

FILE NO. 080883

ORDINANCE NO. 253-08

1 [Zoning — Creating the New Mission-Harrington Special Use District.]

2
3 **Ordinance amending the San Francisco Planning Code by adding new Section 780.3,**
4 **creating the Mission-Harrington Special Use District, located at 4550 Mission Street at**
5 **the intersection with Harrington Street; amending the Table at Section 712, to refer to**
6 **this new Special Use District; amending the Zoning Maps Special Use District Map**
7 **SU11, Zoning Map ZN11 and Height and Bulk map HT11 of the Zoning Map of the City and**
8 **County of San Francisco, to refer to this new Special Use District; adopting findings,**
9 **including environmental findings and findings of consistency with the General Plan**
10 **and the Priority Policies of Planning Code Section 101.1.**

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

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

15 Section 1. Findings.

16 A. On September 18, 2008 at a duly noticed public hearing, the Planning
17 Commission in Motion No. _____ found that the proposed new Special Use District
18 was consistent with the City's General Plan and with Planning Code Section 101.1(b). In
19 addition, the Planning Commission, in Resolution No. 17701, recommended that the
20 Board of Supervisors adopt the Special Use District. Copies of said Resolution and Motion
21 are on file with the Clerk of the Board of Supervisors in File No. 080883 and are
22 incorporated herein by reference. The Board finds that the proposed Special Use District is
23 consistent with the City's General Plan and with Planning Code Section 101.1(b) for the
24 reasons set forth in said Resolution and Motion.

1 B. Pursuant to Planning Code Section 302, the Board finds that the proposed
2 Special Use District will serve the public necessity, convenience and welfare for the reasons
3 set forth in Planning Commission Resolution No. 17701, which reasons are
4 incorporated herein by reference as though fully set forth.

5 C. The Planning Department has determined that the actions contemplated in this
6 Ordinance are in compliance with the California Environmental Quality Act (California Public
7 Resources Code section 21000 et seq.). Said determination is on file with the Clerk of the
8 Board of Supervisors in File No. 080883 and is incorporated herein by reference.

9 Section 2. The San Francisco Planning Code is hereby amended by adding Section
10 780.3, to read as follows:

11 **SEC. 780.3 MISSION-HARRINGTON SPECIAL USE DISTRICT.**

12 *In order to preserve the potential mix and variety of goods and services provided to the*
13 *Excelsior, yet provide the possibility for reasonable commercial expansion and intensification which*
14 *would not disrupt the residential character of the surrounding neighborhoods, there shall be a Mission-*
15 *Harrington Special Use District, located at 4550 Mission Street, at the intersection with Harrington*
16 *Street, at Assessor's Block 3148, Lot 1, as designated on the Special Use District Map SU11 of the*
17 *Zoning Map of the City and County of San Francisco.*

18 **(a) Purpose and Findings.**

19 *In addition to the purposes stated in Section 701 of this Code, the following purposes and*
20 *findings form a basis for special regulations and provide guidance for their application in the Mission-*
21 *Harrington Special Use District.*

22 *(1) The Mission-Harrington Special Use District is in the north-eastern part of the block*
23 *bounded by Mission Street, Harrington Street, Norton Street and Alemany Boulevard, in the Excelsior.*
24 *It is currently developed with a single-story commercial building, and has historically been used as a*
25

1 retail business. The rest of the lots on the same block, on Mission Street, are devoted to commercial
 2 uses, with some properties having residential uses above retail. Behind the commercial properties,
 3 there is a municipal parking lot; the remaining properties on the block are single family homes.

4 (2) The lot where the District is located has been underutilized for more than a decade. The
 5 Community has partnered with the City on numerous occasions to develop the site, without success.

6 (3) The District is located on a major transit-corridor and in a vibrant economic corridor. It is
 7 further in close proximity to both a 50-X and a 65-X Zone Height and Bulk Zone, in an appropriate
 8 location for high-density in-fill mixed-use development.

9 (b) Controls. All of the controls for the NC-3 District, as set forth in Section 712.1 and Table
 10 712 of this Code, shall apply to the Mission-Harrington Special Use District, except as provided below:

<u>Zoning Category No.</u>	<u>Controls</u>
<u>.10</u>	<u>Height: 56 feet (56-X)</u>
<u>§ 207.4</u>	<u>One unit allowed for every 400 sf of lot area</u>
<u>.22</u>	<u>No off-street parking required</u>
<u>.12</u>	<u>No rear setback required</u>

16 Section 3. The San Francisco Planning Code is hereby amended by amending the
 17 Table at Section 712, to read as follows:

18 SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT
 19 NC-3 ZONING CONTROL TABLE

			NC-3
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			

1	712.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	Generally, 40-X See Zoning Map
2				
3				
4	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
5				
6				
7	712.12	Rear Yard	§§ 130, 134, 136	Required at residential levels only § 134(a)(e)
8				
9				
10	712.13	Street Frontage		Required § 145.1
11				
12	712.14	Awning	§ 790.20	P § 136.1(a)
13				
14	712.15	Canopy	§ 790.26	P § 136.1(b)
15				
16	712.16	Marquee	§ 790.58	P § 136.1(c)
17				
18	712.17	Street Trees		Required § 143
19				
20				
21				
22	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
23				
24	712.20	Floor Area Ratio	§§ 102.9, 102.11,	3.6 to 1 § 124(a) (b)
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

		123	
712.21	Use Size <i>[Non-Residential]</i>	§ 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

1			
2	712.30	General Advertising Sign	§§ 262, 602--604, 608, 609
3			P # § 607.1(e)2
4	712.31	Business Sign	§§ 262, 602--604, 608, 609
5			P # § 607.1(f)3
6	712.32	Other Signs	§§ 262, 602--604, 608, 609
7			P # § 607.1(c) (d) (g)
8			

9 TABLE INSET:

10			NC-3		
11	No.	Zoning Category	§ References	Controls by Story	
12					
13			§ 790.118	1st	2nd
14					3rd+
15	712.38	Residential Conversion	§ 790.84	P	C
16					C #
17	712.39	Residential Demolition	§ 790.86	P	C
18					C
19					
20	Retail Sales and Services				
21	712.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P #	P #
22					P #
23					
24					
25					

1	712.41	Bar	§ 790.22	P	P	
2						
3	712.42	Full-Service	§ 790.92	P	P	
4		Restaurant				
5						
6	712.43	Large Fast Food	§ 790.90	C #	C #	
7		Restaurant				
8	712.44	Small Self-Service	§ 790.91	P #	P #	
9		Restaurant				
10						
11	712.45	Liquor Store	§ 790.55			
12						
13	712.46	Movie Theater	§ 790.64	P	P	
14						
15	712.47	Adult Entertainment	§ 790.36	C	C	
16						
17	712.48	Other Entertainment	§ 790.38	P	P	
18						
19						
20	712.49	Financial Service	§ 790.110	P	P	
21						
22	712.50	Limited Financial	§ 790.112	P	P	
23		Service				
24	712.51	Medical Service	§ 790.114	P	P	P
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

712.52	Personal Service	§ 790.116	P	P	P
712.53	Business or Professional Service	§ 790.108	P	P	P
712.54	Massage Establishment	§ 790.60, § 1900 Health 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	§ 790.12	C		

1		Rental				
2	712.62	Animal Hospital	§ 790.6	C	C	
3						
4	712.63	Ambulance Service	§ 790.2	C		
5						
6	712.64	Mortuary	§ 790.62	C	C	C
7						
8	712.65	Trade Shop	§ 790.124	P	C	C
9						
10	712.66	Storage	§ 790.117	C	C	C
11						
12	712.67	Video Store	§ 790.135	C	C	C
13						
14	712.68	Fringe Financial Service	§ 790.111	P#		
15						
16	Institutions and Non-Retail Sales and Services					
17						
18	712.70	Administrative Service	§ 790.106	C	C	C
19						
20	712.80	Hospital or Medical Center	§ 790.44	C	C	C
21						
22	712.81	Other Institutions,	§ 790.50	P	P	P
23						
24						
25						

1		Large				
2	712.82	Other Institutions,	§ 790.51	P	P	P
3		Small				
4	712.83	Public Use	§ 790.80	C	C	C
5						
6	712.84	Medical Cannabis	§ 790.141	P #		
7		Dispensary				
8						
9	RESIDENTIAL STANDARDS AND USES					
10	712.90	Residential Use	§ 790.88	P	P	P
11						
12	712.91	Residential Density,	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 600 sq. ft. lot area § 207.4		
13		Dwelling Units				
14	712.92	Residential Density,	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
15		Group Housing				
16	712.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
17						
18	712.94	Off-Street Parking, Residential	§§ 150, 153-157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
19						
20	712.95	Community	§ 790.10	C	C	C
21						
22						
23						
24						
25						

	Residential Parking				
--	---------------------	--	--	--	--

SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 712.25 § 712.40	§ 249.14	<p>THIRD STREET SPECIAL USE DISTRICT</p> <p>Boundaries: Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3</p> <p>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><u>§ 712.10</u></p> <p><u>§ 207.4</u></p> <p><u>§ 712.22</u></p> <p><u>§ 712.12</u></p>	<p><u>§ 780.3</u></p>	<p><u>MISSION-HARRINGTON SPECIAL USE DISTRICT</u></p> <p><u>Boundaries:</u> <i>Applicable only to the Mission-Harrington SUD, as shown on Sectional Map SU11.</i></p> <p><u>Controls:</u> <i>Height 56-X; one unit allowed for every 400 square feet of lot area; no parking requirements; no rear setback requirements.</i></p>
§ 712.30 §	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT

1	712.31 §		Boundaries: Applicable only for the portion of the Market
2	712.32		Street NC-3 District from Octavia to Church Streets as
3			mapped on Sectional Map SSD
4			Controls: Special restrictions and limitations for signs
5			Boundaries: Applicable to NC-3 Districts
6			Controls: A residential use may be converted to an
7			Other Institution, Large, use, as defined by Section
8			790.50 of this Code, as a conditional use on the third
9			story and above if in addition to the criteria set forth in
10			Section 303, the Commission finds that:
11	§ 712.38	§ 790.84	(1) The structure in which the residential use is to be
12			converted has been found eligible for listing on the
13			National Register of Historic Places;
14			(2) The proposed Other Institution, Large, use is to be
15			operated by a nonprofit public benefit corporation; and
16			(3) No legally residing residential tenants will be
17			displaced.
18			
19			GEARY BOULEVARD FAST-FOOD SUBDISTRICT
20			Boundaries: Applicable only for the portion of the Geary
21	§ 712.43	§ 781.4	Boulevard NC-3 District between 14th and 28th Avenues
22			as mapped on Sectional Maps 3 SU and 4 SU
23			Controls: Large fast-food restaurants are NP
24	§ 712.43 §	§ 781.5	MISSION STREET FAST-FOOD SUBDISTRICT
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

712.44		<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>
§ 712.45	§ 781.10	<p>17TH AND RHODE ISLAND STREET GROCERY STORE SPECIAL USE SUBDISTRICT.</p> <p>Boundaries: Applicable only for the block bound by 17th, Rhode Island, Mariposa and Kansas Streets as mapped on Sectional Map 8 SU</p> <p>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.</p>
§ 712.68	§ 249.35	<p>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)</p> <p>Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Alcohol Restricted Use District; and the North of Market Residential Special Use District; and includes</p>

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

		Moderate-Scale Neighborhood Commercial Districts within its boundaries. 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 Subsection 249.35(c)(3).
§ 712.84 § 790.141	Health Code § 3308	Medical cannabis dispensaries in NC-3 District may only operate between the hours of 8 a.m. and 10 p.m.

Section 4. In accordance with Planning Code Sections 106 and 302, the following changes are hereby adopted as amendments to the Special Use District Map SU11 of the Zoning Map of the City and County of San Francisco:

Description of Property	Special Use District Created
Assessor's Block 3148, Lot 1	Mission-Harrington Special Use District

Section 5. In accordance with Planning Code Sections 106 and 302, the following changes are hereby adopted as amendments to the Zoning Map ZN11 of the Zoning Map of the City and County of San Francisco:

Description of Property	Zoning Being Superseded	Zoning Being Created
<u>Assessor's Block 3148, Lot 1</u>	<u>NC-3</u>	<u>Mission-Harrington Special Use District, as defined in Planning Code Section 780.3</u>

Section 6. In accordance with Planning Code Sections 106 and 302, the following changes are hereby adopted as amendments to the Height and Bulk Map HT11 of the Zoning Map of the City and County of San Francisco:

<u>Description of Property</u>	<u>Height and Bulk Being Superseded</u>	<u>Height and Bulk Being Created</u>
<u>Assessor's Block 3148, Lot 1</u>	<u>40-X</u>	<u>56-X</u>

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

By: 
ANDREA RUIZ-ESQUEDA
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: 080883

Date Passed:

Ordinance amending the San Francisco Planning Code by adding new Section 780.3, creating the Mission-Harrington Special Use District, located at 4550 Mission Street at the intersection with Harrington Street; amending the Table at Section 712, to refer to this new Special Use District; amending the Zoning Maps Special Use District Map SU11, Zoning Map ZN11 and Height and Bulk Map HT11 of the Zoning Map of the City and County of San Francisco, to refer to this new Special Use District; adopting findings, including environmental findings and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

October 21, 2008 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

October 28, 2008 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 080883

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on October 28, 2008 by the Board of Supervisors of the City and County of San Francisco.



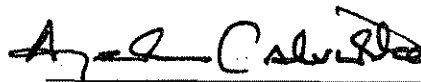
Angela Calvillo
Clerk of the Board

Date Approved

Mayor Gavin Newsom

Date: November 10, 2008

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.



Angela Calvillo
Clerk of the Board

File No.
080883

File No. 080883