

1 [17th and Rhode Island Street Grocery Store Special Use Subdistrict.]

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3 **Ordinance amending the San Francisco Planning Code by adding Section 781.10 to**
4 **create the 17th and Rhode Island Street Grocery Store Special Use Subdistrict,**
5 **applicable to the newly rezoned NC-3 block (previously M-1) bounded by 17th Street,**
6 **Rhode Island Street, Mariposa Street and Kansas Street (Assessor's Block 3978, Lot 1),**
7 **to permit a neighborhood grocery store at 17th and Rhode Island and amending the**
8 **Section 712 Zoning Control Table; adopting findings.**

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

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

13 Section 1. Findings. The Board of Supervisors hereby finds and determines as
14 follows:

15 (a) The Board affirms the Planning Commission's certification of the Final
16 Environmental Impact Report 1999.41OE and the Final Supplement Environmental Impact
17 Report 1999.41OE/2003.0038E and adopts these environmental documents as its own. The
18 Board incorporates by reference as though fully set forth the California Environmental Quality
19 Act findings set forth in Planning Commission Resolution No. 16632. Copies of these
20 environmental documents and of Planning Commission Resolution No. 16632 are on file with
21 the Clerk of the Board of Supervisors in File No. 022032.

22 (b) These amendments to the Planning Code will serve the public necessity,
23 convenience, and general welfare in that they facilitate the development of a grocery store at
24 17th and Rhode Island Streets in the Potrero Hill neighborhood, in an area that does not have
25 a proliferation of off-sale Type 20 or Type 21 liquor establishments and previously was zoned

1 M-1 (which allowed liquor stores as a principal permitted use). The 450 Rhode Island Street
2 mixed-use project contemplated to be developed pursuant to the proposed Special Use
3 Subdistrict and companion Zoning Map amendment (the "Project") will add neighborhood-
4 serving retail uses, including a full-service grocery store, where none currently exists.

5 (c) These amendments to the Planning Code are consistent with the General Plan
6 for the reasons set forth in Planning Commission Resolution No. 16632, which reasons are
7 incorporated herein by reference as though fully set forth. A copy of Resolution No. 16632 is
8 on file with the Clerk of the Board of Supervisors in File No. 022032.

9 (d) These amendments to the Planning Code are consistent with the Eight Priority
10 Policies of Planning Code Section 101.1, in that:

11 Policy 1. The 450 Rhode Island Street mixed-use project contemplated to be
12 developed pursuant to the proposed Special Use Subdistrict and companion Zoning Map
13 amendment (the "Project") will add neighborhood-serving retail uses, including a full-service
14 grocery store, where none currently exists. In addition, other neighborhood-serving retail uses
15 in the area will be supported by the approximately 168 dwelling units in the Project.

16 Policy 2. The proposed Project will significantly improve neighborhood character by
17 replacing a previously demolished automotive repair facility with a well-designed mixed-use
18 development, including a neighborhood grocery store, and will enhance the cultural and
19 economic diversity of the neighborhood by providing housing, including affordable units, for
20 people from diverse backgrounds and at a variety of income levels.

21 Policy 3. The Project neither displaces nor detracts from the City's supply of affordable
22 housing. To the contrary, the Project includes approximately 168 units of needed housing,
23 including approximately 20 permanently affordable dwelling units.

24 Policy 4. Potential conflicts with existing transit service routes are minimized in the
25 Project design, and the Project is convenient to transit services.

1 Policy 5. While the current M-1 use subdistrict permits office development, the NC-3
2 use subdistrict will not permit administrative office uses, thus avoiding the displacement of
3 industrial and service sectors due to commercial office development. The prior automotive
4 repair facility on the Project site was previously demolished in contemplation of a business
5 services project that was not unbuilt. The Project will promote a diverse economic base by
6 providing new retail and service employment opportunities.

7 Policy 6. Construction of the Project will enhance earthquake preparedness and
8 protect against injury and loss of life because the new structure will meet or exceed current
9 seismic standards.

10 Policy 7. The site is vacant. The prior building that was demolished did not have any
11 historic significance nor was it classified or registered as a landmark or historic structure.

12 Policy 8. The height of the Project will be consistent with other nearby structures and
13 will have no impact on sunlight access to or vistas from any park or open space.

14 Section 2. The San Francisco Planning Code is hereby amended by adding Section
15 781.10, to read as follows:

16 SEC. 781.10 17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE

17 SUBDISTRICT.

18 In order to facilitate the development of a neighborhood grocery store at 17th and Rhode Island
19 Street in the Potrero Hill neighborhood, in an area that does not have a proliferation of off-sale Type
20 20 or Type 21 liquor establishments and previously was zoned M-1 (which permitted liquor stores as a
21 principal permitted use), there shall be a 17th and Rhode Island Street Grocery Store Special Use
22 Subdistrict, applicable to the NC-3 zoned block bounded by 17th Street, Rhode Island Street, Mariposa
23 Street and Kansas Street (Assessor's Block 3978, Lot 1). The following provisions shall apply within
24 the Special Use Subdistrict:

1 (a) One off-sale Type 20 and Type 21 liquor store, as defined by Section 790.55 of this
 2 Code, is permitted as a conditional use on the first or second story, provided that it is operated as an
 3 integral element of a grocery store of not less than 30,000 gross square feet.

4 (b) Nighttime Entertainment, as defined by 102.17 of this Code, shall not be
 5 permitted.

6 Section 3. The San Francisco Planning Code is hereby amended by amending the
 7 Section 712 Zoning Control Table, to read as follows:

8 SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT
 9 NC-3 ZONING CONTROL TABLE

No.	Zoning Category	§ References	NC-3 Controls
BUILDING STANDARDS			
712.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-252, 260, 270, 271	Generally, 40-X See Zoning Map
712.11	Lot Size [<i>Per Development</i>]	§§790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above §121.1
712.12	Rear Yard	§§130, 134, 136	Required at residential levels only §134(a)(e)
712.13	Street Frontage		Required § 145.1
712.14	Awning	§ 790.20	P § 136.1(a)
712.15	Canopy	§ 790.26	P § 136.1(b)
712.16	Marquee	§ 790.58	P § 136.1(c)
712.17	Street Trees		Required § 143

COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

712.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a) (b)
712.21	Use Size [Non-Residential]	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
712.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-157, 159- 160, 204.5	Generally, none required if occupied floor area is less than 5,000 sq. ft. §§ 151, 161(g)
712.23	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
712.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
712.25	Drive-Up Facility	§ 790.30	#
712.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
712.27	Hours of Operation	§ 790.48	No Limit
712.30	General Advertising Sign	§§ 262, 602-604, 608, 609	P # § 607.1(e)2
712.31	Business Sign	§§ 262, 602-604, 608, 609	P # § 607.1(f)3
712.32	Other Signs	§§ 262, 602-604, 608, 609	# § 607.1(c) (d) (g)

			Controls by Story		
		§ 790.118	1st	2nd	3rd +
712.38	Residential Conversion	§ 790.84	P	C	C #
712.39	Residential Demolition	§ 790.86	P	C	C

1 **Retail Sales and Services**

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712.40	Other Retail Sales and Services [Not Listed Below	§ 790.102	P #	P #	P #
712.41	Bar	§790.22	P	P	
712.42	Full-Service Restaurant	§790.92	P	P	
712.43	Large Fast Food Restaurant	§ 790.90	C #	C #	
712.44	Small Self-Service Restaurant	§ 790.91	P #	P #	
712.45	Liquor Store	§ 790.55	#	#	
712.46	Movie Theater	§790.64	P	P	
712.47	Adult Entertainment	§790.36	C	C	
712.48	Other Entertainment	§ 790.38	P#	P#	
712.49	Financial Service	§790.110	P	P	
712.50	Limited Financial Service	§ 790.112	P	P	
712.51	Medical Service	§ 790.114	P	P	P
712.52	Personal Service	§ 790.16	P	P	P
712.53	Business or Professional Service	§ 790.108	P	P	P
712.54	Massage Establishment	§790.60 § 2700 Police Code	C	C	
712.55	Tourist Hotel	§ 790.46	C	C	C
712.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
712.57	Automobile Gas Station	§ 790.14	C		
712.58	Automotive Service Station	§ 790.17	C		
712.59	Automotive Repair	§ 790.15	C	C	
712.60	Automotive Wash	§ 790.18	C		
712.61	Automobile Sale or Rental	§ 790.12	C		
712.62	Animal Hospital	§ 790.6	C	C	
712.63	Ambulance	§ 790.2	C		

	Service				
1	712.64	Mortuary	§ 790.62	C	C C
2	712.65	Trade Shop	§ 790.124	P	C C
	712.66	Storage	§ 790.117	C	C C
3	712.67	Video Store	§ 790.135	C	C C

NC-3

Controls by Story

No.	Zoning Category	§ References	1st	2nd	3rd +
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INSTITUTIONS AND NON-RETAIL SALES AND SERVICES

712.70	Administrative Service	§ 790.106	C	C	C
712.80	Hospital or Medical Center	§ 790.44	C	C	C
712.81	Other Institutions, Large	§ 790.50	P	P	P
712.82	Other Institutions, Small	§ 790.51	P	P	P
712.83	Public Use	§ 790.80	C	C	C

RESIDENTIAL STANDARDS AND USES

712.90	Residential Use	§ 790.88	P	P	P
712.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
712.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area		
712.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
712.94	Off-Street Parking, Residential	§§ 150, 153-157, 159-160, 204.5	Generally, 1 space for each dwelling unit §§ 151. 161 (a) (g)		
712.95	Community Residential Parking	§ 790.10	C	C	C

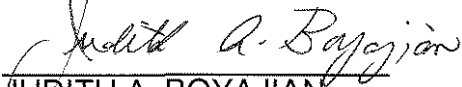
1 **SPECIFIC PROVISIONS FOR NC-3 DISTRICTS**

Article & Code Section	Other Code Section	Zoning Controls
<p>2 § 712.25</p> <p>3 § 712.40</p>	<p>4 § 249.14</p>	<p>5 THIRD STREET SPECIAL USE DISTRICT</p> <p>6 Boundaries: Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10SU zoned NC-3</p> <p>7 Controls: Off-sale retail liquor sales as defined in Section 249.14(b)(1)(A) are NP; drive-up facilities for large fast-food restaurants and small self-service restaurants are C</p>
<p>8 § 712.30</p> <p>9 § 712.31</p> <p>10 § 712.32</p>	<p>11 §608.10</p>	<p>12 UPPER MARKET STREET SPECIAL SIGN DISTRICT</p> <p>13 Boundaries: Applicable only for the portion of the Market Street NC-3 District from Octavia to Church Streets as mapped on Sectional Map SSD</p> <p>14 Controls: Special restrictions and limitations for signs</p>
<p>15 § 712.38</p>	<p>16 §790.84</p>	<p>17 Boundaries: Applicable to NC-3 District</p> <p>18 Controls: A residential use may be converted to an Other Institution, Large, use, as defined by Section 790.50 of this Code, as a conditional use on the third story and above if in addition t the criteria set forth in Section 303, the Commission finds that:</p> <p>19 (1) The structure in which the residential use is to be converted has been found eligible for listing on the National Register of Historic Places;</p> <p>20 (2) The proposed Other Institution, Large, use is to be operated by a nonprofit public benefit corporation; and</p> <p>21 (3) No legally residing residential tenants will be displaced.</p>
<p>22 §712.43</p>	<p>23 § 781.4</p>	<p>24 GEARY BOULEVARD FAST-FOOD SUBDISTRICT</p> <p>25 Boundaries: Applicable only for the portion of the Geary Boulevard NC-3 District between 14th and 28th Avenues as mapped on Sectional Maps 3 SU and 4 SU</p>

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<p>§ 712.43 §712.44</p>	<p>§ 781.5</p>	<p>Controls: Large fast-food restaurants are NP MISSION STREET FAST-FOOD SUBDISTRICT</p> <p>Boundaries: Applicable only for the portion of the Mission Street NC-3 District between 15th Avenue and Randall Street as mapped on Sectional Map 7 SU</p> <p>Controls: Small self-service restaurants are C; large fast-food restaurants are NP</p>
<p><u>§ 712.45</u></p>	<p><u>§781.10</u></p>	<p><u>17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE SUBDISTRICT</u></p> <p><u>Boundaries: Applicable only for the block bound by 17th, Rhode Island, Mariposa and Kansas Streets as mapped on Sectional Map 8 SU</u></p> <p><u>Controls: One liquor store on the first or second story is C if operated as integral element of a grocery store of not less than 30,000 gross square feet. Nighttime Entertainment uses are not permitted.</u></p>

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

By: 
JUDITH A. BOYAJIAN
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 022032

Date Passed:

Ordinance amending the San Francisco Planning Code by adding Section 781.10 to create the 17th and Rhode Island Street Grocery Store Special Use Subdistrict, applicable to the newly rezoned NC-3 block (previously M-1) bounded by 17th Street, Rhode Island Street, Mariposa Street and Kansas Street (Assessor's Block 3978, Lot 1), to permit a neighborhood grocery store at 17th and Rhode Island and amending the Section 712 Zoning Control Table; adopting findings.

September 16, 2003 Board of Supervisors — SUBSTITUTED

October 7, 2003 Board of Supervisors — SUBSTITUTED

November 4, 2003 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

November 18, 2003 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval


Excused: 1 - Ammiano

File No. 022032

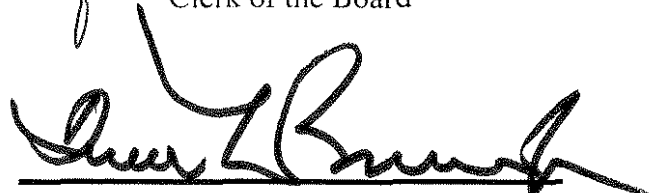
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on November 18, 2003 by the Board of Supervisors of the City and County of San Francisco.

NOV 25 2003

Date Approved



for Gloria L. Young
Clerk of the Board



Mayor Willie L. Brown Jr.