

File No. 150082

Committee Item No. 5  
Board Item No. 13

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date June 29, 2015

Board of Supervisors Meeting

Date July 7, 2015

#### Cmte Board

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Completed by: Andrea Ausberry Date June 25, 2015  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Planning Code - Establishing the Divisadero Street Neighborhood Commercial Transit District]

2  
3 Ordinance amending the Planning Code to establish the Divisadero Street  
4 Neighborhood Commercial Transit District along Divisadero Street between Haight and  
5 O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District  
6 and make conforming and other technical changes to various other sections;  
7 amending the Zoning Map to make changes that conform with the Code amendments;  
8 affirming the Planning Department's determination under the California Environmental  
9 Quality Act; and making findings of consistency with the General Plan, and the eight  
10 priority policies of Planning Code, Section 101.1.

11 NOTE: Additions are single-underline italics Times New Roman;  
12 deletions are ~~strike-through italics Times New Roman~~.  
13 Board amendment additions are double-underlined;  
14 Board amendment deletions are ~~strikethrough normal~~.  
15 Ellipses indicate text that is omitted but unchanged.

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

17 Section 1. Findings.

18 (a) The Planning Department has determined that the actions contemplated in this  
19 ordinance comply with the California Environmental Quality Act (California Public Resources  
20 Code Section 21000 et seq.). The Board of Supervisors hereby affirms the determination.  
21 Said determination is on file with the Clerk of the Board of Supervisors in File No. 150082 and  
22 is incorporated herein by reference.

23 (b) On April 2, 2015, the Planning Commission, in Resolution No. 19348, adopted  
24 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
25 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
2 Board of Supervisors in File No. 150082, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that these  
4 Planning Code amendments will serve the public necessity, convenience and welfare for the  
5 reasons set forth in Planning Commission Resolution No. 19348. The Board hereby  
6 incorporates such reasons herein by reference and adopts them as its own.

7  
8 Section 2. The San Francisco Planning Code is hereby amended by revising Sections  
9 121.7, 151.1, 201, 702.1, 711, 712 and 746.1, to read as follows:

10 **SEC. 121.7. RESTRICTION OF LOT MERGERS IN CERTAIN DISTRICTS AND ON**  
11 **PEDESTRIAN-ORIENTED STREETS.**

12 (b) In those NCT, NC and Mixed Use Districts listed below, merger of lots resulting in a  
13 lot with a single street frontage greater than that stated in the table below on the specified  
14 streets or in the specified Districts is prohibited except according to the procedures and  
15 criteria in subsections (c) and (d) below.

Street or District	Lot Frontage Limit
Hayes, from Franklin to Laguna	50 feet
RED and RED-MX	50 feet
Church Street, from Duboce to 16th Street	100 feet
<i>Divisadero Street NCT except for the east and west blocks between Oak and Fell, Folsom Street NCT, RCD, WMUG, WMUO, and SALI</i>	100 feet

1	Market, from Octavia to Noe	150 feet
2	Ocean Avenue in the Ocean Avenue	See Subsection (e)
3	NCT	
4	Inner and Outer Clement NCDs	50 feet
5	NC-2 districts on Balboa Street	50 feet
6	between 2nd Avenue and 8th	
7	Avenue, and between 32nd Avenue	
8	and 38th Avenue	

10 Notwithstanding the foregoing, merger of lots in the WMUO zoning district resulting in a  
11 lot with a street frontage between 100 and 200 feet along Townsend Street is permitted so  
12 long as a publicly-accessible through-block pedestrian alley at least 20 feet in width and  
13 generally conforming to the design standards of Section 270.2(e)(5)-(12) of this Code is  
14 provided as a result of such merger.

15 **SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN**  
16 **SPECIFIED DISTRICTS.**

17 (a) **Applicability.** This subsection shall apply only to NCT, RC, ~~RC~~, RCD, RTO,  
18 ~~Excelsior Outer Mission NCD~~, Mixed Use, M-1, PDR-1-D, PDR-1-G, and C-3 Districts, and to  
19 the Broadway, ~~Divisadero Street~~, Fillmore Street, Excelsior Outer Mission Street, North Beach,  
20 and Upper Market Neighborhood Commercial Districts.

21 \* \* \* \*

22 **Table 151.1**

23 **OFF-STREET PARKING PERMITTED AS ACCESSORY**

24 Use or Activity	25 Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
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****	
Dwelling units and SRO units in NCT, RC, C-M, RSD, SLR, and Chinatown Mixed Use Districts, and the Broadway <i>NCD</i> , <i>Divisadero Street</i> , Fillmore Street, North Beach <i>NCD</i> , and Upper Market Neighborhood Commercial Districts, except as specified below.	P up to one car for each two dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.
****	

**SEC. 201. CLASSES OF USE DISTRICTS.**

In order to carry out the purposes and provisions of this Code, the City is hereby divided into the following classes of use districts:

\*\*\*\*

**Named Neighborhood Commercial Districts**

(Defined in Sec. 702.1)

\*\*\*\*

*Divisadero Street Neighborhood Commercial District (Defined in Sec. 746.1)*

\*\*\*\*

*Regional Commercial District (Defined in Sec. 744.1)*

\*\*\*\*

**Named Neighborhood Commercial Transit (NCT) Districts**

(Defined in Sec. 702.1)

1 Divisadero Street NCT (Defined in Sec. 746)

2 \* \* \* \*

3 Regional Commercial District (Defined in Sec. 744)

4 \* \* \* \*

5 **SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.**

6 \* \* \* \*

Named Neighborhood Commercial Districts	Section Number
* * * *	
<u>Divisadero Street Neighborhood Commercial District</u>	§ 746
* * * *	
<u>Regional Commercial District</u>	§ 744

12 \* \* \* \*

Named Neighborhood Commercial Transit (NCT) Districts	Section Number
<u>Divisadero Street Neighborhood Commercial Transit District</u>	§ 746
* * * *	
<u>Regional Commercial District</u>	§ 744
* * * *	

19 **SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2  
ZONING CONTROL TABLE**

* * * *	No.	Zoning Category	§ References	NC-2 Controls by Story		
			§ 790.118	1st	2nd	3rd+
* * * *						
<b>Retail Sales and Services</b>						

1	****	Amusement Game Arcade	§ <del>790.40</del> 740.4			
2	711.69B	(Mechanical Amusement				
3	****	Devices)				

4                   **SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**  
5                   **ZONING CONTROL TABLE**

6                   \*\*\*\*

7                                   **SPECIFIC PROVISIONS FOR NC-3 DISTRICTS**

8                   Article 7 Code Section	Other Code Section	Zoning Controls
9                   ****		
10                  § 712.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) <b>Boundaries:</b> The FFSRUD and its ¼ mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the <i>Lower</i> Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; <i>the Divisadero</i> <i>Street Alcohol Restricted Use District; the North of Market</i> <i>Residential Special Use District and the Assessor's Blocks and</i> <i>Lots fronting on both sides of Mission Street from Silver</i> <i>Avenue to the Daly City borders as set forth in Special Use</i> <i>District Maps SU11 and SU12; and includes Small-Scale</i> Neighborhood Commercial Districts within its boundaries. <b>Controls:</b> Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe

1 financial services are P subject to the restrictions set  
2 forth in Subsection 249.35(c)(3).  
3

4 \* \* \* \*

5 **SEC. 746.1. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

6 The Divisadero Street Neighborhood Commercial Transit District ("Divisadero Street  
7 NCT NCD") extends along Divisadero Street between Haight and O'Farrell Streets. Divisadero  
8 Street's dense mixed-use character consists of buildings with residential units above ground-  
9 story commercial use. Buildings typically range in height from two to four stories with  
10 occasional one-story commercial buildings. The district has an active and continuous  
11 commercial frontage along Divisadero Street for most of its length. Divisadero Street is an  
12 important public transit corridor and throughway street. The commercial district provides  
13 convenience goods and services to the surrounding neighborhoods as well as limited  
14 comparison shopping goods for a wider market.

15 The Divisadero Street NCT NCD controls are designed to encourage and promote  
16 development that enhances the walkable, mixed-use character of the corridor and  
17 surrounding neighborhoods. Rear yard requirements above the ground story and at residential  
18 levels preserve open space corridors of interior blocks. Housing development in new buildings  
19 is encouraged above the ground story. Existing residential units are protected by limitations  
20 on demolition and upper-story conversions.

21 Consistent with Divisadero Street's existing mixed-use character, new commercial  
22 development is permitted at the ground and second stories. Most neighborhood-serving  
23 businesses are strongly encouraged. Controls on new Formula Retail uses are consistent with  
24 Citywide policy for Neighborhood Commercial Districts; Eating and Drinking and  
25 Entertainment uses are confined to the ground story. The second story may be used by some

1 retail stores, personal services, and medical, business and professional offices. Additional  
 2 flexibility is offered for second-floor Eating and Drinking, Entertainment, and Trade Shop uses  
 3 in existing non-residential buildings to encourage the preservation and reuse of such  
 4 buildings. Hotels are monitored at all stories. Limits on late-night activity, drive-up facilities,  
 5 and other automobile uses protect the livability within and around the district, and promote  
 6 continuous retail frontage.

7 **Table SEC. 746. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT**  
 8 **DISTRICT**  
 9 **ZONING CONTROL TABLE**

10 \* \* \* \*

No.	Zoning Category	§ References	Divisadero Street <u>Transit</u> Controls by Story		
		§ 790.118	1st	2nd	3rd+
* * * *					
<b>RESIDENTIAL STANDARDS AND USES</b>					
746.90	Residential Use	§ 790.88	P	P	P
746.91	Residential Density, Dwelling Units	§§ 207, 207.1, 207.4, 790.88(a)	<i>Generally, 1 unit per 800 sq. ft. lot area. No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure, required dwelling unit mix, and other applicable controls of this</i>		

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			<i>and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6</i>
746.92	Residential Density, Group Housing	§§ 207.1, 208, 790.88(b)	<i>Generally, 1 bedroom per 275-sq. ft. lot area. No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208</i>

1 \*\*\*\*

2  
3 Section 3. Sheets ZN02 and ZN07 of the Zoning Map of the City and County of San  
4 Francisco is hereby amended, as follows:

<u>Description of Property</u>	<u>Use District to be Superseded</u>	<u>Use District Hereby Approved</u>
All parcels zoned Divisadero	Divisadero Street	Divisadero Street
Street Neighborhood	Neighborhood	Neighborhood Commercial
Commercial District on	Commercial	Transit District
Blocks 1100, 1101, 1126, 1127, 1128, 1129, 1153, 1154, 1155, 1156, 1179, 1180, 1181, 1182, 1201, 1202, 1203, 1204, 1215, 1216, 1217, 1218, 1237, 1238, 1239, and 1240	District	

16  
17 Section 4. Effective Date. This Ordinance shall become effective 30 days from the  
18 date of passage. Enactment occurs when the Mayor signs the ordinance, the Mayor returns  
19 the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the  
20 Board of Supervisors overrides the Mayor's veto of the ordinance.

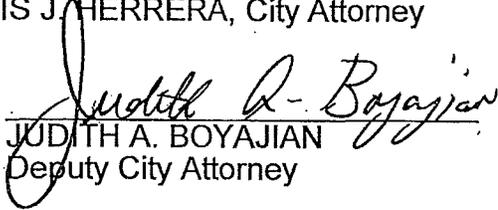
21  
22 Section 5. Scope of Ordinance. In enacting this ordinance, the Board intends to amend  
23 only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation  
24 marks, charts, diagrams, or any other constituent part of the Municipal Code that are explicitly  
5 shown in this legislation as additions, deletions, Board amendment additions, and Board

1 amendment deletions in accordance with the "Note" that appears under the official title of the  
2 legislation.

3 Specifically, the Board of Supervisors recognizes that a pending ordinance in File No.  
4 150081 amends some of the same sections of the Planning Code. The Board intends that, if  
5 adopted, the additions and deletions shown in both ordinances be given effect so that the  
6 substance of each ordinance be given full force and effect. To this end, the Board directs the  
7 City Attorney's Office and the publisher to harmonize the provisions of each ordinance.

8  
9 APPROVED AS TO FORM:  
10 DENNIS J. HERRERA, City Attorney

11 By:

  
12 JUDITH A. BOYAJIAN  
13 Deputy City Attorney

14 n:\legana\as2014\1500229\01017683.docx

**REVISED LEGISLATIVE DIGEST**  
**(SUBSTITUTED 06/09/2015)**

[Planning Code - Divisadero Street Neighborhood Commercial Transit District]

**Ordinance amending the Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes to various other sections; amending the Zoning Map to make changes that conform with the Code amendments; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

Existing Law

Planning Code Section 746.1 established the Divisadero Street Neighborhood Commercial District (NCD), which extends along Divisadero Street between Haight and O'Farrell Streets.

Amendments to Current Law

The proposed legislation would convert the Divisadero Street NCD into a Neighborhood Commercial Transit District. The Zoning Map and Sections 121.7, 151.1, 201, 702.1, and 746.1 of the Code are amended to conform with this change. Sections 711 and 712 are amended to correct errors in the existing Code.

Background Information

The Divisadero Street NCD has an active and continuous commercial frontage along Divisadero Street for most of its length. Divisadero Street is also an important public transit corridor and throughway street. These characteristics make it suitable for Neighborhood Commercial Transit District and the corresponding reduction in density controls that is characteristic of such districts.

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## SAN FRANCISCO PLANNING DEPARTMENT

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April 24, 2015

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

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Re: Transmittal of Planning Department Case Nos. 2015-001268PCA and 2015-001388PCA: Fillmore Street and Divisadero Street NCT  
Board File Nos. 150081 and 150082  
Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Supervisor Breed,

On April 2, 2015, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider proposed amendments to the San Francisco Zoning Map that would create the Fillmore Street and Divisadero Street Neighborhood Commercial Transit Districts, introduced by Supervisor Breed. At the hearing, the Planning Commission recommended approval with modification.

The Department determined that the proposed amendments are not defined as a project under CEQA Guidelines Section 15378 and 15060(c) (2) because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Planning Commission.

Please find attached documents relating to the actions of the Planning Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr", written over a horizontal line.

Aaron D. Starr  
Manager of Legislative Affairs

Transmittal Materials  
Fillmore and Divisadero NCTs

CASE NO. 2015-001268PCA & 2015-001388PCA

cc:

Judith A. Boyajian, Deputy City Attorney  
Conor Johnston, Aide to Supervisor Breed  
Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee

Attachments:

Planning Commission Resolutions  
Planning Department Executive Summaries



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 19349

HEARING DATE: APRIL 2, 2015

*Project Name:* Establishing the Fillmore Street NCT District  
*Case Number:* 2015-001268PCA [Board File No. 150081]  
*Initiated by:* Supervisor Breed / Introduced January 27, 2015  
*Staff Contact:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362  
*Recommendation:* Recommend Approval with Modifications

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT WITH MODIFICATIONS A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ESTABLISH THE FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ALONG FILLMORE STREET BETWEEN BUSH AND MCALLISTER STREETS IN PLACE OF THE FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT; AMENDING VARIOUS OTHER SECTIONS TO MAKE CONFORMING AND OTHER TECHNICAL CHANGES; AMENDING THE ZONING MAP TO MAKE CHANGES THAT CONFORM WITH THE CODE AMENDMENTS; AND AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.

### PREAMBLE

Whereas, on January 27, 2015, Supervisor Breed introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 150081 that would amend the Planning Code to establish the Fillmore Street Neighborhood Commercial Transit District along Fillmore Street between Bush and McAllister Streets in place of the Fillmore Street Neighborhood Commercial District; amending various other sections to make conforming and other technical changes; amending the Zoning Map to make changes that conform with the Code amendments; and affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.; and

Whereas, on April 2, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance and recommended approval with modifications of the proposed Ordinance; and

Whereas, the Planning Department (hereinafter Department) determined that the Project was not defined as a project under CEQA Guidelines Section 15378 and 15060(c) (2) because it does not result in a physical change in the environment; 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, 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 with modifications of the proposed Ordinance and adopts the attached Draft Resolution to that effect. The modifications that the Commission recommends are as follows:

1. Include the rezoning of parcels 0780/035 and 0780/036 from NC-1 (Neighborhood Commercial, Cluster) District, to RTO (Residential Transit Oriented) District.
2. Amend the list of parcels in the Ordinance to reflect their correct zoning. Specifically Parcel 0798/001 should be RH-3, 0779/031 should be RM-4, and 0702/038 should be RM-3.
3. Add the lot merger restrictions for NCT Districts promulgated in Planning Code Section 121.7 to the Fillmore Street NCT.
4. Do not include the provision for the density bonus program proposed by staff at the hearing.

## **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:

1. The Commission finds that the rezoning of the Fillmore Street NC District to the Fillmore Street NCT District will allow for greater density along a major transit corridor in the City. It will also help the City meet its current and future housing demands while still preserving existing neighborhood character.
2. The Commission finds that the additional units this rezoning could potentially produce will also help bring more people and life to the Fillmore Street corridor, improving the vitality of the neighborhood.
3. The Commission finds that it is appropriate to rezone parcels 0780/035 and 0780/036 from NC-1 to RTO because these are properties have existing residential uses or are in a residential area, and having an NC-1 Zoning district directly across the street from an NCT Zoning District is inconsistent with the stated purpose of NC-1 Zoning Districts.
4. **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 SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

**OBJECTIVE 4**

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

**Policy 6.6**

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

*The proposed district conforms to the generalized neighborhood commercial land use and density plan published in the General Plan.*

**HOUSING ELEMENT**

THE HOUSING ELEMENT IS INTENDED TO PROVIDE THE POLICY BACKGROUND FOR HOUSING PROGRAMS AND DECISIONS; AND TO PROVIDE BROAD DIRECTION TOWARDS MEETING THE CITY'S HOUSING GOALS.

**OBJECTIVE 1**

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

**Policy 1.6**

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

*The proposed NCT will allow greater flexibility in the number and size of units within established building envelopes.*

**OBJECTIVE 11**

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

**Policy 11.3**

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

*The proposed rezoning will allow for greater growth within the corridor without substantially and adversely impacting existing neighborhood character as the height and bulk controls will remain the same.*

**OBJECTIVE 12**

BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.

**Policy 12.1**

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

*The proposed rezoning will allow more housing to be developed along a major transit and commercial corridor. This new housing will not be required to have any parking, making it more likely that the future residents will rely on transit.*

5. The proposed 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 any changes to the use controls in the commercial districts. It will not have a negative impact on existing 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 Ordinance would allow greater density within existing height and bulk limitations, helping to meet the City's housing demand while preserving existing neighborhood character.*

- 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 April 2, 2015.

Jonas P Ionin  
Commission Secretary

AYES: Antonini, Fong, Hillis, Johnson, Moore, Richards, and Wu

NAYS: none

ABSENT: none

ADOPTED: April 2, 2015



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Planning Code Text & Zoning Map Amendment HEARING DATE: APRIL 2, 2015

1650 Mission St.  
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415.558.6377

*Date:* March 26, 2015  
*Project Name:* Establishing the Fillmore Street NCT District  
*Case Number:* 2015-001268PCA [Board File No. 150081]  
*Initiated by:* Supervisor Breed / Introduced January 27, 2015  
*Staff Contact:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362  
*Recommendation:* Recommend Approval with Modifications

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to establish the Fillmore Street Neighborhood Commercial Transit District along Fillmore Street between Bush and McAllister Streets in place of the Fillmore Street Neighborhood Commercial District; amend various other sections to make conforming and other technical changes; and amend the Zoning Map to make changes that conform with the Code amendments.

#### The Way It Is Now:

1. Properties along long Fillmore Street between Bush and McAllister Streets are zoned Fillmore Street Neighborhood Commercial (NC) District, RM-4 (Residential Mixed, High Density) RM-3 Residential Mixed Medium Density), and RH-3 (Residential House, Three-Family).
2. In the Fillmore Street NC, RM-4, and RM-3 Districts, residential density limits are based on the area of the lot. In RH-3 Districts residential density is limited to three units per lot. The density limits for Fillmore Street NC, RM-4 and RM-3 Districts are as follows:
  - a) **Fillmore Street NC District:** One unit per 600 sq. ft. lot area for Dwelling Units.
  - b) **RM-4 Districts:** One unit per 200 sq. ft. lot area for Dwelling Units.
  - c) **RM-3 Districts:** One unit per 400 sq. ft. lot area for Dwelling Units.

#### The Way It Would Be:

1. Properties along Fillmore Street between Bush and McAllister Streets would be zoned Fillmore Street Neighborhood Commercial Transit (NCT) District.
2. Residential density would be regulated by other Planning Code requirements such as height/bulk limitations, open space, rear yard setbacks, and exposure requirements.

### BACKGROUND

The Planning Commission considered the establishment of the Fillmore Street NC District on June 13, 2013, (Board File No. 120814, Case #2012.1183TZ), and recommended approval with modifications to the Board of Supervisors. That ordinance rezoned the NC-3 parcels along Fillmore Street from Bush to

McAllister; it removed parking minimums; and allowed for the five foot height bonus on the ground floor. It also principally permitted Philanthropic Administrative Services and prohibited the conversion of residential units on the second and third floors. There were also amendments that would have placed additional restrictions on Formula Retail within the district. This ordinance only recently became effective in December of last year, because Supervisor Breed was waiting for the outcome of the Formal Retail Report and corresponding ordinance<sup>1</sup>. After the Formula Retail ordinance was passed, the additional provisions for Formula Retail were taken out of the proposed ordinance and it moved forward at the Board of Supervisors.

## ISSUES AND CONSIDERATIONS

### Meeting the Demand for Housing

In response to an unprecedented demand for housing and rising housing costs, Mayor Lee published an executive directive in January 2014 where he pledged 30,000 new and rehabilitated homes throughout the City by 2020, of which at least one-third of those would be permanently affordable to low and moderate income families, and with the majority of them within financial reach of working, middle income San Franciscans. San Francisco is in a housing affordability crisis and is frequently described as among the worst in the nation,<sup>2 3 4 5</sup> and the demand for housing is expected to increase. The 2012 American Community Survey estimated San Francisco's population to be about 807,755. The Associate on Bay Area Governments projects continued population growth to 981,800 by 2030 or an overall increase of about 174,045 people who will need to be housed over the next 18 years. Household growth, an approximation of the demand for housing, indicates a need for some 72,530 new units in the 18 years to 2030 just to accommodate projected population and household growth.<sup>6</sup> The City's challenge is to find new ways to accommodate more housing units into the existing urban fabric in order to meet current and future demands without negatively impacting neighborhood character.

### Regulating the Number of Units with Building Form

The City started to adopt zoning districts without density controls in 2007 as a result of the Market Octavia Plan<sup>7</sup>. These new districts include the Residential Transit Oriented (RTO, RTO-Mission) Districts, the Neighborhood Commercial Transit Districts (NCT-1, NCT-2, and NCT-3) and several new named

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<sup>1</sup> Board File 140844, Enactment #235-14

<sup>2</sup> Fortune Magazine. July 10, 2014. "Americas Housing Affordability Crisis is Getting Worse" Matthews, Chris. Retrieved at <http://fortune.com/2014/07/10/us-housing-affordability/>

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<sup>4</sup> New York Times. April 14, 2014. "In Many Cities, Rent Is Rising Out of Reach of Middle Class". Dewan, Shaila. Retrieved from: <http://www.nytimes.com/2014/04/15/business/more-renters-find-30-affordability-ratio-unattainable.html>

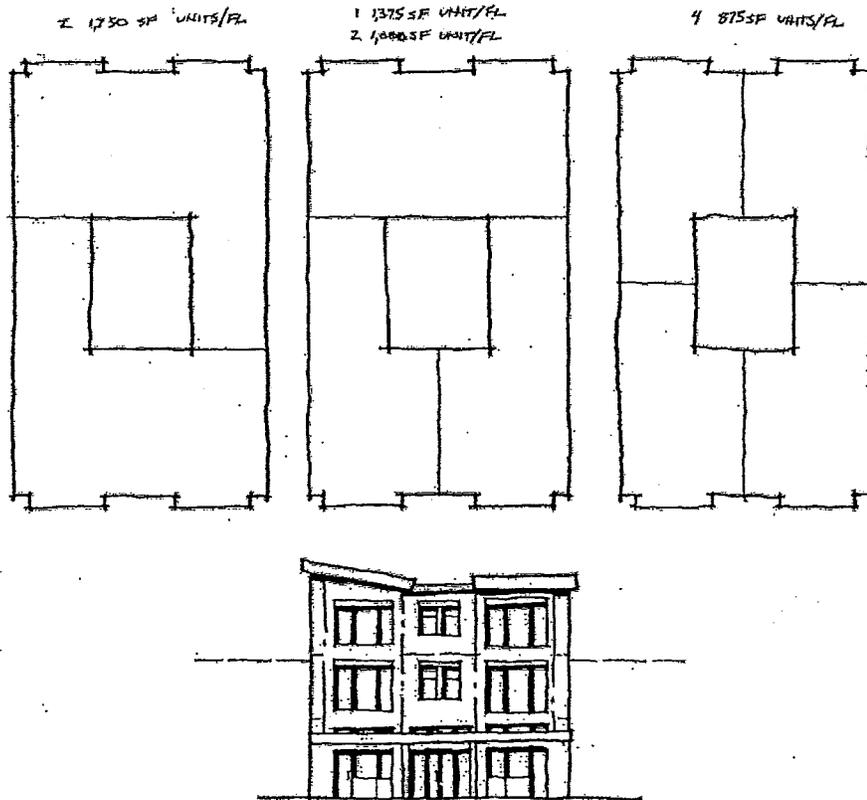
<sup>5</sup> The Economist. April 16, 2014. "The Spectre Haunting San Francisco". London, R.A. Retrieved from: <http://www.economist.com/blogs/freeexchange/2014/04/housing-markets>

<sup>6</sup> San Francisco General Plan 2014 Housing Element

<sup>7</sup> Board of Supervisors Ordinance No. 0246-07, adopted October 23, 2007

Neighborhood Commercial Districts, including the SOMA NCT, Mission Street NCT, Ocean Avenue NCT, and the Glenn Park NCT Districts. Rather than regulating the number of units by the area of the lot, the number of units in RTO and NCT Districts is limited by height/bulk, open space, setback, and exposure requirements. This allows for a slightly more units than would be permitted under the current regulations.

As an example, the height limits in the Fillmore Street NCD are 40 feet (40-X) 50 feet (50-X) 130 feet (130-B) and 160 feet (160-F), depending on the parcel. On a 75 x 100 foot parcel with a 130 foot height limit that contains 7,500 sq. ft., a property owner would be limited to 13 residential units in a building that is permitted to go up 13 floors (7,500 sq. ft. /600 sq. ft. per unit). Removing this limitation allows more housing to be put into the same size building, increasing the potential number of units permitted in the Fillmore St. corridor without impacting a neighborhood's visual character or scale. Below is a sketch of how this concept works for a three story, mixed-use building:



### NCT-3 Districts

The Fillmore Street NCT District is proposed at the same scale of intensity as a NCT-3 Zoning District. NCT-3 Districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT-3 Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major

transit services. The district's form can be either linear along transit-priority corridors, concentric around transit stations, or broader areas where transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on critical stretches of NC and transit streets to preserve and enhance the pedestrian-oriented character and transit function.

#### Required Unit Mix in NCT Districts

To ensure an adequate supply of family-sized units in existing and new housing stock, Section 207.6 of the Planning Code requires new residential construction in NCT Districts with five or more units to be comprised of at least 40 percent two-bedroom units or 30 percent three bedrooms units. These requirements may be waived or modified with Conditional Use Authorization, if the project demonstrates a need or mission to serve unique populations, or the project site features physical constraints that make it unreasonable to fulfill these requirements.

#### Division of Existing Dwelling Units in NCT Districts

Planning Code Section 207.8 limits the subdivision of existing dwelling units in order to ensure an adequate supply of family-sized units. The division of any existing dwelling unit into two or more units NCT districts is permitted only if it meets both of the following conditions:

- a. The existing unit exceeds 2,000 occupied square feet or contains more than 3 bedrooms; and
- b. At least one of the resulting units is no less than 2 bedrooms and 1,250 square feet in size.

#### Commercial District Expansion

The proposed Ordinance would expand the district to include three new parcels; two to the south (863 Fillmore and 949 Fillmore Street) and one to the north on the corner of Geary and Steiner (1640 Steiner Street). Please see the map in Exhibit C for more information.

863 Fillmore (0798/001), at the southwest corner of Fillmore and Fulton, is zoned RH-3 and has an existing nonconforming ground-floor commercial use, with housing above; NCT zoning will make the existing commercial use conforming.

949 Fillmore (0779/031) currently zoned RM-4 is a large parcel (30,938 sq. ft.), with a single-story church and surface parking lot, occupying the entire west side of Fillmore Street between McAllister and Fulton streets. NCT zoning allows both retail and residential uses, which are appropriate to the site. Future ground-floor retail uses could enhance walkability of this stretch of Fillmore, and extend the commercial district south to Fulton Street. The Department isn't aware of any plans for the church site, but NCT zoning designation gives them a broader range of uses to choose from.

1640 Steiner (0702/038) is currently zoned RM-3 and occupied by a residential building. The Department isn't aware of any plans to redevelop this parcel, but rezoning it to an NCT district will also give that

property a broader range of uses to choose from and allow for greater density along a major transit corridor.

### 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 modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

The Department recommends the following modifications:

1. Include the rezoning of parcels 0780/035 and 0780/036 from NC-1 (Neighborhood Commercial, Cluster) District, to RTO (Residential Transit Oriented) District.
2. Amend the list of parcels in the Ordinance to reflect their correct zoning. Specifically Parcel 0798/001 should be RH-3, 0779/031 should be RM-4, and 0702/038 should be RM-3.

### BASIS FOR RECOMMENDATION

The Department supports the rezoning of the Fillmore Street NC District to the Fillmore Street NCT District because it will allow for greater density along a major transit corridor in the City. It will also help the City meet its current and future housing demands while still preserving existing neighborhood character. The added units this ordinance could potentially produce will also help bring more people and life to the Fillmore Street corridor, improving the vitality of the neighborhood.

**Recommendation 1: Include the rezoning of parcels 0780/035 and 0780/036 from NC-1 (Neighborhood Commercial, Cluster) District, to RTO (Residential Transit Oriented) District in the proposed Ordinance.**

These parcels are located right next to each other (Exhibit C) on the corner of Fillmore and Fulton Street. The parcel directly on the corner is occupied by a three-story residential building and the other parcel that fronts on Fulton is a surface parking lot. Currently, these parcels are zoned NC-1 and will be directly across the street from the proposed NCT District. NC-1 districts are intended to be located within residential neighborhoods, and are often found in outlying areas of the City. They are also intended for lower intensity of commercial activity that mainly focuses on serving the surrounding neighborhood. Having this an NC-1 District directly next to another commercial district is inconsistent with the intent of the zoning; therefore the Department is proposing to rezone it to RTO.

The Department finds that RTO zoning is the best fit for this parcel because like NCT Districts, it does not have density controls based on the lot size, but is a residential zoning district. The building fronting on Fulton Street is a relatively new residential building. It's unlikely to get redeveloped anytime soon, and the RTO zoning district is consistent with its existing use. The surface parking lot is located within a residential area off the main commercial street, and should it be redeveloped in the future RTO zoning would allow greater density and be consistent with the existing land use pattern.

**Recommendation 2: Amend the list of parcels in the Ordinance to reflect their correct zoning. Specifically Parcel 0798-001 should be RH-3, 0779-031 should be RM-4, and 0702-038 should be RM-3.**

This is a clerical amendment and is intended to fix a drafting error in the Ordinance.

### **ENVIRONMENTAL REVIEW**

The proposed Ordinance is not defined as a project under CEQA Guidelines Section 15378 and 15060(c) (2) because it does not result in a physical change in the environment.

### **PUBLIC COMMENT**

The Department has received several phone calls and emails in response to the mailed notice sent out for this Ordinance. Most people who contacted the Department wanted clarification on what the ordinance would do. There was some skepticism and the Department did receive one clear expression of opposition to the proposed Ordinance.

<b>RECOMMENDATION:</b> Recommendation of Approval with Modifications
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**Attachments:**

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Map of Proposed Fillmore Street NCT
- Exhibit C: Board of Supervisors File No. 150081



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 19348

HEARING DATE: APRIL 2, 2015

*Project Name:* Establishing the Divisadero Street NCT District  
*Case Number:* 2015-001388PCA [Board File No. 150082]  
*Initiated by:* Supervisor Breed / Introduced January 27, 2015  
*Staff Contact:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362  
*Recommendation:* Recommend Approval with Modifications

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Suite 400  
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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ESTABLISH THE DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ALONG DIVISADERO STREET BETWEEN HAIGHT AND O'FARRELL STREETS IN PLACE OF THE DIVISADERO STREET NEIGHBORHOOD COMMERCIAL DISTRICT AND MAKE CONFORMING AND OTHER TECHNICAL CHANGES TO VARIOUS OTHER SECTIONS; AMENDING THE ZONING MAP TO MAKE CHANGES THAT CONFORM WITH THE CODE AMENDMENTS; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.

### PREAMBLE

Whereas, on January 27, 2015, Supervisor Breed introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 150082 that would amend the San Francisco Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes to various other sections; amending the Zoning Map to make changes that conform with the Code amendments; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.; and

Whereas, on April 2, 2015, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance and recommended approval with modifications of the proposed Ordinance; and

Whereas, the Planning Department (hereinafter Department) determined that the Project was not defined as a project under CEQA Guidelines Section 15378 and 15060(c) (2) because it does not result in a physical change in the environment; 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, 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 with modifications** of the proposed Ordinance and adopts the attached Draft Resolution to that effect. The modifications that the Commission recommends are as follows:

1. Add the lot merger restrictions for NCT Districts promulgated in Planning Code Section 121.7 to the Divisadero Street NCT.
2. Do not include the provision for the density bonus program proposed by staff at the hearing.

## **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:

1. The Commission supports the rezoning of the Divisadero Street NC District to the Divisadero Street NCT District because it will allow for greater density along a major transit corridor in the City. It will also help the City meet its current and future housing demands while still preserving existing neighborhood character.
2. The Commission finds that Divisadero Street has been transformed over the past decade by changing demographics and increased involvement from merchants and residents. Rezoning the area to a NCT district would help continue this transformation, and help create a more dynamic and vibrant neighborhood.
3. **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 SUPPORT SYSTEMS THAT CONSTITUTE SAN FRANCISCO'S EMPLOYMENT AND SERVICE BASE.

#### **OBJECTIVE 4.**

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

**Policy 6.6**

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

*The proposed district conforms to the generalized neighborhood commercial land use and density plan published in the General Plan.*

**HOUSING ELEMENT**

**THE HOUSING ELEMENT IS INTENDED TO PROVIDE THE POLICY BACKGROUND FOR HOUSING PROGRAMS AND DECISIONS; AND TO PROVIDE BROAD DIRECTION TOWARDS MEETING THE CITY'S HOUSING GOALS.**

**OBJECTIVE 1**

**IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.**

**Policy 1.6**

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

*The proposed NCT will allow greater flexibility in the number and size of units within established building envelopes.*

**OBJECTIVE 11**

**SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.**

**Policy 11.3**

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

*The proposed rezoning will allow for greater growth within the corridor without substantially and adversely impacting existing neighborhood character as the height and bulk controls will remain the same.*

**OBJECTIVE 12**

**BALANCE HOUSING GROWTH WITH ADEQUATE INFRASTRUCTURE THAT SERVES THE CITY'S GROWING POPULATION.**

**Policy 12.1**

Encourage new housing that relies on transit use and environmentally sustainable patterns of movement.

*The proposed rezoning will allow more housing to be developed along a major transit and commercial corridor. This new housing will not be required to have any parking, making it more likely that the future residents will rely on transit.*

4. The proposed 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 any changes to the use controls in the commercial districts. It will not have a negative impact on existing 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 allow greater density within existing height and bulk limitations, helping to meet the City's housing demand while preserving existing neighborhood character.*

- 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.*

Resolution No. 19348  
Hearing Date: April 2, 2015

CASE NO. 2015-001388PCA  
Proposed Divisadero Street NCT

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 April 2, 2015.

Jonas P Ionin  
Commission Secretary

AYES: Antonini, Fong, Hillis, Johnson, Moore, Richards, and Wu

NAYS: none

ABSENT: none

ADOPTED: April 2, 2015



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Planning Code Text & Zoning Map Amendment HEARING DATE: APRIL 2, 2015

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The proposed Ordinance would amend the Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes to various other sections; and amending the Zoning Map to make changes that conform with the Code amendments.

#### The Way It Is Now:

1. Properties along Divisadero Street between Haight and O'Farrell Streets are zoned Divisadero Street Neighborhood Commercial (NC) District.
2. In the Divisadero Street NC District, residential density limits are based on the area of the lot. These limits are currently one unit per 800 sq. ft. lot area for Dwelling Units, and 1 bedroom per 275 sq. ft. lot area for Group Housing.

#### The Way It Would Be:

1. Properties along Divisadero Street between Haight and O'Farrell Street would be zoned Divisadero Street Neighborhood Commercial Transit (NCT) District.
2. Residential density would be regulated by other Planning Code requirements such as height/bulk limitations, open space, rear yard setbacks, and exposure requirements.

### BACKGROUND

The Planning Commission considered the establishment of the Divisadero Street NC District on November 29, 2012 (Board File No. 120796, Case #2012.0950TZ), and recommended approval to the Board of Supervisors. That ordinance rezoned the NC-2 parcels that faced Divisadero Street between Haight and O'Farrell Streets to the Divisadero Street NC District; it removed parking minimums; and allowed for the five foot height bonus on the ground floor. It also changed the use controls to allow Bars, Restaurants, Limited-Restaurants, Movie Theaters, Other Entertainment, Philanthropic Administrative Services and Trade Shops on the second floor; and removed the Divisadero Street Alcohol Street

Restricted Use Districts, but preserved the prohibition on new liquor stores in the NCD. This ordinance only recently became effective in December of last year, because Supervisor Breed was waiting for the outcome of the Formal Retail Report and ordinance<sup>1</sup>. After the Formula Retail ordinance was passed, the additional provisions for Formula Retail were taken out of the proposed ordinance and it moved forward at the Board of Supervisors.

## ISSUES AND CONSIDERATIONS

### Meeting the Housing Demand

In response to an unprecedented demand for housing and rising housing costs, Mayor Lee published an executive directive in January 2014 where he pledged 30,000 new and rehabilitated homes throughout the City by 2020, of which at least one-third of those are permanently affordable to low and moderate income families, and with the majority of them within financial reach of working, middle income San Franciscans. San Francisco is in a housing affordability crisis and is frequently described as among the worst in the nation,<sup>2 3 4 5</sup> and the demand for housing is predicted to increase. The 2012 American Community Survey estimated San Francisco's population to be about 807,755. The Association of Bay Area Governments projects continued population growth to 981,800 by 2030 or an overall increase of about 174,045 people who will need to be housed over the next 18 years. Household growth, an approximation of the demand for housing, indicates a need for some 72,530 new units in the 18 years to 2030 just to accommodate projected population and household growth.<sup>6</sup> The City's challenge is to find new ways to accommodate more housing units into the existing urban fabric in order to meet current and future demands without negatively impacting neighborhood character.

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The City started to adopt zoning districts without density controls in 2007 as a result of the Market Octavia Plan<sup>7</sup>. These new districts include the Residential Transit Oriented (RTO, RTO-M) Districts, the Neighborhood Commercial Transit Districts (NCT-1, NCT-2, and NCT-3) and several new named Neighborhood Commercial Districts including the SOMA NCT, Mission Street NCT, Ocean Avenue NCT, and the Glenn Park NCT Districts. Rather than rely on regulating the number of units by the area of the lot, the number of units in RTO and NCT Districts is limited by height/bulk, open space, and exposure

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<sup>1</sup> Board File 140844, Enactment #235-14

<sup>2</sup> Fortune Magazine. July 10, 2014. "Americas Housing Affordability Crisis is Getting Worse" Matthews, Chris. Retrieved at <http://fortune.com/2014/07/10/us-housing-affordability/>

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<sup>4</sup> New York Times. April 14, 2014. "In Many Cities, Rent Is Rising Out of Reach of Middle Class". Dewan, Shaila. Retrieved from: <http://www.nytimes.com/2014/04/15/business/more-renters-find-30-affordability-ratio-unattainable.html>

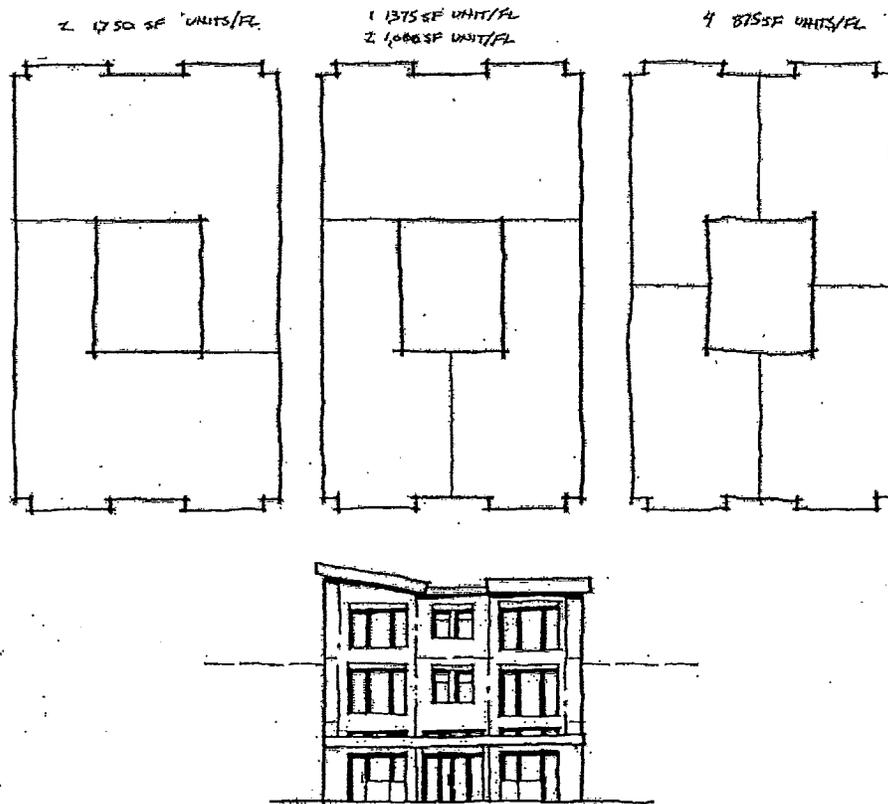
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<sup>6</sup> San Francisco General Plan 2014 Housing Element

<sup>7</sup> Board of Supervisors Ordinance No. 0246-07, adopted October 23, 2007

requirements. This allows for a slightly more units than would be permitted under the current regulations.

For example, most of the Divisadero Street NCD is zoned for 65 feet (65-A), or 6 floors. On a normal 25 x 100 foot parcel that contained 2,500 sq. ft. a property owner would be limited to 3 residential units in a building that is permitted to go up 6 floors (2,500 sq. ft. /800 sq. ft. per unit); less than one unit per floor. Removing this limitation allows more housing to be put into the same size building, increasing the potential number of units permitted in the Divisadero St. corridor without impacting a neighborhood's visual character or scale. Below is an example of how this concept works for a three story, mixed-use building:



### NCT-2 Districts

The Divisadero Street NCT District is proposed at the same scale of intensity as a NCT-2 Zoning District. NCT-2 Districts are transit-oriented mixed-use neighborhoods with small scale commercial uses near transit services. The NCT Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These Districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The District's form is generally linear along transit-priority corridors, though may be concentric around transit stations or in broader areas where multiple transit services criss-cross the neighborhood.

Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. There are prohibitions on access (e.g., driveways, garage entries) to off-street parking and loading on critical stretches of commercial and transit street frontages to preserve and enhance the pedestrian-oriented character and transit function. Residential parking is not required and generally limited. Commercial establishments are discouraged from building excessive accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic.

NCT-2 Districts are intended to 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. The small-scale district controls provide for mixed-use buildings, which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

#### Required Unit Mix in NCT Districts

To ensure an adequate supply of family-sized units in existing and new housing stock, Section 207.6 of the Planning Code requires new residential construction in NCT Districts with five or more units to be comprised of at least 40 percent two-bedroom units or 30 percent three bedrooms units. These requirements may be waived or modified with Conditional Use Authorization, if the project demonstrates a need or mission to serve unique populations, or the project site features physical constraints that make it unreasonable to fulfill these requirements.

#### Division of Existing Dwelling Units in NCT Districts

Planning Code Section 207.8 limits the subdivision of existing dwelling units in order to ensure an adequate supply of family-sized units. The division of any existing dwelling unit into two or more units NCT districts is permitted only if it meets both of the following conditions:

- a. The existing unit exceeds 2,000 occupied square feet or contains more than 3 bedrooms; and
- b. At least one of the resulting units is no less than 2 bedrooms and 1,250 square feet in size.

#### 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* of the proposed Ordinance and adopt the attached Draft Resolution to that effect.

#### BASIS FOR RECOMMENDATION

The Department supports the rezoning of the Divisadero Street NC District to the Divisadero Street NCT District because it will allow for greater density along a major transit corridor in the City. It will also help the City meet its current and future housing demands while still preserving existing neighborhood

character. Divisadero Street has been transformed over the past decade by changing demographics and increased involvement from merchants and residents. Rezoning the area to a NCT district would help continue this transformation, and help create a more dynamic and vibrant neighborhood.

**ENVIRONMENTAL REVIEW**

The proposed Ordinance is not defined as a project under CEQA Guidelines Section 15378 and 15060(c) (2) because it does not result in a physical change in the environment.

**PUBLIC COMMENT**

The Department has received several phone calls and emails in response to the mailed notice sent out for this Ordinance. Most people who contacted the Department wanted clarification on what the ordinance would do. While there was some skepticism, the Department did not receive any expressed opposition to the proposed Ordinance, and some people expressed support for the proposed changes.

<b>RECOMMENDATION:</b>	<b>Recommendation of Approval</b>
------------------------	-----------------------------------

**Attachments:**

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Map of Proposed Zoning District
- Exhibit C: Board of Supervisors File No. 150082

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

June 16, 2015

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On June 9, 2015, Supervisor Breed introduced the following substitute legislation:

**File No. 150082**

**Ordinance amending the Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes to various other sections; amending the Zoning Map to make changes that conform with the Code amendments; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use and Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use and Economic Development Committee

- c: John Rahaim, Director of Planning  
Aaron Starr, Acting Manager of Legislative Affairs  
AnMarie Rodgers, Senior Policy Manager  
Scott Sanchez, Zoning Administrator  
Sarah Jones, Chief, Major Environmental Analysis  
Jeanie Poling, Environmental Planning  
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

June 16, 2015

File No. 150082

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On June 9 2015, Supervisor Breed introduced the following substitute legislation:

**File No. 150082**

**Ordinance amending the Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes to various other sections; amending the Zoning Map to make changes that conform with the Code amendments; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use & Economic Development Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

**MEMORANDUM**

TO: Regina Dick-Endrizzi, Director  
Small Business Commission, City Hall, Room 448

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development  
Committee, Board of Supervisors

DATE: June 16, 2015

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use and Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 150082**

**Ordinance amending the Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes to various other sections; amending the Zoning Map to make changes that conform with the Code amendments; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

\*\*\*\*\*

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: \_\_\_\_\_

No Comment  
 Recommendation Attached

\_\_\_\_\_  
Chairperson, Small Business Commission



BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

February 5, 2015

File No. 150082

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On January 27, 2015, Supervisor Breed introduced the following legislation:

**File No. 150082**

**Ordinance amending the Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes to various other sections; amending the Zoning Map to make changes that conform with the Code amendments; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use & Economic Development Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

431

Joy Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org, c=US  
Date: 2015.02.17 15:22:09 -08'00'

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

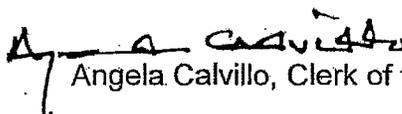
**Date:** Monday, June 29, 2015

**Time:** 1:30 p.m.

**Location:** Legislative Chamber, Room 250, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subject:** File No. 150082. Ordinance amending the Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes to various other sections; amending the Zoning Map to make changes that conform with the Code amendments; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, June 26, 2015.

  
Angela Calvillo, Clerk of the Board

DATED: June 18, 2015  
POSTED/PUBLISHED: June 19, 2015

**New Order**



**Your Order is sent.**

**Customer Information**

<b>Customer Name</b>	S.F. BD OF SUPERVISORS (NON-CONSECUTIVE)	<b>Master Id</b>	52704
<b>Address</b>	1 DR CARLTON B GOODLETT PL #244	<b>Phone</b>	4155547704
<b>City</b>	SAN FRANCISCO	<b>Fax</b>	4155547714
<b>State - Zip</b>	CA - 94102		

**Product Information**

Legal GOVERNMENT - GOVT PUBLIC NOTICE

**Order Information**

Attention Name AA

Billing Reference No.  Save

Ad Description 150082 Zoning Map 062915

Sale/Hrg/Bid Date

Special Instructions

**Orders Created**

Order No.	Newspaper Name	Publishing Dates	Ad	Price Description	Price	Ad Status
2765457	SAN FRANCISCO EXAMINER 10%, CA <b>Billed To:</b> CCSF BD OF SUPERVISORS (OFFICIAL NOTICES) <b>Created For:</b> CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)	06/19/2015	<b>Depth :</b> 6.17" <b>Lines :</b> 74	<b>\$3.75 74 lines * 1 Inserts[\$277.50] \$ 10% set aside [\$-27.75]</b>	\$249.75	Sent
Order No.	Newspaper			View		
2765457	SAN FRANCISCO EXAMINER 10%			View Ad In PDF		

**NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE JUNE 29, 2015 - 1:30 PM LEGISLATIVE CHAMBER, ROOM 250 , CITY HALL 1 DR. CARLTON B. GOODLETT PLACE, SF, CA**  
 NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 150082. Ordinance amending the Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes to various other sections; amending the Zoning Map to make changes that conform with the Code amendments; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These

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**NOTICE OF PUBLIC  
HEARING BOARD OF  
SUPERVISORS OF THE  
CITY AND COUNTY OF  
SAN FRANCISCO LAND  
USE AND TRANSPORTA-  
TION COMMITTEE JUNE  
29, 2015 - 1:30 PM  
LEGISLATIVE CHAMBER,  
ROOM 250, CITY HALL 1  
DR. CARLTON B. GOOD-  
LETT PLACE, SF, CA**

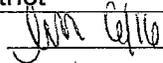
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**BOS  
NOTICE REVIEW**

Legislative File No. 150082

Planning Code, Zoning Map - Establishing the Divisadero Street  
Neighborhood Commercial Transit District

Initial: 

Initial: 

Date:

June 16, 2015

**Publishing Logistics**

10-Day Publish

Hearing Date: Jun 29

Notice Must be Submitted: Jun 18

Notice Must be Mailed: N/A

Notice Will Publish: June 19

**GOVERNMENT**

**NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE JUNE 23, 2015 - 1:30 PM LEGISLATIVE CHAMBER, ROOM 250, CITY HALL 1 DR. CARLTON B. GOODLETT PLACE, SF, CA**

NOTICE IS HEREBY GIVEN THAT THE Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 150082, Ordinance amending the Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes; amending the Zoning Map to make changes that conform with the Code amendments; affirming the Planning Commission's determination of the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, in accordance with Administrative Code, Section 67-7.1, persons who are unable to attend the hearing on this matter may submit written comments to the City Clerk by the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, June 26, 2015, Angela Calvillo, Clerk of the Board

District, amending various other sections to make conforming and other technical changes, amending the Zoning Map to make changes that conform with the Code amendments, affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, in accordance with Administrative Code, Section 67-7.1, persons who are unable to attend the hearing on this matter may submit written comments to the City Clerk by the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, June 26, 2015, Angela Calvillo, Clerk of the Board

**NOTICE OF REGULAR MEETING SAN FRANCISCO BOARD OF SUPERVISORS LAND USE AND TRANSPORTATION COMMITTEE JUNE 22, 2015 - 1:30 PM CITY HALL, COMMITTEE RM. 263 1 DR. CARLTON B. GOODLETT PL. SF, CA 94102**  
The agenda packet and legislative files are available at [www.sfbos.org](http://www.sfbos.org), in Room 244 at the address listed above, or by calling (415) 554-5164.

**NOTICE OF SPECIAL MEETING SAN FRANCISCO BOARD OF SUPERVISORS BUDGET AND FINANCE COMMITTEE MONDAY, JUNE 22, 2015 - 8:00 AM CITY HALL, LEGISLATIVE CHAMBER ROOM 250 1 DR. CARLTON B. GOODLETT PLACE SAN FRANCISCO, CA 94102**  
The agenda packet and legislative files are available at [www.sfgov.org](http://www.sfgov.org), in Room 244 at the address listed above or by calling 415-554-5184

**NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE JUNE 29, 2015 - 1:30 PM LEGISLATIVE CHAMBER, ROOM 250, CITY HALL 1 DR. CARLTON B. GOODLETT PLACE, SF, CA**

NOTICE IS HEREBY GIVEN THAT THE Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 150081, Ordinance amending the Planning Code to establish the Fillmore Street Neighborhood Commercial Transit District along Fillmore Street between Bush and McAllister Streets in place of the Fillmore Street Neighborhood Commercial

**ADVERTISEMENT FOR BIDS CITY & COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS Contract No. 2396J (ID No. FCE16125) WEBSTER STREET PAVEMENT RENOVATION, SEWER REPLACEMENT AND WATERMAIN INSTALLATION**

Sealed bids will be received at 1155 Market Street, 4th Floor, San Francisco, California 94103 until 2:30 p.m. on July 29, 2015, after which they will be publicly opened and read. Digital files of Bid Documents, Plan Holders Lists, and Addenda may be downloaded at no cost from the Department of Public Works (DPW) Electronic Bid Documents Download site at [www.sfdpw.org/biddocs](http://www.sfdpw.org/biddocs), or purchased on a CD format from 1155 Market Street, 4th Floor, San Francisco,

California 94103, telephone 415-554-6229, for a non-refundable \$15,000 fee paid by cash or check to "Department of Public Works". Please visit the DPW's Contracts, Bid Opportunities and Payments webpage at [www.sfdpw.org](http://www.sfdpw.org) for more information. Notices regarding Addenda and other bid changes will be distributed by email to Plan Holders. The Work is located along Webster Street from Green Street to McAllister Street and along Jackson Street from Webster Street to Buchanan Street and consists of pavement renovation and curb ramp construction, sewer replacement and drainage work, water main installation, traffic signal modification, traffic control, and all associated work. The time allowed for completion is 365 calendar days. The Engineer's estimate is approximately \$4,000,000. For more information, contact the Project Manager, Ramon Long at 415-554-6260.

On July 1, 2014, the registration program under section 1725.5 of the California Labor Code went into effect. The program requires that all contractors and subcontractors who bid or work on a public works project register and pay an annual fee to the California Department of Industrial Relations ("DIR"). No contractor or subcontractor may be listed in a bid or awarded a contract for a public works project unless registered with the DIR as required by Labor Code section 1725.5 (with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)). This Project shall incorporate the required partnering elements for Partnering Level 1. Refer to Section 01 31 33 for more details. Pursuant to San Francisco Administrative Code (SFAC) Section 6.25, "Clean Construction" is required for the performance of all work. The Specifications include liquidated damages. Contract will be on a Lump Sum Bid Items With Unit Prices basis. Progressive payments will be made. The Contract will be awarded to the lowest responsible responsive bidder. A bid may be rejected if the City determines that any of the bid item prices are materially unbalanced to the potential detriment of the City. Bid discounts may be applied as per SFAC Chapter 14B. Subcontracting goal is 25% LBE. Call Selormey Dzhunu at 415-558-4059 for details. In accordance with SFAC Chapter 14B requirements, all bidders, except those who meet the exception noted below, shall submit documented good faith efforts to meet the goal. Bidders must achieve 80 out of 100 points to be deemed responsive. Bidders will receive 15 points for attending the pre-bid conference, refer to CMO Form 2B for more details. Exception: Bidders who demonstrate that their total LBE participation exceeds the above subcontracting goal by 35% will not be required to meet the good faith efforts requirements. A pre-bid conference will be held on July 7, 2015, 1:30 p.m., at 1690 Mission Street, 3rd Floor.

For information on the City's Surety Bond Program, call Jennifer Elmore at (415) 217-6578. A corporate surety bond or certified check for ten percent (\$25,000) to include performance and payment bonds for 100% of the contract award. Class "A" license required to bid. In accordance with San Francisco Administrative Code Chapter 6, no bid is accepted and no contract in excess of \$400,000 is awarded by the City and County of San Francisco until such time as the Mayor or the Mayor's designee approves the contract for award, and the State Department of Industrial Relations issues an order of award. Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds. Minimum wage rates for this project must comply with the current General Prevailing Wage as determined by the State Department of Industrial Relations. Minimum wage rates other than applicable to General Prevailing Wage must comply with SFAC Chapter 12P Minimum Compensation Ordinance. This Project is subject to the requirements of the San Francisco Local Hiring Policy for Construction ("Policy") as set forth in Section 6.22(G) of the SFAC. Bidders are hereby advised that the requirements of the Policy will be incorporated as a material term of any contract awarded for the Project. Refer to Section 00 73.30 of the Project Manual for more information. Bidders are hereby advised that the Contractor to whom the Contract is awarded must be certified by the Human Rights Commission as being in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award. If a bidder objects on any ground to any bid specification or legal requirement imposed by this Advertisement for Bids, the bidder shall, no later than the 10th working day prior to the date of Bid opening, provide written notice to the Contract Administration Division, Department of Public Works, setting forth with specificity the grounds for the objection. Right reserved to reject any or all bids and waive any minor irregularities.

**NOTICE OF HEARING TO CONSIDER ESTABLISHING A PARKING METER PROGRAM**  
The San Francisco Municipal Transportation Agency Board of Directors will hold a public hearing on Tuesday, July 7, 2015, to consider establishing a per transaction fee for parking meter payments made by credit card, debit card, or by pay-by-phone service. The hearing will be held at City Hall, #1 Dr. Carlton B. Goodlett Place, Room 400 at 1 p.m. Additional information may be obtained at [www.stim.com](http://www.stim.com).

**CITATION SUPERIOR COURT FOR THE STATE OF CALIFORNIA FOR THE CITY AND COUNTY OF SAN FRANCISCO UNITED FAMILY COURT Case Number: JD12-32894D**  
In the Matter of E.B.L., Jr. & J.V.L.-A Minors  
To: EVERETT BUTCH LAGULA, SR., alleged father; and any other persons(s) claiming to be the Parent(s) of said minor.  
You are hereby notified that the San Francisco Juvenile Dependency Court has ordered a hearing pursuant to Welfare and Institutions Code Section 366.26, to determine whether your parental rights should be terminated and your child(ren) be freed from your custody and control for the purposes of having him adopted.  
**BY ORDER OF THIS COURT**, you are hereby cited and required to appear before this Court on the day of September 9, 2015 at 1:15 p.m., at the Juvenile Dependency Court, 400 McAllister Street, Room 425, San Francisco, California, then and there to show cause, if any you have, why said minor(s) should not be declared free from the custody and control of his parent(s). This proceeding is for the purpose of developing a permanent plan for the child(ren), which could include adoption.  
If you appear on the above-mentioned date in the above-mentioned courtroom, the Judge will advise you of the nature of the proceedings, the procedures, and possible consequences of the entitled action. The parent(s) of the minor(s) have the right to have an attorney present and, if the parent(s) cannot afford an attorney, the Court will appoint an attorney for the parent(s). Dated: June 8, 2015  
CAT VALDEZ, Legal Assistant for Petitioner, Department of Human Services (415) 554-3835  
By: ANNIE TOY, Deputy Clerk

grant the petition without a hearing.  
Notice of Hearing: Date: 7/21/15, Time: 9:00 am, Dept.: FJ, Room: 2D  
The address of the court is 400 County Center, Redwood City, CA 94063  
A copy of this Order to Show Cause shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county: The Examiner. Date: 6/4/15  
J.L. Grandsaert  
Judge of the Superior Court 615, 625, 7/3, 7/10/15  
CPEN-276959#  
EXAMINER - SAN MATED WEEKLY

**ORDER TO SHOW CAUSE FOR CHANGE OF NAME**  
Case No. CIV533850  
Superior Court of California, County of San Mateo  
Petitioner: Christopher Justin Davis for Change of Name  
TO ALL INTERESTED PERSONS  
Petitioner Christopher Justin Davis filed a petition with this court for a decree changing names as follows:  
Christopher Justin Davis-Greenbach  
The Court orders that all persons interested in this matter, appear before this court on the day of September 9, 2015 at 1:15 p.m., at the Juvenile Dependency Court, 400 McAllister Street, Room 425, San Francisco, California, then and there to show cause, if any you have, why said minor(s) should not be declared free from the custody and control of his parent(s). This proceeding is for the purpose of developing a permanent plan for the child(ren), which could include adoption.  
If you appear on the above-mentioned date in the above-mentioned courtroom, the Judge will advise you of the nature of the proceedings, the procedures, and possible consequences of the entitled action. The parent(s) of the minor(s) have the right to have an attorney present and, if the parent(s) cannot afford an attorney, the Court will appoint an attorney for the parent(s). Dated: June 8, 2015  
CAT VALDEZ, Legal Assistant for Petitioner, Department of Human Services (415) 554-3835  
By: ANNIE TOY, Deputy Clerk

**ORDER TO SHOW CAUSE FOR CHANGE OF NAME**  
Case No. CIV 534018  
Superior Court of California, County of San Mateo  
Petitioner: Yumi Sato for Change of Name  
TO ALL INTERESTED PERSONS:  
Petitioner Yumi Sato filed a petition with this court for a decree changing names as follows:  
Yumi Sato to Yumi Sato Kawano  
The Court orders that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.  
Notice of Hearing: Date: 7/10/15, Time: 9 AM, Dept.: FJ, Room: 2D  
The address of the court is 400 County Center, Room B, Redwood City, CA 94063  
A copy of this Order to Show Cause shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county: The Examiner. Date: 5/22/15  
J.L. Grandsaert  
Judge of the Superior Court 615, 612, 619, 626/15  
NPEN-276959#  
EXAMINER - BOUTIQUE & VILLAGER

**ORDER TO SHOW CAUSE FOR CHANGE OF NAME**  
Case No. CIV533771  
Superior Court of California, County of San Mateo  
Petitioner: Hulichun Chen for Change of Name  
TO ALL INTERESTED PERSONS:  
Petitioner filed a petition with this court for a decree changing names as follows:  
Hulichun Chen to Hulichun Sandia Chen  
The Court orders that all persons interested in this matter appear before this court at the hearing indicated below to show cause, if any, why the petition for change of name should not be granted. Any person objecting to the name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may

name changes described above must file a written objection that includes the reasons for the objection at least two court days before the matter is scheduled to be heard and must appear at the hearing to show cause why the petition should not be granted. If no written objection is timely filed, the court may grant the petition without a hearing.  
Notice of Hearing: Date: 07/09/15, Time: 9 AM, Dept.: FJ, Room: 2D  
The address of the court is 400 County Center, 1st Floor, Redwood City, CA 94063  
A copy of this Order to Show Cause shall be published at least once each week for four successive weeks prior to the date set for hearing on the petition in the following newspaper of general circulation, printed in this county: The Examiner. Date: 5/22/15  
J.L. Grandsaert  
Judge of the Superior Court 615, 612, 619, 626/15  
NPEN-276959#  
EXAMINER - BOUTIQUE & VILLAGER

**SUMMONS (CITACION JUDICIAL) CASE NUMBER (Número del Caso): CGC 15-544138**  
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**YOU ARE BEING SUED BY PLAINTIFF (LO ESTA DEMANDANDO):** American Express Creditcard Bank, a Utah state chartered bank.  
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Print Form

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [150082]
- 9. Reactivate File No. [ ]
- 10. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

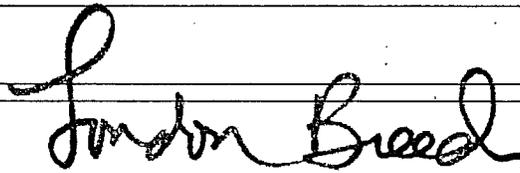
Breed

Subject:

Planning Code - Establishing the Divisadero Street Neighborhood Commercial Transit District

The text is listed below or attached:

Ordinance amending the Planning Code to establish the Divisadero Street Neighborhood Commercial Transit District along Divisadero Street between Haight and O'Farrell Streets in place of the Divisadero Street Neighborhood Commercial District and make conforming and other technical changes to various other sections, amending the Zoning Map to make changes that conform with the Code amendments; affirming the Planning Department's determination under the California Environmental Quality Act, and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: