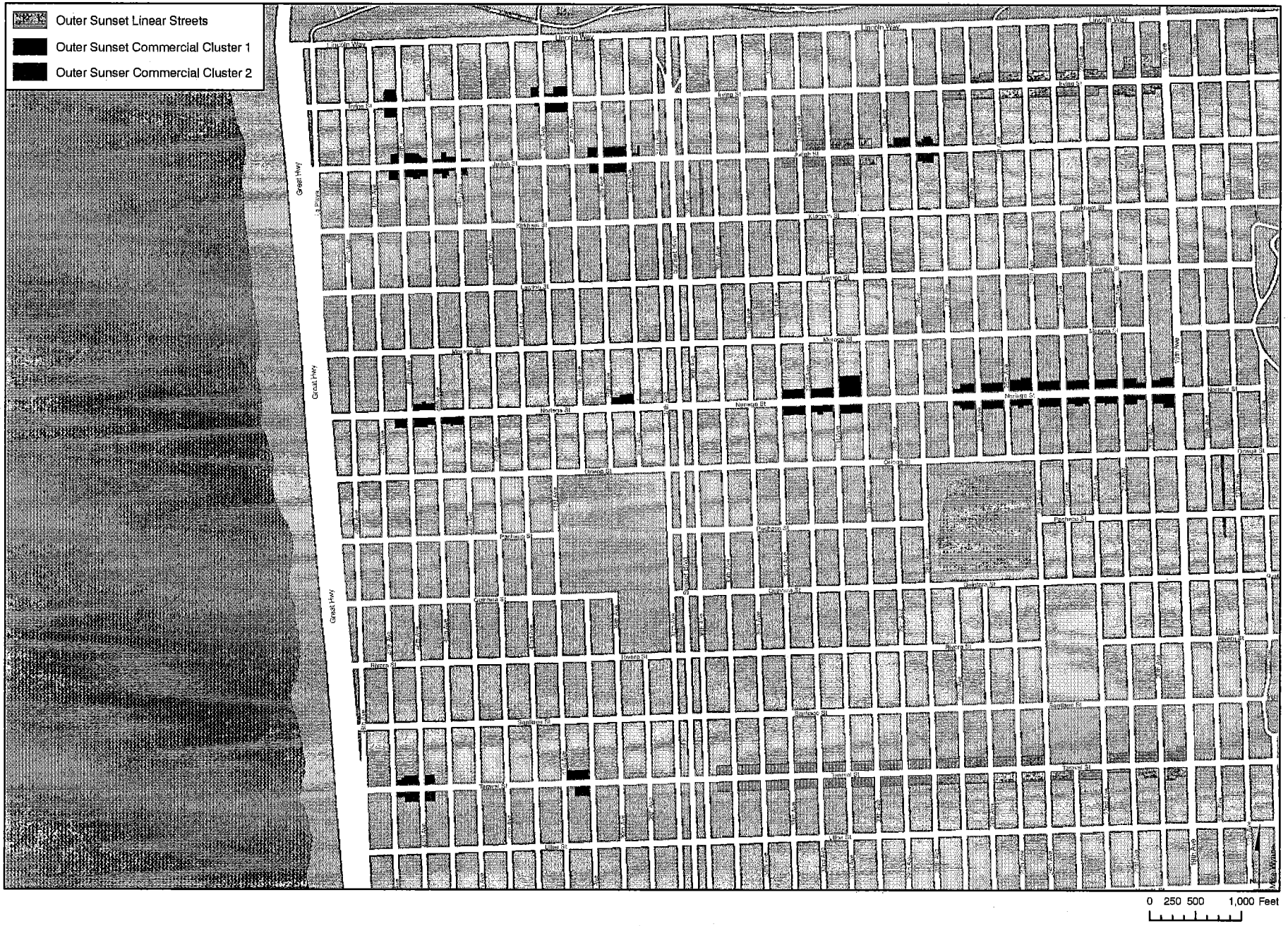

Exhibit F: Map of Proposed Districts per Staff's Recommendation

SAN FRANCISCO
PLANNING DEPARTMENT

Exhibit G: List of Active Uses, Planning Code Section 145.4

Reference for Neighborhood Commercial Districts	Reference for Mixed Use Districts	Use
790.4	890.4	Amusement Game Arcade
790.6	890.6	Animal Hospital
790.12	890.13	Automobile Sale or Rental (see qualification, above)
790.22	790.22	Bar
N/A	890.23	Business Goods and Equipment Sales and Repair Service
790.34	790.34	Eating and Drinking Use
790.38	890.37	Entertainment, Other
N/A	890.39	Gift Store-Tourist Oriented
790.50, 790.51	890.50	Institutions, Other (see qualification, above)
N/A	890.51	Jewelry Store
790.68	890.68	Neighborhood-Serving Business
N/A	890.69	Non-Auto Vehicle Sales or Rental (see qualification, above)
790.70	890.71	Outdoor Activity Area
790.80	890.80	Public Use (see qualification, above)
790.90	790.90	Limited-Restaurant
790.91	790.91	Restaurant
790.102	890.102	Sales and Service, Other Retail
790.104	890.104	Sales and Services, Retail
790.110	890.110	Service, Financial
790.112	890.112	Service, Limited Financial
790.114	890.114	Service, Medical
790.116	890.116	Service, Personal
790.122	790.122	Take-Out Food

790.124	890.124	Trade Shop
790.140	890.140	Walk-Up Facility

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Certificate of Determination
EXCLUSION/EXEMPTION FROM ENVIRONMENTAL REVIEW

Case No.:	**2012.0522E**
Project Title:	**Board of Supervisors File No. 120241 (Establishing Three Outer Sunset Neighborhood Commercial Districts)**
Current Zoning:	NC-1/NC-2 (Neighborhood Commercial-Cluster District /Neighborhood Commercial-Small Scale) 40-X Height and Bulk District
Proposed Zoning:	Outer Sunset Commercial Cluster 1 Neighborhood Commercial District/ Outer Sunset Commercial Cluster 2 Neighborhood Commercial District/ Outer Sunset Linear Streets Neighborhood Commercial District
Block/Lot:	Various
Project Sponsor	Supervisor Carmen Chu, District 4, San Francisco Board of Supervisors
Staff Contact:	Chelsea Fordham – (415) 575-9071 Chelsea.Fordham@sfgov.org

PROJECT DESCRIPTION:

The proposed project is an ordinance (Board of Supervisors File No. 120241) that would add San Francisco Planning Code Sections 739.1 (Outer Sunset Commercial Cluster 1 Neighborhood Commercial District), 740.1, (Outer Sunset Commercial Cluster 2 Neighborhood Commercial District), and Section 741.1 (Outer Sunset Linear Streets Neighborhood Commercial District).

[Continued on following page.]

EXEMPT STATUS:

General Rule Exclusion (State CEQA Guidelines, Section 15061(b)(3))

REMARKS:

Please see next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

Bill Wycko
Environmental Review Officer

June 4, 2012
Date

cc: Aaron Starr, San Francisco Planning Dept.
Supervisor Carmen Chu
Distribution List
Virna Byrd, M.D.F

PROJECT DESCRIPTION (CONTINUED):

The proposed ordinance would: 1) rezone the currently NC-2 zoned parcels on Noriega Street from 19th through 27th and 30th through 33rd Avenues to Outer Sunset Commercial Cluster 1 Neighborhood Commercial District; 2) rezone the currently zoned NC-1 parcels on Taraval Street from 40th through 41st and 45th through 47th Avenues, Noriega Street from 38th through 39th and 44th through 47th Avenues, and Irving Street from 40th through 41st, and 45th through 46th Avenues to Outer Sunset Commercial Cluster 2 Neighborhood Commercial District; 3) rezone the currently zoned NC-2 parcels on Taraval Street from 19th through 36th Avenues, Judah Street from 29th through 33rd Avenues, and Irving Street from 19th through 27th Avenues to Outer Sunset Linear Streets Neighborhood Commercial District; and 4) amend Zoning Map ZN05 to include the three new Neighborhood Commercial Districts. The proposed rezoning to establish the three Outer Sunset Neighborhood Commercial Districts would allow for a 5′ height bonus for active ground floor commercial uses in existing 40-X and 50-X height and bulk districts and would allow for trade shops on the second floor of occupancy with a Conditional Use permit in the proposed Outer Sunset Commercial Cluster 2 Neighborhood Commercial District. There are rezoned parcels that would not receive the 5′ height bonus as a result of the proposed ordinance including: Irving Street from 19th to 22nd Avenue, which is within a 105-A height and bulk district; Irving Street from 22nd to 24th Avenue, which is within a 65-A height and bulk district; and Taraval Street from 19th to 27th Avenue, which is within a 65-A height and bulk district. Additionally, the proposed ordinance would amend Section 734.124 (trade shop) to allow catering, wholesaling, manufacturing and processing as an accessory use for up to two-thirds of the gross floor area, and remove horsepower limitations in all Neighborhood Commercial Districts in Article 7 of the Planning Code.

The 5-foot exception proposed under Planning Code Sections 739.1, 740.1, and Section 741.1 is not sufficient to add another story but provides an incentive for developers to create lively ground-floor commercial spaces along these proposed new Outer Sunset zoning districts. Older buildings along these existing commercial streets are generally two, three or four stories with each story having an average 12-foot clear ceiling height, with spaces that are directly accessed from the street. The older residential buildings in these districts often have ground-floor units that are elevated several feet above the sidewalk level and include stoops to provide direct access to individual units. Newer buildings along commercial streets in the 40-X height district, however, tend to have four or five stories having an average of 10-foot clear ceiling heights, and the residential buildings often contain a single ground-floor entrance lobby providing access to multiple dwelling units. These buildings generally lack visual interest and human scale and don't contribute to public life on the street. The intention of the 5-foot height exception is to encourage developers to incorporate the design elements of the older types of buildings into new commercial and residential development projects to offer more attractive uses that will better activate the public realm.

Figure 1 identifies the parcels proposed for rezoning to Outer Sunset Commercial Cluster 1 Neighborhood Commercial District, Outer Sunset Commercial Cluster 2 Neighborhood Commercial District, and Outer Sunset Linear Streets Neighborhood Commercial District.

REMARKS:

California Environmental Quality Act (CEQA) State Guidelines Section 15061(b)(3) establishes the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Land Use. The proposed project would allow future development projects on the rezoned parcels to be up to 5 feet taller with active ground-floor retail space within existing 40-X and 50-X height and bulk districts. It would also allow for trade shops on the second floor of occupancy with a Conditional Use permit within the proposed Outer Sunset Commercial Cluster 2 Neighborhood Commercial District. Additionally, the ordinance would amend the definition of trade shop to allow catering, wholesaling, manufacturing and processing as an accessory use for up to two-thirds of the gross floor area, and remove horsepower limitations in all Neighborhood Commercial Districts in Article 7 of the Planning Code.

The land uses covered by this rezoning are located exclusively in Neighborhood Commercial Use Districts (NCD's), in which ground-floor uses are typically commercial, with residential use above. Most of the parcels affected by this legislation are within the 40-X height and bulk district. Irving Street from 19th to 22nd Avenue is within a 105-A height and bulk district and Irving Street from 22nd to 24th Avenue is within a 65-A height and bulk district. Taraval Street from 19th to 27th Avenue is within a 65-A height and bulk district and Taraval Street from 27th to 33rd Avenue is within a 50-X height and bulk district. The proposed legislation would not result in any changes to the 105-A and 65-A height and bulk districts.

The parcels currently zoned NC-2 that are proposed to be rezoned to Outer Sunset Commercial Cluster 1 Neighborhood Commercial District on Noriega Street from 19th through 27th and 30th through 33rd Avenues primarily contain continuous retail development, generally one-story retail or two- and three-story residential-over-retail buildings, interspersed with churches, schools, gas stations, banks, grocery stores, and taller residential-over-commercial buildings.

The parcels currently zoned NC-1 that are proposed to be rezoned to Outer Sunset Commercial Cluster 2 Neighborhood Commercial District along Taraval Street from 40th through 41st and 45th through 47th Avenues, Noriega Street from 38th through 39th and 44th through 47th Avenues, and Irving Street from 40th through 41st, and 45th through 46th Avenues generally contain single-story commercial buildings and two- and three-story residential-over-commercial buildings.

The parcels currently zoned NC-2 that are proposed to be rezoned to Outer Sunset Linear Streets Neighborhood Commercial District along Taraval Street from 19th through 36th Avenues, Judah Street from 29th through 33rd Avenues, and Irving Street from 19th through 27th Avenues generally contain two- and three-story mixed-use buildings with some fully commercial and fully residential buildings interspersed between them.

Housing development is encouraged in new buildings above the ground story in all the three Outer Sunset Neighborhood Commercial Districts covered in the proposed project. Future commercial growth is directed to the first story or second story in order to promote more continuous and active retail frontage.

A project could have a significant effect on land use if it would physically divide an established community; conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or have a substantial adverse impact on the existing character of the vicinity.

The proposed project would allow for slightly taller buildings to be constructed and to allow trade shops on the second floor of occupancy, but would not be considered to cause a substantial adverse impact on the existing character of the Outer Sunset District. Furthermore, the proposed project would not physically disrupt or divide an established community, or conflict with any land use plan, policy, or regulation that has been adopted for the purpose of avoiding or mitigating an environmental effect. For these reasons, the proposed project would not result in a significant effect on land use.

Visual Quality and Urban Design. The proposed project would allow for the increase of maximum permitted building heights in the areas proposed for rezoning identified in Figure 1. The proposed height exception would be minor, up to 5 feet, and would occur within a highly developed urban environment. The 5-foot height exception is not so great as to allow another story to be added to an existing building. The parcels that are subject to the proposed height increase are primarily adjacent to residential districts, zoned RH-1, -2, and -3 (Residential House, One- Two- and Three-Family) and RM-1 (Low-Density Mixed Residential). A portion of three blocks on the north side of Taraval Street between 19th and 22nd Avenue contain parcels that are zoned RH-1(D) (Residential, One Family – Detached Dwellings). Regardless of the zoning of the adjacent parcels, the development of individual NCD parcels to a height 5 feet above existing height allowances would be noticeable to immediate neighbors; however, in the dense urban character of development within and surrounding the NCDs, this minor increase in height would have correspondingly minor visual impacts.

In reviewing visual quality and urban design under CEQA generally, consideration of the existing context in which a project is proposed is required, and evaluation must be based on the impact on the existing environment. That some people may not find a given development project attractive does not mean that it creates a significant aesthetic environmental impact; projects must be judged in the context of the existing conditions. For the proposed height exception, the context is urban right-of-way that is already developed. Given the context and the minor allowable increase of up to 5 feet and the incremental nature of such development along an NCD, the proposed height exception would be consistent with the existing, developed environment, and its visual effects would not be unusual and would not create adverse aesthetic impacts on the environment. Furthermore, it would not be likely to result in a substantial, demonstrable negative aesthetic effect, or obstruct or degrade scenic views or vistas now observed from public areas. Thus, the proposed project would result in less-than-significant impacts on visual quality and urban design.

In addition, the increased height allowed by the proposed legislation would not directly or indirectly contribute to the generation of any obtrusive light or glare. For all the above reasons, proposed legislation would not result in a significant adverse effect on public views or aesthetics.

Historic Resources. The proposed special height exception could result in increased building heights within a potential historical district or affect known historical resources. The allowable increase in height, however, would be minor (up to 5 feet) and in and of itself would not result in a material impairment to a historic district or historic building. Projects taking advantage of the height exception could involve the re-use and remodeling of existing historical buildings, but such a minor height increase could be accomplished maintaining the general scale, design, and materials of the historical resources, thereby maintaining their historic context. Any development proposal taking advantage of the height exception would be subject to further review for a determination of whether the project would result in potential impacts to the environment, including historic resources. The proposed legislation therefore would not result in a significant effect on historical resources.

Noise and Air Quality. The proposed special height exception of up to 5 feet would potentially result in an incremental increase in construction activities or greater intensity of use at future development project sites. The resulting increase in operational or construction noise would be minimal; therefore, noise and air quality impacts would be less than significant.

Shadow. Planning Code Section 263.20(b)(6) specifies that the 5-foot special height exception is applicable to properties where the project sponsor has conclusively demonstrated that the additional 5-foot increment would not add new shadow to any public open space. For this reason, the proposed legislation would not result in a significant impact with regard to shadow.

Light and Air. The 5-foot special height exception could result in slightly taller development projects that could potentially change or reduce that amount of light and air available to adjacent buildings. Any such changes could be undesirable for those individuals affected. Given the minor increase in height that would be permitted, it is anticipated that any changes in light and air would be minor and would not affect a substantial number of people. Thus, the potential impact of the proposed legislation on light and air would not be significant.

Wind. The proposed legislation would allow a minor 5-foot increase in height for future development projects within the proposed three new Outer Sunset NCD parcels identified in Figure 1. Most parcels affected by this legislation are within the 40-foot and 50-foot height districts; thus, the maximum resulting building height would be 45 or 55 feet. In general, buildings up to 45 or 55 feet in height do not result in wind speeds that cause new exceedances (violations) of the hazard criterion of 26 miles per hour for a single hour of the year as established in the Planning Code Section 148. For this reason, the proposed legislation would not result in a significant impact with regard to wind.

Cumulative Impacts. The proposed 5-foot height exception could potentially result in a minimal increase in construction activities and greater intensity of use at individual future development project sites. This minimal increase in activities and intensity of use would not be considered significant. Thus, cumulative impacts would be less than significant.

Neighborhood Concerns. A "Notification of Project Receiving Environmental Review" was mailed on May 15, 2012, to potentially interested parties. No comments were received on the notification.

Conclusion. CEQA Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant impact on the environment. As noted above, there are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. Since the proposed project would have no significant environmental effects, it is appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3).

Sunset Proposed Neighborhood Commercial Districts

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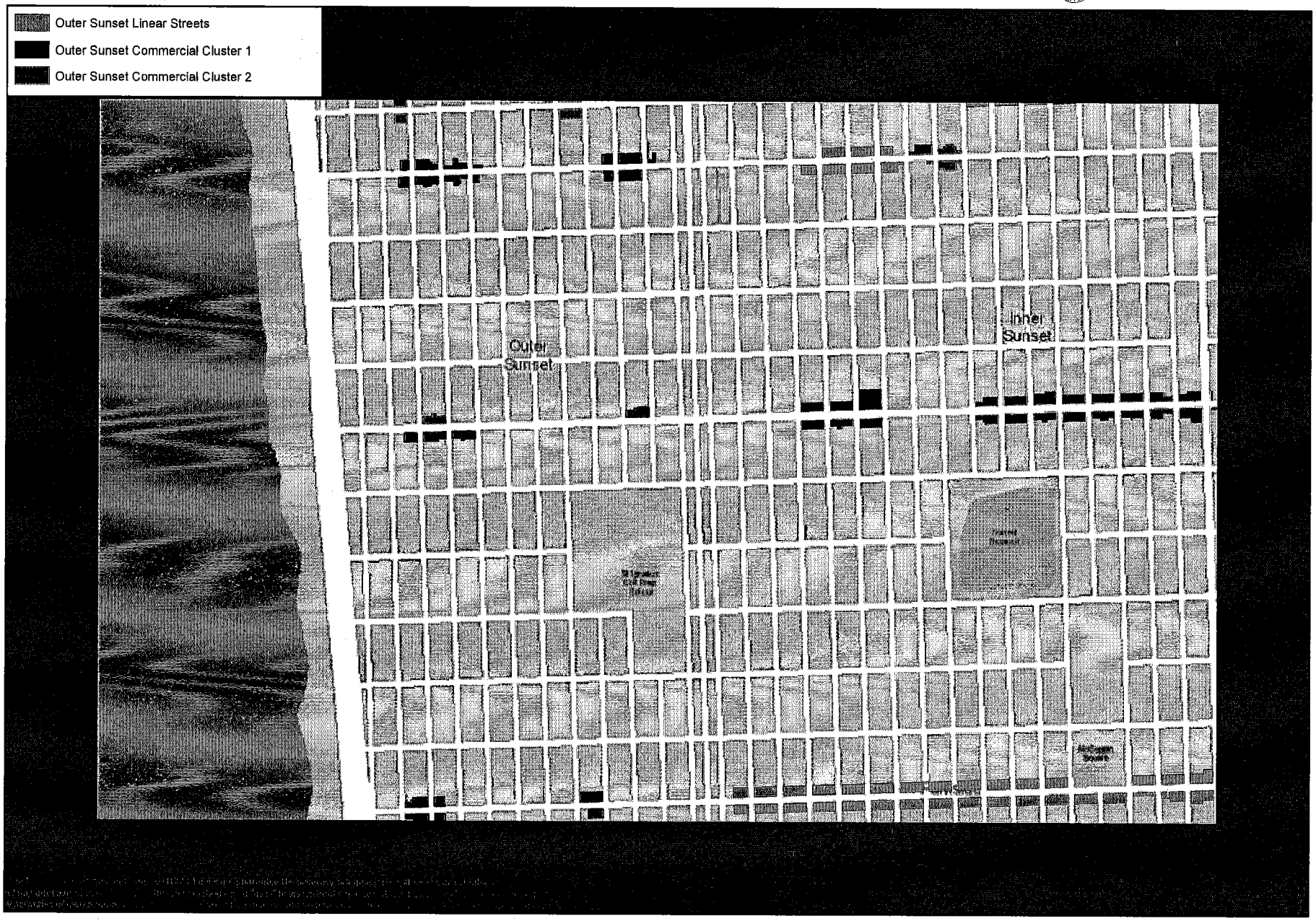

Printed: 29 May, 2012

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SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS

CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

May 29, 2012

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Re: File No. 120241 [Planning Code, Zoning Map - Establishing Three Outer Sunset Neighborhood Commercial Districts]

Small Business Commission Recommendation: **Approval**

Dear Ms. Calvillo:

On May 7, 2012 the Small Business Commission (SBC) met and recommended 7-0 that the Board of Supervisors approve BOS File No. 120241.

The Commission supports the creation of named Neighborhood Commercial Districts (NCD's) in the City's Sunset District. The Commission finds that these NCD's will allow for increased tailoring of controls to individual neighborhoods and will allow for expanded flexibility for adjusting permitted uses that meet the needs of the varying characteristics in this part of the city. The Commission notes that this ordinance will also allow for a five foot height bonus in these districts for ground floor ceiling height increases and will also require active ground floor uses in these NCD's. These provisions have been consistently supported by the SBC and the Commission concurs with the inclusion of these requirements in this ordinance.

The Commission finds that the modification of the "trade shop" definition to allow for expanded manufacturing in neighborhood districts is a pragmatic and necessary step to continue the diversity of uses in all of our NCD's and will allow for increased opportunities for our small, SFMADE businesses which are now often only able to locate in limited industrial parts of the City. This has been a topic of discussion at the SBC and the Commission appreciates Supervisor Chu addressing this part of the code in this ordinance. This change in the code may also increase the repurposing of formerly formula retail vacant storefronts, which are typically larger than traditional retail small businesses can rent.

The Commission heard this ordinance prior to a hearing at the Planning Commission and the availability of a staff report by the Planning Department. The Commission supports efforts by the Supervisors Office and Planning Department to continue to improve the ordinance in order to further meet the policy objectives.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc. Jason Elliott, Mayors Office
Supervisor Chu
Aaron Starr, Planning Department

THE HARD WEAR STORE
Angela Tickler
OWNER
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(at 25th Ave.)
San Francisco, CA 94122
ph 415.682.9565
fax 415.682.9579
angela@hardwearsf.com
www.hardwearsf.com

June 8, 2012

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

To: Members of the Board of Supervisors

The Outer Sunset Merchant & Professional Association (OSMPA) urges you to support **File No. 120241 [Planning Code, Zoning Map – Establishing Three Outer Sunset Neighborhood Commercial Districts]**.

This ordinance, sponsored by Supervisor Carmen Chu, is long overdue and addresses the varying needs of our community through specifically tailored Planning controls for the Outer Sunset District.

The allowance of an additional five-foot ground floor height and requirement of a Conditional Use permit for non-active ground floor uses will help make our commercial corridors a more attractive place for residents and visitors. OSMPA believes that the Planning Code changes are an important component of a multi-faceted approach to bringing more business to our local merchants.

We also support the ordinance's modification to the "Trade Shop" definition, which has a citywide impact. Giving local businesses more flexibility in floor space will increase opportunities for the production of unique goods in our local shop spaces. This is a creative approach in leveraging existing resources to support local job creation and to stimulate economic growth.

We thank you for your consideration of this ordinance.

Sincerely,

Angela Tickler
President, Outer Sunset Merchant & Professional Association (OSMPA)

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2012 JUL 19 PM 12: 18
BY

TARAVAL PARKSIDE
Merchants Association

The People of Parkside /Sunset (POPS)
945 Taraval Street, #350
San Francisco, CA 94116

June 11, 2012

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Re: File No. 120241 [Planning Code, Zoning Map – Establishing Three Outer Sunset Neighborhood Commercial Districts]

To: Members of the Board of Supervisors

The People of Parkside/Sunset (POPS), representing merchants and community members of the Taraval commercial corridor, supports legislation sponsored by Supervisor Carmen Chu in establishing Neighborhood Commercial Districts for the Outer Sunset.

The creation of NCDs will allow for Planning controls that are more uniquely tailored to the needs of the Outer Sunset commercial corridors. The Taraval commercial corridor has seen a number of vacancies and non-active ground floor uses, and the legislation would help to address some of these issues. We also believe the legislation's modification of the "trade shop" definition will also help bring creative energy to all parts of the city for the local production of unique artisan goods.

Our association has been working for years to make the Taraval corridor a vibrant place for residents and visitors to eat, shop, get services, and build a community. We believe this legislation is a step toward addressing many of the issues that the neighborhood has been facing, and we urge you to support File No. 120241.

Sincerely,

Yumi Sam
President, People of Parkside/Sunset (POPS)