

[Planning Code - Establishing the Excelsior Outer Mission Street Neighborhood Commercial District]

Ordinance amending the Planning Code to establish the Excelsior Outer Mission Street Neighborhood Commercial District (NCD) along Mission Street between Alemany Boulevard and the San Francisco-San Mateo County line; repealing the Excelsior Alcohol Restricted Use District and adding controls on liquor establishments to the new NCD; amending various sections to make conforming and other technical changes; and making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font. **Additions to Codes** are in *single-underline italics Times New Roman font*. **Deletions to Codes** are in *strikethrough italics Times New Roman font*. **Board amendment additions** are in double-underlined Arial font. **Board amendment deletions** are in ~~strikethrough Arial font~~. **Asterisks (* * * *)** indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 130084 and is incorporated herein by reference.

(b) On April 18, 2013, the Planning Commission, in Resolution No. 18846, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 130084, and is incorporated herein by reference.

1 (c) This Board finds that these Planning Code amendments are consistent with the
2 General Plan and with the priority policies of Planning Code Section 101.1 for the reasons set
3 forth in Planning Commission Resolution No. 18846, and the Board hereby incorporates such
4 reasons herein by reference.

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6 Section 2. The Planning Code is hereby amended by adding Section 745.1, to read as
7 follows:

8 **SEC. 745.1. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL**
9 **DISTRICT.**

10 The Excelsior Outer Mission Street Neighborhood Commercial District is located along
11 Mission Street between Alemany Boulevard and the San Francisco-San Mateo county line. Outer
12 Mission Street is mixed use, combining street-fronting retail businesses on the ground floor and
13 housing on upper floors. The range of comparison goods and services offered is varied and often
14 includes specialty retail stores, restaurants, and neighborhood-serving offices. The area is transit-
15 oriented and the commercial uses serve residents of the area as well as residents and visitors from
16 adjacent and other neighborhoods.

17 The Excelsior Outer Mission Street Neighborhood Commercial District is intended to provide
18 convenience goods and services to the surrounding neighborhoods as well as limited comparison
19 shopping goods for a wider market. Housing development in new buildings is encouraged above the
20 second story. Existing residential units are protected by limitations on demolitions and upper-story
21 conversions. Parking for residential and commercial uses is not required. Buildings range in height,
22 with height limits generally allowing up to four stories. Lots vary in size, generally small- or medium-
23 sized with some very large parcels.

SEC. 745. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL

DISTRICT ZONING CONTROL TABLE

<i>Excelsior Outer Mission Street</i>			
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<u>745.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 263.20, 270, 271</u>	<u>Generally 40-X; see Zoning Map. Height Sculpting on Alleys; § 261.1 Additional 5 feet in height allowed for Ground Floor Active Uses in 40-X and 50-X height districts; § 263.20</u>
<u>745.11</u>	<u>Lot Size [Per Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 9,999 sq. ft.; C 10,000 sq. ft. & above</u>
<u>745.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at the second story and above: § 134(a)(1)(C)</u>
<u>745.13a</u>	<u>Street Frontage</u>	<u>§ 145.1</u>	<u>Required</u>
<u>745.13b</u>	<u>Street Frontage, Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>Required</u>
<u>745.14</u>	<u>Awning</u>	<u>§ 136.1(a)</u>	<u>P</u>
<u>745.15</u>	<u>Canopy</u>	<u>§ 136.1(b)</u>	<u>P</u>
<u>745.16</u>	<u>Marquee</u>	<u>§ 136.1(c)</u>	<u>P</u>
<u>745.17</u>	<u>Streetscape and Pedestrian Improvements</u>	<u>§ 138.1</u>	<u>Required</u>

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

745.20	<u>Floor Area Ratio</u>	§§ 102.9, 102.11, 123	3.6 to 1 § 124 (a) (b)
745.21	<u>Use Size [Non-Residential]</u>	§ 790.130, § 121.2	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above
745.22	<u>Off-Street Parking, Commercial/Institutional</u>	§§ 145.1, 150, 151.1, 153 - 157, 159 - 160, 204.5	None required. Limits set forth in Section 151.1.
745.23	<u>Off-Street Freight Loading</u>	§§ 150, 153 - 155, 204.5, 152, 161(b)	Generally, none required if gross floor area is less than 10,000 sq. ft
745.24	<u>Outdoor Activity Area</u>	§§ 790.70, 145.2(a)	P if located in front; C if located elsewhere
745.25	<u>Drive-Up Facility</u>	§ 790.30	
745.26	<u>Walk-Up Facility</u>	§§ 790.140, 145.2(b)	P if recessed 3 ft.; C if not recessed
745.27	<u>Hours of Operation</u>	§ 790.48	P 6 a.m. – 2 a.m. C 2 a.m. – 6 a.m.
745.30	<u>General Advertising Sign</u>	§§ 262, 602 - 604, 608, 609	
745.31	<u>Business Sign</u>	§§ 262, 602 - 604, 607.1(f)3, 608, 609	P
745.32	<u>Other Signs</u>	§§ 262, 602 - 604, 607.1(c) (d) (g) 608, 609	P

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<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Outer Mission Street</u>		
			<u>Controls by Story</u>		
		<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<u>745.38</u>	<u>Residential Conversion</u>	<u>§ 790.84, 317</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>745.39</u>	<u>Residential Demolition</u>	<u>§ 790.86, 317</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Retail Sales and Services</u>					
<u>745.40</u>	<u>Other Retail Sales and Services</u> <u>[Not Listed Below]</u>	<u>§ 790.102</u>	<u>P #</u>	<u>P #</u>	<u>P #</u>
<u>745.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	<u>P</u>	
<u>745.43</u>	<u>Limited-Restaurant</u>	<u>§ 790.90</u>	<u>P</u>	<u>P</u>	
<u>745.44</u>	<u>Restaurant</u>	<u>§ 790.91</u>	<u>P</u>	<u>P</u>	
<u>745.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>NP #</u>		
<u>745.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>P</u>	
<u>745.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>	<u>C</u>	<u>C</u>	
<u>745.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>	<u>P</u>	<u>P</u>	
<u>745.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>P</u>	
<u>745.50</u>	<u>Limited Financial Service</u>	<u>§ 790.112</u>	<u>P</u>	<u>P</u>	
<u>745.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>745.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>745.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>745.54</u>	<u>Massage Establishment</u>	<u>§ 790.60, § 1900</u> <u>Health Code</u>	<u>C</u>	<u>C</u>	
<u>745.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>

1	<u>745.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 156, 158.1,</u>	<u>C</u>		
2			<u>160</u>			
3	<u>745.57</u>	<u>Automobile Gas Station</u>	<u>§ 790.14</u>	<u>C</u>		
4	<u>745.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>	<u>C</u>		
5	<u>745.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	<u>C</u>	
6	<u>745.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>	<u>C</u>		
7	<u>745.61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>	<u>C</u>		
8	<u>745.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	<u>C</u>	
9	<u>745.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>	<u>C</u>		
10	<u>745.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>	<u>C</u>	<u>C</u>	<u>C</u>
11	<u>745.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>P</u>	<u>P</u>
12	<u>745.66</u>	<u>Storage</u>	<u>§ 790.117</u>	<u>C</u>	<u>C</u>	<u>C</u>
13	<u>745.68</u>	<u>Fringe Financial Services</u>	<u>§ 790.111</u>	<u>#</u>		
14	<u>745.69</u>	<u>Tobacco Paraphernalia</u>	<u>§ 790.123</u>	<u>C</u>		
15		<u>Establishments</u>				
16	<u>745.69B</u>	<u>Amusement Game Arcade</u>	<u>§ 790.4</u>	<u>C</u>		
17		<u>(Mechanical Amusement</u>				
18		<u>Devices)</u>				
19	<u>745.69C</u>	<u>Neighborhood Agriculture</u>	<u>§ 102.35(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>
20	<u>745.69D</u>	<u>Large-Scale Urban Agriculture</u>	<u>§ 102.35(b)</u>	<u>C</u>	<u>C</u>	<u>C</u>
21	<u>Institutions and Non-Retail Sales and Services</u>					
22						
23	<u>745.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	<u>C</u>	<u>C</u>	<u>C</u>
24	<u>745.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	<u>C</u>	<u>C</u>	<u>C</u>
25	<u>745.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>P</u>	<u>P</u>

1	<u>745.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
2	<u>745.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
3	<u>745.84</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P#</u>	<u>P#</u>	<u>P#</u>
4	<u>RESIDENTIAL STANDARDS AND USES</u>					
5	<u>745.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except</u>	<u>P</u>	<u>P</u>
6				<u>C for</u>		
7				<u>front-</u>		
8				<u>ages</u>		
9				<u>listed in</u>		
10				<u>145.1</u>		
11				<u>(d)</u>		
12	<u>745.91</u>	<u>Residential Density, Dwelling</u>	<u>§§ 207, 207.1,</u>	<u>Generally, 1 unit per 600 sq. ft.</u>		
13		<u>Units</u>	<u>790.88(a)</u>	<u>lot area</u>		
14	<u>745.92</u>	<u>Residential Density, Group</u>	<u>§§ 207.1, 208,</u>	<u>Generally, 1 bedroom per 210</u>		
15		<u>Housing</u>	<u>790.88(b)</u>	<u>sq. ft. lot area</u>		
16	<u>745.93</u>	<u>Usable Open Space [Per</u>	<u>§§ 135, 136</u>	<u>Generally, either 80 sq. ft. if</u>		
17		<u>Residential Unit]</u>		<u>private, or 100 sq. ft. if</u>		
18				<u>common § 135(d)</u>		
19	<u>745.94</u>	<u>Off-Street Parking, Residential</u>	<u>§§ 145.1, 150, 151.1,</u>	<u>P up to one car for each unit;</u>		
20			<u>153- 157, 159- 160,</u>	<u>NP above</u>		
21			<u>166. 167, 204.5</u>			
22	<u>745.95</u>	<u>Community Residential Parking</u>	<u>§ 790.10, 145.1, 166</u>	<u>C</u>		

SPECIFIC PROVISIONS FOR THE EXCELSIOR OUTER MISSION STREET

NEIGHBORHOOD COMMERCIAL DISTRICT

<u>Article</u> <u>7 Code</u> <u>Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
§ 745.40	§§ 790.55, 790.102(a), 790.102(b)	<u>OFF-SALE LIQUOR ESTABLISHMENTS</u>
§ 745.45		<u>Boundaries: Excelsior Outer Mission Street</u>
		<u>Neighborhood Commercial District.</u>
		<u>Controls:</u>
		<u>(a) New Liquor Store uses with Type 20 or</u>
		<u>Type 21 ABC licenses are not permitted in the district;</u>
		<u>provided, however, that any use within the District</u>
		<u>with an existing Type 20 or Type 21 ABC license may</u>
		<u>obtain a new license, if required by the ABC, after it</u>
		<u>has been closed temporarily for repair, renovation,</u>
		<u>remodeling, or reconstruction.</u>
		<u>(b) Liquor Store uses may relocate within the</u>
		<u>district with conditional use authorization.</u>
		<u>(c) General Grocery, Specialty Grocery, and</u>
		<u>Liquor Store uses with off-sale alcohol licenses shall</u>
		<u>observe the following good neighbor policies:</u>
		<u>(1) Liquor establishments shall provide outside</u>
		<u>lighting in a manner sufficient to illuminate street and</u>
		<u>sidewalk areas and adjacent parking, as appropriate</u>
		<u>to maintain security, without disturbing area</u>

residences;

(2) Advertisements in windows and clear doors are not permitted, and no more than 25 percent of the square footage of the windows and clear doors of liquor establishments shall bear signage of any sort, and all signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises.

§ 745.68

§ 249.35

FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)

Boundaries: *The FFSRUD and its 1/4 mile buffer includes, but is not limited to, properties within the Excelsior Outer Mission Street Neighborhood Commercial District.*

Controls: *Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Section 249.35(c)(3).*

§ 745.84

Health Code § 3308

§ 790.141

MEDICAL CANNABIS DISPENSARIES

Boundaries: *Excelsior Outer Mission Street Neighborhood Commercial District*

Controls:

(a) A Medical Cannabis Dispensary (MCD) seeking to locate within 1,000 feet of another MCD use may be allowed as a conditional use; provided, however, that any amendments to regulations governing the proximity of an MCD to another MCD that are applicable to MCDs Citywide shall apply in the Excelsior Outer Mission NCD and will supersede the conditional use requirement contained in this Section 745.

(b) In addition to the requirements of Planning Code Section 303, the Planning Commission shall approve the application and authorize the conditional use if the facts presented are such to establish that:

(1) the MCD will bring measurable community benefits and enhancements to the Excelsior Outer Mission Street Neighborhood Commercial District,
(2) the MCD has prepared a parking and transportation management plan sufficient to address the anticipated impact of its patients,

(3) the MCD has demonstrated a commitment to maintaining public safety by actively engaging with the community prior to applying for the Conditional Use, including adequate security measures in the operation of their business and designating a

		<p><i>community liaison to deal effectively with current and future neighborhood concerns.</i></p> <p><i>(c) In addition to the above criteria, in regard to a Conditional Use authorization application, the Planning Commission shall consider the existing concentrations of MCDs within the District.</i></p> <p><i>(d) A Medical Cannabis Dispensary may only operate between the hours of 8 am and 10 pm.</i></p> <p><i>(e) A Medical Cannabis Dispensary may locate above the first floor only if it shall be accessible to persons with disabilities as required under the California Building Code.</i></p>
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Section 3. The Planning Code is hereby amended by deleting Section 785, as follows:

~~SEC. 785. EXCELSIOR ALCOHOL RESTRICTED USE DISTRICT.~~

~~*(a) Findings. There are an unusually large number of establishments dispensing alcoholic beverages, including beer and wine, for off site consumption in the area located generally on Mission Street from Silver Avenue to the Daly City border. The existence of this many off sale alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety, and general welfare problems in the area, including loitering, littering, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The existence of these problems creates serious impacts on the health, safety, and welfare of residents of nearby single and multiple family areas, including fear for the safety of children, elderly residents, and visitors to the area. The problems also contribute to the deterioration of the neighborhood and concomitant devaluation of property and*~~

1 *destruction of community values and quality of life. The number of establishments selling alcoholic*
2 *beverages for off-site consumption and the associated problems discourage more desirable and needed*
3 *commercial uses in the area.*

4 ~~*(b) Establishment of the Excelsior Alcohol Restricted Use District. In order to preserve the*~~
5 ~~*residential character and the neighborhood-serving commercial uses of the area, the Excelsior Alcohol*~~
6 ~~*Restricted Use District (Excelsior Alcohol RUD) is hereby established for the blocks and lots fronting*~~
7 ~~*both sides of Mission Street from Silver Avenue to the Daly City border, as set forth on Sectional Maps*~~
8 ~~*SU-11 and SU-12 of the Zoning Maps of the City and County of San Francisco.*~~

9 ~~*(c) Definitions. The following definitions shall apply to this Section 785:*~~

10 ~~*(1) "ABC License" shall mean a liquor license issued by the California Department of*~~
11 ~~*Alcoholic Beverage Control.*~~

12 ~~*(2) "Liquor establishment" shall mean any enterprise selling alcoholic beverages, as*~~
13 ~~*defined in California Business and Professions Code Sections 23004 and 23025, pursuant to an ABC*~~
14 ~~*License.*~~

15 ~~*(3) "Prohibited liquor establishment" shall mean any establishment selling alcoholic*~~
16 ~~*beverages lawfully existing prior to the effective date of this ordinance and licensed by the State of*~~
17 ~~*California for the sale of alcoholic beverages for off-site consumption ("off-sale"), so long as otherwise*~~
18 ~~*lawful. It shall include an establishment that is defined in Section 790.55 of this Code.*~~

19 ~~*(d) Controls.*~~

20 ~~*(1) No new liquor establishments selling alcoholic beverages for off-site consumption*~~
21 ~~*shall be permitted in the Excelsior Alcohol RUD.*~~

22 ~~*(2) The prohibition of off-sale liquor establishments shall not be interpreted to prohibit*~~
23 ~~*the following:*~~

24 ~~*(A) Temporary uses, as described in Planning Code Section 205.1 or 205.3; or*~~

1 (B) Establishment of an off-sale liquor establishment if an application for such
2 liquor establishment is on file with the California Department of Alcoholic Beverage Control prior to
3 the effective date of this ordinance establishing the Excelsior Alcohol RUD; or

4 (3) ~~Continuation of Existing Prohibited Liquor Establishments.~~ In the Excelsior
5 Alcohol RUD, any prohibited liquor establishment may continue in accordance with Planning Code
6 Section through 186.2. subject to the following provisions:

7 (A) ~~A prohibited liquor establishment lawfully existing and selling alcoholic~~
8 ~~beverages as licensed by the State of California prior to the effective date of this legislation, or~~
9 ~~subsequent legislation prohibiting that type of liquor establishment, so long as otherwise lawful may~~
10 ~~continue to operate only under the following conditions, as provided by California Business and~~
11 ~~Professions Code Section 23790:~~

12 (i) ~~Except as provided in Subsection (B) below, the premises shall retain~~
13 ~~the same type of retail liquor license within a license classification; and~~

14 (ii) ~~Except as provided in Subsection (B) below, the liquor establishment~~
15 ~~shall be operated continuously, without substantial changes in mode or character of operation.~~

16 (B) ~~A break in continuous service shall not be interpreted to include the~~
17 ~~following, provided that, except as indicated below, the location of the establishment does not change,~~
18 ~~the square footage used for the sale of alcoholic beverages does not increase, and the type of ABC~~
19 ~~License does not change:~~

20 (i) ~~a change in ownership of a prohibited liquor establishment or an~~
21 ~~owner to owner transfer of an ABC License:~~

22 (ii) ~~a temporary closure for restoration or repair of an existing prohibited~~
23 ~~liquor establishment on the same lot after total or partial destruction or damage due to fire, riot,~~
24 ~~insurrection, toxic accident, or act of God;~~

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in Sec. 716.1)
Outer Clement Street Neighborhood Commercial District (Defined in Sec. 717.1)
Upper Fillmore Street Neighborhood Commercial District (Defined in Sec. 718.1)
Haight Street Neighborhood Commercial District (Defined in Sec. 719.1)
Inner Sunset Neighborhood Commercial District (Defined in Sec. 730.1)
Upper Market Street Neighborhood Commercial District (Defined in Sec. 721.1)
North Beach Neighborhood Commercial District (Defined in Sec. 722.1)
Pacific Avenue Neighborhood Commercial District (Defined in Sec. 732.1)
Polk Street Neighborhood Commercial District (Defined in Sec. 723.1)
Sacramento Street Neighborhood Commercial District (Defined in Sec. 724.1)
Union Street Neighborhood Commercial District (Defined in Sec. 725.1)

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24th Street-Noe Valley Neighborhood Commercial District (Defined in Sec. 728.1)
West Portal Avenue Neighborhood Commercial District (Defined in Sec. 729.1)
Noriega Street Neighborhood Commercial District (Defined in Sec. 739.1)
Irving Street Neighborhood Commercial District (Defined in Sec. 740.1)
Taraval Street Neighborhood Commercial District (Defined in Sec. 741.1)
Judah Street Neighborhood Commercial District (Defined in Sec. 742.1)
Regional Commercial District (Defined in Sec. 744)
<i>Excelsior Outer Mission Neighborhood Commercial District (Defined in Sec. 745.1)</i>
* * * *
Neighborhood Commercial Restricted Use Districts and Subdistricts (Defined in Sec. 781)
Taraval Street Restaurant Subdistrict (Defined in Sec. 781.1)
Geary Boulevard Formula Retail Pet Supply Store and Formula

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Retail Eating and Drinking Subdistrict (Defined in Sec. 781.4)
Mission Street Formula Retail Restaurant Subdistrict (Defined in Sec. 781.5)
North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict (Defined in Sec. 781.6)
Chestnut Street Financial Subdistrict (Defined in Sec. 781.7)
Mission Alcoholic Beverage Special Use District (Defined in Sec. 781.8)
Haight Street Alcohol Special Use District (Defined in Sec. 781.9)
17th and Rhode Island Street Grocery Store Special Use District (Defined in Sec. 781.10)
Third Street Alcohol Restricted Use District (Defined in Sec. 782)
Divisadero Street Alcohol Restricted Use District (Defined in Sec. 783)
Lower Haight Street Alcohol Restricted Use District (Defined in Sec. 784)
Excelsior Alcohol Restricted Use District (Defined in Sec. 785)
Lower Haight Street Tobacco Paraphernalia Restricted Use District (Defined in Sec. 786)
Fringe Financial Service Restricted Use District (Defined in Sec.

249.35)
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In addition to the classes of use districts in the above table, the following terms shall apply:

"R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, ~~RM-2~~ RM-1, RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, or RC-4 *District*;

"M District" shall mean any M-1 or M-2 District;

"PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-G or PDR-2 District;

"RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District;

"RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District;

"RTO District" shall mean any RTO or RTO-M District;

"C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and Article 11 of this Code, the term "C-3 District" shall also include the South of Market Extended Preservation District designated on Section Map SU03 of the Zoning Map;

"NCT District" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-2, NCT-3, and any Neighborhood Commercial Transit District identified by street or area name; and

"Mixed Use District" shall mean all Chinatown Mixed use, South of Market Mixed Use, Eastern Neighborhood Mixed use, and Downtown Residential Districts.

SEC. 207.4. DENSITY OF DWELLING UNITS IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

The density of dwelling units in Neighborhood Commercial Districts shall be as stated in the following subsections:

(a) The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in Neighborhood Commercial Districts, except that any remaining fraction of ½ or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.

The dwelling unit density in Neighborhood Commercial Districts shall be at a density ratio not exceeding the number of dwelling units permitted in the nearest Residential District, provided that the maximum density ratio shall in no case be less than the amount set forth in the *zoning control following table for the district*. The distance to each Residential District shall be measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density.

<i>NC District</i>	<i>Residential Density Limits</i>
<i>NC-1</i>	<i>One dwelling unit for each 800 sq. ft of lot area.</i>
<i>NC-2</i>	
<i>NC-S</i>	
<i>Inner Sunset</i>	
<i>Sacramento Street</i>	
<i>West Portal Avenue</i>	
<i>NC-3</i>	<i>One dwelling unit for each 600 sq. ft. of lot area.</i>
<i>Castro Street</i>	
<i>Inner Clement Street</i>	
<i>Outer Clement Street</i>	
<i>Upper Fillmore Street</i>	
<i>Haight Street</i>	
<i>Union Street</i>	

1	<i>24th Street Mission</i>		
2	<i>24th Street Noe Valley</i>		
3	<i>Broadway</i>	<i>One dwelling unit for each 400 sq. ft. of lot area.</i>	
4	<i>Upper Market Street</i>		
5	<i>North Beach</i>		
6	<i>Polk Street</i>		
7			

(b) The dwelling unit density for dwellings specifically designed for and occupied by senior citizens or ~~physically handicapped~~ persons with physical disabilities shall be at a density ratio not exceeding twice the number of dwelling units permitted by the limits set forth in Subsection (a).

(c) The dwelling unit density in the RCD District and NCT Districts, as listed in Section 702.1(b), shall not be limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, exposure, and unit mix, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.

SEC. 249.35. FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT.

(a) **Findings.** There are an unusually large number of establishments providing fringe financial services, including check cashing and payday lending, in the neighborhoods included in the Mission Alcoholic Beverage Special Use District, the North of Market Residential Special Use District, the Divisadero Street Alcohol Restricted Use District, the Third Street Alcohol Restricted Use District, and the Haight Street Alcohol Restricted Use Subdistrict ~~and the proposed Excelsior Alcohol Restricted Use District~~. The unchecked proliferation of these businesses has the potential to displace other financial service providers, including charter banks, which offer a much broader range of financial services, as well as other desired

1 commercial development in the City, which provides a broad range of neighborhood
2 commercial goods and services.

3 (b) **Establishment of the Fringe Financial Service Restricted Use District.** In order
4 to preserve the residential character and the neighborhood-serving commercial uses of the
5 following defined areas, a noncontiguous Fringe Financial Service Restricted Use District
6 (Fringe Financial Service RUD) is hereby established for the following properties:

7 (1) Properties in the Mission Alcoholic Beverage Special Use District, as
8 described in Section 781.8 of this Code and as designated on Zoning Maps Numbers SU07
9 and SU08 of the Zoning Map of the City and County of San Francisco;

10 (2) Properties in the North of Market Residential Special Use District, as
11 described in Section 249.5 of this Code and as designated on Zoning Maps Numbers SU01
12 and SU02;

13 (3) Properties in the Divisadero Street Alcohol Restricted Use District, as
14 described in Section 783 of this Code and as designated on Zoning Maps Numbers SU02 and
15 SU07 of the Zoning Map of the City and County of San Francisco *and the Excelsior Outer*
16 *Mission Street Neighborhood Commercial District, as described in Section 745 of this Code and as*
17 *designated on Zoning Map ZN08 of the Zoning Map of the City and County of San Francisco;*

18 (4) Properties in the Third Street Alcohol Restricted Use District, as described in
19 Section 782 of this Code and as designated on Zoning Map Number SU10 of the Zoning Map
20 of the City and County of San Francisco; *and*

21 (5) Properties in the Haight Street Alcohol Restricted Use Subdistrict, as
22 described in Section 781.9 of this Code and as designated on Zoning Maps Numbers SU06
23 and SU07 of the Zoning Map of the City and County of San Francisco; ~~and~~

24 ~~(6) Properties in the proposed Excelsior Alcohol Restricted Use District, which included~~
25 ~~Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City-~~

1 ~~San Francisco border as set forth in Special Use District Maps SU11 and SU12 of the Zoning Map of~~
2 ~~the City and County of San Francisco. Inclusion of these properties in the Fringe Financial Service~~
3 ~~RUD shall survive any sunset provisions of the proposed Excelsior Alcohol Restricted Use District.~~

4 * * * *

5 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR**
6 **ACTIVE GROUND FLOOR USES IN CERTAIN DISTRICTS.**

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

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

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

19 (2) project is located in one of the following districts:

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

21 (B) in the 24th Street – Noe Valley, Castro Street, Upper Market Street,
22 Inner Clement Street and Outer Clement Street NCDs; Excelsior Outer Mission Street, Irving
23 Street, Judah Street, Noriega Street, Taraval Street NCDs;

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

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

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

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

10 ~~(F) (G)~~ on a parcel zoned NC-1 ~~or NC-2 with a commercial use on the ground~~
11 ~~floor~~ on Noriega, Irving, Taraval, or Judah Streets west of 19th Avenue;

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

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

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

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

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

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

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

4 (c) One additional foot of height, up to a total of five feet, shall be permitted above the
5 designated height limit for each additional foot of ground floor clear ceiling height in excess of
6 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised
7 above sidewalk grade.

8 (Diagram not shown but not to be deleted.)

9 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL**
10 **DISTRICTS.**

11 * * * *

12 (f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in
13 all Neighborhood Commercial and Residential-Commercial Districts subject to the limits set forth
14 below.

15 (1) **NC-1 and NCT-1 Districts.**

16 (A) **Window Signs.** The total area of all window signs, as defined in
17 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
18 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

19 (B) **Wall Signs.** The area of all wall signs shall not exceed one square
20 foot per square foot of street frontage occupied by the business measured along the wall to
21 which the signs are attached, or 50 square feet for each street frontage, whichever is less.
22 The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is
23 attached. Such signs may be nonilluminated or indirectly illuminated; or during business
24 hours, may be directly illuminated.

1 (C) **Projecting Signs.** The number of projecting signs shall not exceed
2 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24
3 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which
4 it is attached. No part of the sign shall project more than 75 percent of the horizontal distance
5 from the street property line to the curblineline, or six feet six inches, whichever is less. The sign
6 may be nonilluminated or indirectly illuminated, or during business hours, may be directly
7 illuminated.

8 (D) **Signs on Awnings.** Sign copy may be located on permitted awnings
9 in lieu of wall signs and projecting signs. The area of such sign copy as defined in Section
10 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly
11 illuminated.

12 (2) **RC, NC-2, NCT-2, NC-S, Broadway, Castro Street, Inner Clement Street,**
13 **Outer Clement Street, Upper Fillmore Street, Inner Sunset, Irving Street, Haight Street,**
14 **Hayes-Gough, Judah Street, Upper Market Street, Excelsior Outer Mission Street, Noriega**
15 **Street, North Beach, Ocean Avenue, Pacific Avenue, Polk Street, Sacramento Street,**
16 **SoMa, Taraval Street, Union Street, Valencia Street, 24th Street - Mission, 24th Street -**
17 **Noe Valley, West Portal Avenue, Glen Park, RCD, and Folsom Street Neighborhood**
18 **Commercial Districts.**

19 (A) **Window Signs.** The total area of all window signs, as defined in
20 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
21 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

22 (B) **Wall Signs.** The area of all wall signs shall not exceed two square
23 feet per foot of street frontage occupied by the use measured along the wall to which the
24 signs are attached, or 100 square feet for each street frontage, whichever is less. The height
25 of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the

1 height of the lowest of any residential windowsill on the wall to which the sign is attached,
2 whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

3 (C) **Projecting Signs.** The number of projecting signs shall not exceed
4 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24
5 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which
6 it is attached, or the height of the lowest of any residential windowsill on the wall to which the
7 sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of
8 the horizontal distance from the street property line to the curblineline, or six feet six inches,
9 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
10 business hours, may be directly illuminated.

11 (D) **Signs on Awnings and Marquees.** Sign copy may be located on
12 permitted awnings or marquees in lieu of projecting signs. The area of such sign copy as
13 defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be
14 nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters
15 or places of entertainment may be directly illuminated during business hours.

16 (E) **Freestanding Signs and Sign Towers.** With the exception of
17 automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4), one
18 freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the
19 building or buildings are recessed from the street property line. The existence of a
20 freestanding business sign shall preclude the erection of a freestanding identifying sign on the
21 same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
22 shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the
23 sign shall project more than 75 percent of the horizontal distance from the street property line
24 to the curblineline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly
25 illuminated; or during business hours, may be directly illuminated.

1 (3) **Mission Street NCT, NC-3, and NCT-3 Neighborhood Commercial**

2 **Districts.**

3 (A) **Window Signs.** The total area of all window signs, as defined in
4 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
5 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

6 (B) **Wall Signs.** The area of all wall signs shall not exceed three square
7 feet per foot of street frontage occupied by the use measured along the wall to which the
8 signs are attached, or 150 square feet for each street frontage, whichever is less. The height
9 of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the
10 height of the lowest of any residential windowsill on the wall to which the sign is attached,
11 whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

12 (C) **Projecting Signs.** The number of projecting signs shall not exceed
13 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32
14 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it
15 is attached, or the height of the lowest of any residential windowsill on the wall to which the
16 sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of
17 the horizontal distance from the street property line to the curblin, or six feet six inches,
18 whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

19 (D) **Sign Copy on Awnings and Marquees.** Sign copy may be located
20 on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as
21 defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be
22 nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters
23 or places of entertainment may be directly illuminated during business hours.

24 (E) **Freestanding Signs and Sign Towers.** With the exception of
25 automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4) of this

1 Code, one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign
2 if the building or buildings are recessed from the street property line. The existence of a
3 freestanding business sign shall preclude the erection of a freestanding identifying sign on the
4 same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
5 shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the
6 sign shall project more than 75 percent of the horizontal distance from the street property line
7 to the curblineline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly
8 illuminated, or during business hours, may be directly illuminated.

9 (4) **Special Standards for Automotive Gas and Service Stations.** For
10 automotive gas and service stations in Neighborhood Commercial Districts, only the following
11 signs are permitted, subject to the standards in this Paragraph (f)(4) and to all other standards
12 in this Section 607.1.

13 (A) A maximum of two oil company signs, which shall not extend ~~more~~
14 ~~than 10 feet~~ above the roofline if attached to a building, or exceed the maximum height
15 permitted for freestanding signs in the same district if freestanding. The area of any such sign
16 shall not exceed 180 square feet, and along each street frontage, all parts of such a sign or
17 signs that are within 10 feet of the street property line shall not exceed 80 square feet in area.
18 No such sign shall project more than five feet beyond any street property line. The areas of
19 other permanent and temporary signs as covered in Subparagraph (B) below shall not be
20 included in the calculation of the areas specified in this Subparagraph.

21 (B) Other permanent and temporary business signs, not to exceed 30
22 square feet in area for each such sign or a total of 180 square feet for all such signs on the
23 premises. No such sign shall extend above the roofline if attached to a building, or in any case
24 project beyond any street property line or building setback line.

25 * * * *

SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.

(a) The following districts are established for the purpose of implementing the Commerce and Industry element and other elements of the General Plan, according to the objective and policies stated therein. Description and Purpose Statements outline the main functions of each Neighborhood Commercial (NC) District in the Zoning Plan for San Francisco, supplementing the statements of purpose contained in Section 101 of this Code.

The description and purpose statements and land use controls applicable to each of the general and individual area districts are set forth in this Code for each district class. The boundaries of the various Neighborhood Commercial Districts are shown on the Zoning Map referred to in Sections 105 and 106 of this Code, subject to the provisions of that Section.

* * * *	
Named Neighborhood Commercial Districts	Section Number
Broadway Neighborhood Commercial District	§ 714
Castro Street Neighborhood Commercial District	§ 715
Inner Clement Street Neighborhood Commercial District	§ 716
Outer Clement Street Neighborhood Commercial District	§ 717
Upper Fillmore Street Neighborhood Commercial District	§ 718
Haight Street Neighborhood Commercial District	§ 719
Upper Market Street Neighborhood Commercial District	§ 721
North Beach Neighborhood Commercial District	§ 722
Polk Street Neighborhood Commercial District	§ 723
Sacramento Street Neighborhood Commercial District	§ 724
Union Street Neighborhood Commercial District	§ 725
24th Street-Noe Valley Neighborhood Commercial District	§ 728
West Portal Avenue Neighborhood Commercial District	§ 729

1	Inner Sunset Neighborhood Commercial District	§ 730
2	Glen Park Neighborhood Commercial Transit District	§ 738.1
3	Noriega Street Neighborhood Commercial District	§739.1
4	Irving Street Neighborhood Commercial District	§740.1
5	Taraval Street Neighborhood Commercial District	§741.1
6	Judah Street Neighborhood Commercial District	§742.1
7	Folsom Street Neighborhood Commercial Transit District	§ 743.1
8	Regional Commercial District	§ 744.1
9	<i>Excelsior Outer Mission Street Neighborhood Commercial District</i>	<i>§ 745.1</i>

10 * * * *

11
12 **SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS.**

13 In addition to the Neighborhood Commercial Use Districts established by Section 702.1
14 of this Code, certain Neighborhood Commercial Special Use Districts are established for the
15 purpose of controlling the expansion of certain kinds of uses which if uncontrolled may
16 adversely affect the character of certain Neighborhood Commercial Districts.

17 The purposes and provisions set forth in Sections 781.1 through 781.6, Sections 783 –
18 786, and Sections 249.35 – 249.99 of this Code shall apply respectively within these districts.
19 The boundaries of the districts are as shown on the Zoning Map as referred to in Section 105
20 of this Code, subject to the provisions of that Section.

Neighborhood Commercial Restricted Use Subdistricts	Section Number
Taraval Street Restaurant Subdistrict	§ 781.1
Geary Boulevard Formula Retail Pet Supply Store and Formula	§ 781.4

1	Retail Eating and Drinking Subdistrict	
2	Mission Street Formula Retail Restaurant Subdistrict	§ 781.5
3	North Beach Financial Service, Limited Financial Service, and	§ 781.6
4	Business or Professional Service Subdistrict	
5	Chestnut Street Financial	§ 781.7
6	Haight Street Alcohol Restricted Use District	§ 781.9
7	Divisadero Street Alcohol Restricted Use District	§ 783
8	Lower Haight Street Alcohol Restricted Use District	§ 784
9	<i>Excelsior Alcohol Special Use District</i>	§ 785
10	Fringe Financial Service Restricted Use District	§ 249.35
11	Mission Alcohol Restricted Use District	§ 249.60
12		(formerly
13		781.8)
14	Third Street Alcohol Restricted Use District	§ 249.62
15		(formerly
16		782)

21

22 Section 5. Effective Date. This ordinance shall become effective 30 days after

23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board

25 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the “Note” that appears under
6 the official title of the ordinance

7

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

10 By: _____
11 JUDITH A. BOYAJIAN
12 Deputy City Attorney

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