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FILE NO. 090319

1 [Zoning – Providing for a Five Feet Special Height Exception for Active Ground Floor
2 Commercial Uses in NC-1 Designated Parcels Along Randolph and Broad Streets, from 19th
3 Avenue to San Jose Avenue within the boundaries of Sargent Street to Orizaba Avenue to
4 Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany
5 Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street.]

6 Ordinance amending the San Francisco Planning Code by amending Section 263.20 to
7 provide for a special height exception for commercial ground floor uses in NC-1
8 designated parcels along ~~Randolph and Broad Streets, from 19th Avenue to San Jose~~
9 ~~Avenue~~ within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to
10 Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to
11 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street;
12 amending Section 710.1, to refer to this special height exception; adopting findings,
13 including environmental findings and findings of consistency with the priority policies
14 of Planning Code Section 101.1 and the General Plan.

14 NOTE: Additions are single-underline italics Times New Roman;
15 deletions are ~~strike-through italics Times New Roman~~.
16 Board amendment additions are double-underlined;
17 Board amendment deletions are ~~strikethrough normal~~.

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

18 Section 1. Findings. The Board of Supervisors of the City and County of San
19 Francisco hereby find and determine that:

20 (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
21 ordinance will serve the public necessity, convenience and welfare, for the reasons set forth in
22 Planning Commission Resolution No. 17974, and incorporates such reasons by this
23 reference thereto. A copy of said resolution is on file with the Clerk of the Board of
24 Supervisors in File No. 090319.

25
Supervisor Avalos
BOARD OF SUPERVISORS

1 (b) Pursuant to Planning Code Section 101.1, the Board of Supervisors finds that the
2 ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and
3 with the General Plan and hereby incorporates a report containing those findings as if fully set
4 forth herein. A copy of said report is on file with the Clerk of the Board of Supervisors in File
5 No. 090319.

6 (c) The Planning Department concluded environmental review of this ordinance
7 pursuant to the California Environmental Quality Act, Public Resources Code Section 2100 et
8 seq. Documentation of that review is on file with the Clerk of the Board of Supervisors in File
9 No. 090319.

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11 Section 2. The San Francisco Planning Code is hereby amended by amending Section
12 263.20, to read as follows:

13 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT**
14 **FOR GROUND FLOOR USES IN NCT 40-X AND 50-X HEIGHT AND BULK DISTRICTS,**
15 **AND IN NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION STREET, FROM**
16 **SILVER AVENUE TO THE DALY CITY BORDER, AND IN SPECIFIED NC-1 DESIGNATED**
17 **PARCELS ALONG RANDOLPH AND BROAD STREETS, FROM 19TH AVENUE TO SAN**
18 **JOSE AVENUE.**

19 (a) Intent. In order to encourage generous ground floor ceiling heights for commercial
20 and other active uses, encourage additional light and air into ground floor spaces, allow for
21 walk-up ground floor residential uses to be raised slightly from sidewalk level for privacy and
22 usability of front stoops, and create better building frontage on the public street, up to an
23 additional 5' of height is allowed along major streets in NCT districts, or in specific NC-3, NC-2,
24 or NC-1 districts listed below, for buildings that feature either higher ground floor ceilings for
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1 non-residential uses or ground floor residential units (that have direct walk-up access from the
2 sidewalk) raised up from sidewalk level.

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

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

7 (2) project is located in an NCT district as designated on the Zoning Map; or in a NC-2
8 or NC-3 designated parcel fronting Mission Street, from Silver Avenue to the Daly City border,
9 or on a NC-1 designated parcel with a commercial use on the ground floor along Randolph and
10 Broad Streets, from 19th Avenue to San Jose Avenue within the boundaries of Sargent Street
11 to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose
12 Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and
13 back to Sargent Street.

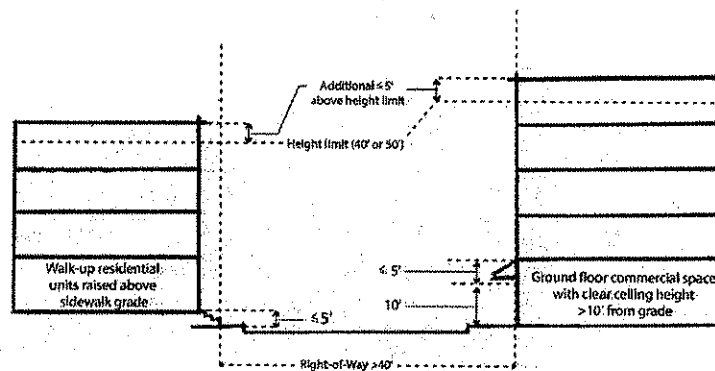
14 (3) project features ground floor commercial space or other active use as defined by
15 Section 145.1(e)(b)(2) with clear ceiling heights in excess of ten feet from sidewalk grade, or
16 in the case of residential uses, such walk-up residential units are raised up from sidewalk
17 level;

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

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

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

1 (c) One additional foot of height, up to a total of five feet, shall be permitted above the
2 designated height limit for each additional foot of ground floor clear ceiling height in excess of
3 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised
4 above sidewalk grade.



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13 Section 3. The San Francisco Planning Code is hereby amended by amending Section
14 710.1, to read as follows:

15 **SEC. 710.1. NC-1 -- NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

16
17 NC-1 Districts are intended to serve as local neighborhood shopping districts, providing
18 convenience retail goods and services for the immediately surrounding neighborhoods
19 primarily during daytime hours.

20 These NC-1 Districts are characterized by their location in residential neighborhoods,
21 often in outlying areas of the City. The commercial intensity of these districts varies. Many of
22 these districts have the lowest intensity of commercial development in the City, generally
23 consisting of small clusters with three or more commercial establishments, commonly grouped
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1 around a corner; and in some cases short linear commercial strips with low-scale,
2 interspersed mixed-use (residential-commercial) development.

3 Building controls for the NC-1 District promote low-intensity development which is
4 compatible with the existing scale and character of these neighborhood areas. Commercial
5 development is limited to one story. Rear yard requirements at all levels preserve existing
6 backyard space.

7 NC-1 commercial use provisions encourage the full range of neighborhood-serving
8 convenience retail sales and services at the first story provided that the use size generally is
9 limited to 3,000 square feet. However, commercial uses and features which could impact
10 residential livability are prohibited, such as auto uses, financial services, general advertising
11 signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are
12 restricted, depending upon the intensity of such uses in nearby commercial districts.

13 Housing development in new buildings is encouraged above the ground story in most
14 districts. Existing residential units are protected by prohibitions of conversions above the
15 ground story and limitations on demolitions.

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18 SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1
19 ZONING CONTROL TABLE
20 TABLE INSET:

21

			NC-1
No.	Zoning Category	§ References	Controls

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1 **BUILDING STANDARDS**

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7	710.10	Height and Bulk Limit	Varies See Zoning Map <u>Additional 5 feet for NC-1</u> <u>parcels with active uses along</u> <u>Randolph and Broad Streets,</u> <u>from 19th Avenue to San</u> <u>Jose Avenue, with a</u> <u>commercial use on the</u> <u>ground floor within the</u> <u>boundaries of Sargent Street</u> <u>to Orizaba Avenue to Lobos</u> <u>Street to Plymouth Avenue to</u> <u>Farellones Street to San</u> <u>Jose Avenue to Alemany</u> <u>Boulevard to 19th Avenue to</u> <u>Randolph Street to Monticello</u> <u>Street and back to Sargent</u> <u>Street. see § 263.20.</u>
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13	710.11	Lot Size [Per Development]	§§ 102.12, 105, 106, 250- 252, 260, <u>263.20, 270,</u> 271
14			
15	710.12	Rear Yard	§§ 790.56, 121.1
16			
17			
18	710.13	Street Frontage	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
19			
20	710.14	Awning	§§ 130, 134, 136
21			
22	710.15	Canopy	Required at grade level and above § 134(a) (e)
23			
24	710.16	Marquee	Required § 145.1
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1	710.17	Street Trees		Required § 143
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3	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
4	710.20	Floor Area Ratio	§§ 102.9, 102.11, 123	1.8 to 1 § 124(a) (b)
5	710.21	Use Size [Non- Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
6	710.22	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)
7	710.23	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)
8	710.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
9	710.25	Drive-Up Facility	§ 790.30	
10	710.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
11	710.27	Hours of Operation	§ 790.48	P 6 a.m.--11 p.m.; C 11 p.m.--2 a.m.
12	710.30	General Advertising Sign	§§ 262, 602-- 604, 608,	

		609	
710.31	Business Sign	§§ 262, 602-- 604, 608, 609	P § 607.1(f)1
710.32	Other Signs	§§ 262, 602-- 604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	NC-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
710.38	Residential Conversion	§ 790.84	P		
710.39	Residential Demolition	§ 790.86	P	C	C
Retail Sales and Services					
710.40	Other Retail Sales and Services <i>[Not Listed Below]</i>	§ 790.102	P #		
710.41	Bar	§ 790.22	P #		
710.42	Full-Service Restaurant	§ 790.92	P #		

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710.43	Large Fast Food Restaurant	§ 790.90			
710.44	Small Self-Service Restaurant	§ 790.91	C #		
710.45	Liquor Store	§ 790.55	P		
710.46	Movie Theater	§ 790.64			
710.47	Adult Entertainment	§ 790.36			
710.48	Other Entertainment	§ 790.38	C		
710.49	Financial Service	§ 790.110			
710.50	Limited Financial Service	§ 790.112	P		
710.51	Medical Service	§ 790.114	P		
710.52	Personal Service	§ 790.116	P		

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No.	Zoning Category	§ References	NC-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
710.53	Business or Professional Service	§ 790.108	P		
710.54	Massage Establishment	§ 790.60, § 1900 Health Code			
710.55	Tourist Hotel	§ 790.46			
710.56	Automobile Parking	§§ 790.8, 156, 160	C		
710.57	Automotive Gas Station	§ 790.14			
710.58	Automotive Service Station	§ 790.17			
710.59	Automotive Repair	§ 790.15			
710.60	Automotive Wash	§ 790.18			
710.61	Automobile Sale or Rental	§ 790.12			
710.62	Animal Hospital	§ 790.6			

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710.63	Ambulance Service	§ 790.2			
710.64	Mortuary	§ 790.62			
710.65	Trade Shop	§ 790.124	P		
710.66	Storage	§ 790.117			
710.67	Video Store	§ 790.135	C		
710.68	Fringe Financial Service	§ 790.111			
710.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
710.69A	Self-Service Specialty Food	§ 790.93	C#		
Institutions and Non-Retail Sales and Services					
710.70	Administrative Service	§ 790.106			
710.80	Hospital or Medical Center	§ 790.44			
710.81	Other Institutions, Large	§ 790.50	P	C	
710.82	Other Institutions, Small	§ 790.51	P	P	P

1	710.83	Public Use	§ 790.80	C	C	C
2						
3	710.84	Medical Cannabis Dispensary	§ 790.141	P #		
4	RESIDENTIAL STANDARDS AND USES					
5						
6	710.90	Residential Use	§ 790.88	P	P	P
7						
8	710.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	Generally, 1 unit per 800 sq. ft. lot area § 207.4		
9						
10	710.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 275 sq. ft. lot area § 208		
11						
12	710.93	Usable Open Space <i>[Per Residential Unit]</i>	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
13						
14	710.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
15						
16	710.95	Community Residential Parking	§ 790.10	C	C	C
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**SPECIFIC PROVISIONS FOR NC-1 DISTRICTS
TABLE INSET:**

22	Article 7 Code Section	Other Code Section	Zoning Controls
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<p>§ 710.40 § 710.41 § 710.42</p>		<p>Boundaries: All NC-1 Districts Controls: P if located more than 1/4 mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control</p>
<p>§ 710.44 § 710.69A</p>		<p>Boundaries: All NC-1 Districts Controls: C if located more than 1/4 mile from any NC District or Restricted Use Subdistrict with more restrictive controls; otherwise, same as more restrictive control</p>
<p>§ 710.42 § 710.43 § 710.44 § 710.69A</p>	<p>§ 781.1</p>	<p>TARAVAL STREET RESTAURANT AND FAST-FOOD SUBDISTRICT Boundaries: Applicable only for the two Taraval Street NC-1 Districts between 40th and 41st Avenues and 45th and 47th Avenues as mapped on Sectional Map 5 SU Controls: Full-service restaurants, small self-service restaurants and self-service specialty food are C; large fast-food restaurants are NP</p>
<p>§ 710.84 § 790.141</p>		<p>Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an NC-1 District.</p>

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

By: 
ANDREA RUIZ-ESQUIDE
 Deputy City Attorney

Supervisor Avalos
 BOARD OF SUPERVISORS



City and County of San Francisco
Tails
Ordinance

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

File Number: 090319

Date Passed: January 12, 2010

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for commercial ground floor uses in NC-1 designated parcels within the boundaries of Sargent Street to Orizaba Avenue to Lobos Street to Plymouth Avenue to Farellones Street to San Jose Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and back to Sargent Street; amending Section 710.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

August 04, 2009 Board of Supervisors - SUBSTITUTED

January 05, 2010 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 8 - Campos, Chiu, Chu, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 3 - Alioto-Pier, Avalos and Daly

January 12, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 1 - Alioto-Pier

File No. 090319

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/12/2010 by the Board of Supervisors of the City and County of San Francisco.

Mayor Gavin Newsom

Angela Calvillo
Clerk of the Board

1-22-10

Date Approved