

Amendment of the Whole
October 15, 2007

FILE NO. 070851

ORDINANCE NO.

1 [Polk Street Neighborhood Commercial District Zoning Controls.]

2

3 **Ordinance amending the San Francisco Planning Code by amending Section 121.2 to**
4 **move Polk Street from a 3,000 square foot lot size limit to a 2,000 square foot lot size**
5 **limit and by amending Section 723 to provide that commercial and institutional uses in**
6 **the Polk Street Neighborhood Commercial District are permitted up to 1,999 square feet**
7 **and allowed as a conditional use for 2,000 square feet and above; adopting findings,**
8 **including Section 302 findings, environmental findings, and findings of consistency**
9 **with Section 101.1 and the General Plan.**

10 Note: Additions are *single-underline italics Times New Roman*;
11 deletions are *~~strikethrough italics Times New Roman~~*.
12 Board amendment additions are double underlined.
13 Board amendment deletions are ~~strikethrough normal~~.

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

14 Section 1. Findings.

15 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
16 ordinance will serve the public necessity, convenience and welfare for the reasons set forth in
17 Planning Commission Resolution No.17491, and incorporates those reasons herein by
18 reference. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
19 No. 070851.

20 (b) The Board of Supervisors finds that this ordinance is in conformity with the
21 Priority Policies of Section 101.1 of the Planning Code and with the General Plan. The Board
22 adopts the findings set forth in Planning Commission Resolution No. 17491 and incorporates
23 those findings herein by reference. A copy of said resolution is on file with the Clerk of the
24 Board of Supervisors in File No. 070851.

25

1 (c) The Planning Department has determined that the actions contemplated in this
2 Ordinance are in compliance with the California Environmental Quality Act (California Public
3 Resources Code sections 21000 et seq.) Said determination is on file with the Clerk of the
4 Board of Supervisors in File No. No. 070851 and is incorporated herein by reference.

5
6 Section 2. The San Francisco Planning Code is hereby amended by amending Section
7 121.2, to read as follows:

8 SEC. 121.2. USE SIZE LIMITS (NON-RESIDENTIAL), NEIGHBORHOOD
9 COMMERCIAL DISTRICTS.

10 (a) In order to protect and maintain a scale of development appropriate to each
11 district, nonresidential uses of the same size or larger than the square footage stated in the
12 table below may be permitted only as conditional uses subject to the provisions set forth in
13 Sections 316 through 316.8 of this Code. The use area shall be measured as the gross floor
14 area for each individual nonresidential use.

District	Use Size Limits
North Beach	2,000 sq. ft.
Castro Street	
<u>Polk Street</u>	
Inner Clement Street	2,500 sq. ft.
Inner Sunset	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	

25

1	North Beach	
2	Sacramento Street	
3	Union Street	
4	24th Street-Mission	
5	24th Street-Noe Valley	
6	West Portal Avenue	
7		
8	NC-1	3,000 sq. ft.
9	Broadway	
10	Hayes-Gough	
11	Upper Market Street	
12	<i>Polk Street</i>	
13	Valencia Street	
14		
15	NC-2	4,000 sq. ft.
16		
17	NC-3	6,000 sq. ft.
18	NC-S	

20 In addition to the criteria of Section 303(c) of this Code, the Commission shall consider
21 the extent to which the following criteria are met:

22 (1) The intensity of activity in the district is not such that allowing the larger use will
23 be likely to foreclose the location of other needed neighborhood-serving uses in the area.

24
25

1 (2) The proposed use will serve the neighborhood, in whole or in significant part,
2 and the nature of the use requires a larger size in order to function.

3 (3) The building in which the use is to be located is designed in discrete elements
4 which respect the scale of development in the district.

5 (b) In order to protect and maintain a scale of development appropriate to each
6 district, nonresidential uses which exceed the square footage stated in the table below shall
7 not be permitted, except that in the North Beach Neighborhood Commercial District this
8 Subsection 121.2(b) shall not apply to a Movie Theater use as defined in Section 790.64 or
9 Other Entertainment use as defined in Section 790.38 in a building existing prior to November
10 1, 1999, that was originally constructed as a multi-story, single-tenant commercial occupancy.
11 The use area shall be measured as the gross floor area for each individual nonresidential use.

12	District	Use Size Limits
13	West Portal Avenue	4,000 sq. ft.
14	North Beach	
15	Castro Street	

16 Section 3. The San Francisco Planning Code is hereby amended by amending Section
17 723, to read as follows:

18 Sec. SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT

19 ZONING CONTROL TABLE

20			Polk Street	
21	No.	Zoning Category	§ References	Controls
22	BUILDING STANDARDS			
23	723.10	Height and Bulk Limit	§§ 102.12, 105, 106,	65-A, 80-A, 130-E

24
25

1			250-252, 260, 270, 271	See Zoning Map
2	723.11	Lot Size	§§ 790.56, 121.1	P up to 9,999 sq. ft.
3		[Per Development]		C 10,000 sq. ft. & above
4				§ 121.1
5	723.12	Rear Yard	§§ 130, 134, 136	Required at residential
6				levels only
7				§ 134(a) (e)
8	723.13	Street Frontage		Required
9				§ 145.1
10	723.14	Awning	§ 790.20	P
11				§ 136.1(a)
12	723.15	Canopy	§ 790.26	P
13				§ 136.1(b)
14	723.16	Marquee	§ 790.58	P
15				§ 136.1(c)
16	723.17	Street Trees		Required
17				§ 143
18	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
19	723.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1
20				§ 124(a) (b)
21	723.21	Use Size	§ 790.130	P up to <u>1,999</u> 2,999 sq. ft.;
22		[Non-Residential]		C <u>2,000</u> 3,000 sq. ft. &
23				above
24				§ 121.2
25				

1	723.22	Off-Street Parking,	§§ 150, 153-157,	Generally, none required
2		Commercial/	159-160, 204.5	if occupied floor area is
3		Institutional		less than 5000 sq. ft.
4				§§ 151, 161(g)
5	723.23	Off-Street Freight	§§ 150, 153-155,	Generally, none required
6		Loading	204.5	if gross floor area is
7				less than 10,000 sq. ft.
8				§§ 152, 161(b)
9	723.24	Outdoor Activity	§ 790.70	P if located in front;
10		Area		C if located elsewhere
11				§ 145.2(a)
12	723.25	Drive-Up Facility	§ 790.30	
13	723.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.;
14				C if not recessed
15				§ 145.2(b)
16	723.27	Hours of Operation	§ 790.48	P 6 a.m. - 2 a.m.;
17				C 2 a.m. - 6 a.m.
18	723.30	General	§§ 262, 602-604, 608, 609	
19		Advertising Sign		
20	723.31	Business Sign	§§ 262, 602-604, 608,	P
21			609	§ 607.1(f)2
22	723.32	Other Signs	§§ 262, 602-604, 608,	P
23			609	§ 607.1(c) (d) (g)
24				
25				

				Polk Street		
	No.	Zoning Category	§ References	Controls by Story		
				1st	2nd	3rd+
4			§ 790.118			
5	723.38	Residential Conversion	§ 790.84	P	C	
6						
7	723.39	Residential Demolition	§ 790.86	P	C	C
8						
9	Retail Sales and Services					
10	723.40	Other Retail Sales and	§ 790.102	P	P	
11		Services [Not Listed Below]				
12	723.41	Bar	§ 790.22	C		
13	723.42	Full-Service Restaurant	§ 790.92	C		
14	723.43	Large Fast Food	§ 790.90			
15		Restaurant				
16	723.44	Small Self-Service	§ 790.91	C		
17		Restaurant				
18	723.45	Liquor Store	§ 790.55	C		
19	723.46	Movie Theater	§ 790.64	P		
20	723.47	Adult Entertainment	§ 790.36			
21	723.48	Other Entertainment	§ 790.38	C		
22	723.49	Financial Service	§ 790.110	C	C	
23	723.50	Limited Financial Service	§ 790.112	P		
24						
25						

1	No.	Zoning Category	§ References	Controls by Story		
				1st	2 nd	3rd+
2			§ 790.118			
3	723.51	Medical Service	§ 790.114	P	P	
4	723.52	Personal Service	§ 790.116	P	P	
5	723.53	Business or Professional	§ 790.108	P	P	
6		Service				
7	723.54	Massage Establishment	§ 790.60,	C		
8			§ 2700 Police Code			
9	723.55	Tourist Hotel	§ 790.46	C	C	C
10	723.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
11	723.57	Automotive Gas Station	§ 790.14			
12	723.58	Automotive Service	§ 790.17			
13	723.59	Automotive Repair	§ 790.15	C		
14		Station				
15	723.60	Automotive Wash	§ 790.18			
16	723.61	Automobile Sale or Rental	§ 790.12			
17	723.62	Animal Hospital	§ 790.6	C		
18	723.63	Ambulance Service	§ 790.2			
19	723.64	Mortuary	§ 790.62			
20	723.65	Trade Shop	§ 790.124	P	C	
21	723.66	Storage	§ 790.117			
22	723.67	Video Store	§ 790.135	C	C	
23						
24						
25						

	No.	Zoning Category	§ References	Controls by Story		
			§ 790.118	1st	2 nd	3rd+
4		Institutions and Non-Retail Sales and Services				
5	723.70	Administrative Service	§ 790.106			
6	723.80	Hospital or Medical Center	§ 790.44			
7	723.81	Other Institutions, Large	§ 790.50	P	C	C
8	723.82	Other Institutions, Small	§ 790.51	P	P	P
9	723.83	Public Use	§ 790.80	C	C	C
10	723.84	Medical Cannabis	§ 790.141	P		
11		Dispensary				
12		RESIDENTIAL STANDARDS AND USES				
13	723.90	Residential Use	§ 790.88	P	P	P
14	723.91	Residential Density,	§§ 207, 207.1, 790.88(a)	Generally, 1 unit		
15		Dwelling Units		400 sq. ft. lot area		
16				§ 207.4		
17	723.92	Residential Density,	§§ 207.1, 790.88(b)	Generally, 1		
18		Group Housing		bedroom per		
19				140 sq. ft. lot area		
20				§ 208		
21	723.93	Usable Open Space	§§ 135, 136	Generally, either		
22		[Per Residential Unit]		60 sq. ft. if private,		
23				or 80 sq. ft. if		
24				common		
25						

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

§ 135(d)

No.	Zoning Category	§ References	Controls by Story		
		§ 790.118	1st	2 nd	3rd+
723.94	Off-Street Parking, Residential	§§ 150, 153-157, 159-160, 204.5	Generally, 1 space for each dwelling unit		
723.95	Community Residential Parking	§ 790.10	C	C	C

Section 3. This section shall be uncodified. This legislation shall automatically terminate one (1) year after its effective date.

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

By: _____
JUDITH A. BOYAJIAN
Deputy City Attorney