

LEGISLATIVE DIGEST

[Planning Code - Zoning - Amendment of Upper Market Neighborhood Commercial District; Extension of Market and Octavia Community Infrastructure Fee Area]

Ordinance amending the San Francisco Planning Code by amending Sections 134, 145.4, 151.1, 155, 207.7, 207.8, 263.20, 401, 416, 416.3, 416.5, 421.1, 421.3, 421.5, 721, and 721.1 to amend the Upper Market Street Neighborhood Commercial District and to extend the Market and Octavia impact fees area to include the portion of the Upper Market Street Neighborhood Commercial District lying outside the Market and Octavia Plan area; grandfathering certain pipeline projects from payment of the infrastructure fee; and adopting findings, including environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

The area affected by the proposed legislation is the only block in the City that is zoned "Upper Market Neighborhood Commercial" (Upper Market NCD). The current controls include regulation of rear yards (Section 134), off-street parking (Section 151.1), and controls on various uses (Sections 721 and 721.1) that have not been updated except in minor ways since the controls were first established in the mid-1980's during the neighborhood commercial rezoning effort .

Amendments to Current Law

The proposed legislation would amend various sections of the Planning Code to bring them into conformity with the controls in the adjacent Market & Octavia Plan Area. The legislation updates the controls on rear yards, ground floor commercial uses, off-street parking, general standards for parking and loading, restrictions on demolition, conversion, merger and splitting of existing dwelling units, and height exceptions, and also updates the Upper Market NCD description and Zoning Control Table. In addition, the impact fees applicable in the Market & Octavia Plan Area are extended to properties in the Upper Market NCD that are outside the boundaries of the Plan Area.

These amendments will (1) ensure that commercial and residential development in the Upper Market NCD is consistent with existing development patterns, (2) provide relief from parking requirements and encourage more transit-oriented development in the Upper Market NCD, and (3) ensure that new development in the Upper Market NCD provides community benefits to offset new impacts to infrastructure due to new development. Certain pipeline projects that comply with specified criteria are exempt from payment of the impact fees.

Background Information

After three community workshops, neighbors in the Upper Market area developed a community vision and design guidelines that were endorsed by the Planning Commission in October 2008. Residents and property owners within the Upper Market area raised the issue of adjusting the zoning controls for the NCD at several Planning Commission meetings in 2010. At the Commission's request, Department staff met with a community coalition representing neighborhood and local advocacy groups, including the Duboce Triangle Neighborhood Association, the Eureka Valley Neighborhoods Association, the Castro Business Improvement District, and Livable City and determined that the requested legislation is consistent with recent planning work. The Commission initiated the legislation on September 30, 2010 and approved it with modifications at its November 4, 2010 hearing.