

1 [Planning Code - Permitting a Five Feet Ground Floor Height Increase in the 40-X and 50-X
2 Height and Bulk Districts in the NC-3 Zoning District Along Geary Boulevard]

3 **Ordinance amending the San Francisco Planning Code Section 263.20 to permit a five**
4 **feet ground floor height increase in the 40-X and 50-X Height and Bulk Districts in the**
5 **NC-3 Zoning District along Geary Boulevard, from Scott Street to 28th Avenue; and**
6 **making findings, including environmental findings and findings of consistency with**
7 **Planning Code Section 101.1 and the General Plan.**

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

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

13 Section 1. Findings. The Board of Supervisors of the City and County of San
14 Francisco hereby finds and determines that:

15 (a) The Planning Department has determined that the actions contemplated in this
16 Ordinance are in compliance with the California Environmental Quality Act (California Public
17 Resources Code sections 21000 et seq.) Said determination is on file with the Clerk of the
18 Board of Supervisors in File No. _____ and is incorporated herein by reference.

19 (b) On _____, 2011, the Planning Commission, in Resolution No.
20 _____ approved this legislation, recommended it for adoption by the Board of
21 Supervisors, and adopted findings that it will serve the public necessity, convenience and
22 welfare. Pursuant to Planning Code Section 302, the Board adopts these findings as its own.
23 A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No.
24 _____, and is incorporated by reference herein.

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1 (c) In Resolution No. _____, the Planning Commission adopted findings that this
2 legislation is consistent, on balance, with the City's General Plan and the eight priority policies
3 of Planning Code Section 101.1. The Board adopts these findings as its own.
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5 Section 2. The San Francisco Planning Code is hereby amended by amending Section
6 263.20, to read as follows:

7 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT**
8 **FOR GROUND FLOOR USES IN NCT 40-X AND 50-X HEIGHT AND BULK**
9 **DISTRICTS, IN NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION**
10 **STREET, FROM SILVER AVENUE TO THE DALY CITY BORDER, AND IN**
11 **SPECIFIED NC-1 DESIGNATED PARCELS AND IN SPECIFIED NC DISTRICTS.**

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

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

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

24 (2) project is located:

25 (A) in an NCT district as designated on the Zoning Map;

(B) in the Upper Market Street NCD;

1 (C) a NC-2 or NC-3 designated parcel fronting Mission Street, from Silver
2 Avenue to the Daly City border;

3 (D) on a NC-1 designated parcel within the boundaries of Sargent Street to
4 Orizaba Avenue to Lobos Street to Plymouth Avenue to Farallones Street to San Jose
5 Avenue to Alemany Boulevard to 19th Avenue to Randolph Street to Monticello Street and
6 back to Sargent Street.; or

7 (E) on a NC-3 designated parcel fronting on Geary Boulevard from Scott Street to
8 28th Avenue.

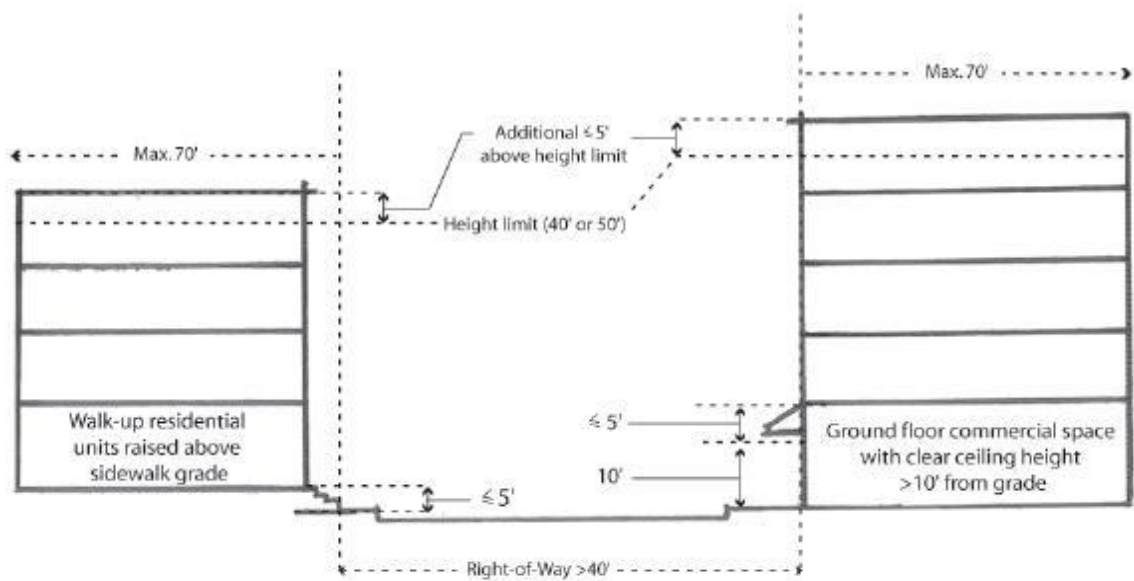
9 (3) project features ground floor commercial space or other active use as
10 defined by Section 145.1(b)(2) with clear ceiling heights in excess of ten feet from sidewalk
11 grade, or in the case of residential uses, such walk-up residential units are raised up from
12 sidewalk level;

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

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

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

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



Section 3. The San Francisco Planning Code is hereby amended by amending Section 712.1, to read as follows:

SEC. 712.1. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

NC-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes.

NC-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings typically range in height from two to four stories with occasional taller structures.

1 NC-3 building standards permit moderately large commercial uses and buildings.

2 Rear yards are protected at residential levels.

3 A diversified commercial environment is encouraged for the NC-3 District, and a
4 wide variety of uses are permitted with special emphasis on neighborhood-serving
5 businesses. Eating and drinking, entertainment, financial service and certain auto uses
6 generally are permitted with certain limitations at the first and second stories. Other retail
7 businesses, personal services and offices are permitted at all stories of new buildings. Limited
8 storage and administrative service activities are permitted with some restrictions.

9 Housing development in new buildings is encouraged above the second story.

10 Existing residential units are protected by limitations on demolitions and upper-story
11 conversions.

12 **SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**
13 **ZONING CONTROL TABLE**

			NC-3
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
712.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250 - 252, 260, 261.1, 263.20, 270, 271	Generally, 40-X See Zoning Map; additional 5 feet for NC-3 parcels with active uses along Mission Street, from Silver Avenue to the Daly City Border, <i>and on Geary Boulevard from Scott Street to 28th Avenue,</i>

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			see § 263.20. Height Sculpting on Alleys: § 261.1
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 § 138.1
COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
712.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a) (b)

1	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
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4	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)
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9	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)
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12				
13	712.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
14				
15				
16	712.25	Drive-Up Facility	§ 790.30	#
17				
18	712.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
19				
20				
21	712.27	Hours of Operation	§ 790.48	No Limit
22	712.30	General Advertising Sign	§§ 262, 602 - 604, 608, 609	P # § 607.1(e)2
23				
24	712.31	Business Sign	§§ 262, 602 - 604,	P #
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		608, 609	§ 607.1(f)3		
712.32	Other Signs	§§ 262, 602 - 604, 608, 609	P # § 607.1(c) (d) (g)		
No.	Zoning Category	§ References	NC-3		
			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
Retail Sales and Services					
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 #	

1	712.45	Liquor Store	§ 790.55			
2	712.46	Movie Theater	§ 790.64	P	P	
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4	712.47	Adult Entertainment	§ 790.36	C	C	
5	712.48	Other Entertainment	§ 790.38	P	P	
6	712.49	Financial Service	§ 790.110	P	P	
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8	712.50	Limited Financial Service	§ 790.112	P	P	
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10	712.51	Medical Service	§ 790.114	P	P	P
11	712.52	Personal Service	§ 790.116	P	P	P
12						
13	712.53	Business or Professional Service	§ 790.108	P	P	P
14						
15	712.54	Massage Establishment	§ 790.60, § 1900 Health Code	C	C	
16						
17						
18	712.55	Tourist Hotel	§ 790.46	C	C	C
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20	712.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
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22	712.57	Automobile Gas Station	§ 790.14	C		
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24	712.58	Automotive Service	§ 790.17	C		
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	Station				
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 Service	§ 790.2	C		
712.64	Mortuary	§ 790.62	C	C	C
712.65	Trade Shop	§ 790.124	P	C	C
712.66	Storage	§ 790.117	C	C	C
712.67	Video Store	§ 790.135	P	C	C
712.68	Fringe Financial Service	§ 790.111	P#		
712.69	Tobacco Paraphernalia Establishments	§ 790.123	C		
712.69A	Self-Service Specialty Food	§ 790.93	P#	P#	
712.69B	Amusement Game Arcade (Mechanical	§ 790.04 1	C		

1		Amusement Devices)				
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3	712.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
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5	712.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
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7						
8	Institutions and Non-Retail Sales and Services					
9	712.70	Administrative Service	§ 790.106	C	C	C
10						
11	712.80	Hospital or Medical Center	§ 790.44	C	C	C
12						
13	712.81	Other Institutions, Large	§ 790.50	P	P	P
14						
15	712.82	Other Institutions, Small	§ 790.51	P	P	P
16						
17	712.83	Public Use	§ 790.80	C	C	C
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19	712.84	Medical Cannabis Dispensary	§ 790.141	P #		
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22	RESIDENTIAL STANDARDS AND USES					
23	712.90	Residential Use	§ 790.88	P	P	P
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25	712.91	Residential Density,	§§ 207, 207.1,	Generally, 1 unit per 600 sq. ft. lot area		

1		Dwelling Units	790.88(a)	§ 207.4		
2	712.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	Generally, 1 bedroom per 210 sq. ft. lot area § 208		
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4						
5	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)		
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10	712.94	Off-Street Parking, Residential	§§ 150, 153- 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit §§ 151, 161(a) (g)		
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12						
13	712.95	Community Residential Parking	§ 790.10	C	C	C
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SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

17	Article 7 Code Section	Other Code Section	Zoning Controls
20	§ 712.25 § 712.40	§ 249.14	THIRD STREET SPECIAL USE DISTRICT Boundaries: Applicable only to the portion of the Third Street SUD as shown on Sectional Map 10 SU zoned NC-3 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, small self-service restaurants and self-service
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§ 712.10 § 207.4 § 712.22 § 712.12	§ 780.4	MISSION-HARRINGTON SPECIAL USE DISTRICT Boundaries: Applicable only to the Mission-Harrington SUD, as shown on Sectional Map SU11. Controls: Height 56-X; one unit allowed for every 400 square feet of lot area; no parking requirements; no rear setback requirements.
§ 712.30 § 712.31 § 712.32	§ 608.10	UPPER MARKET STREET SPECIAL SIGN DISTRICT Boundaries: Applicable only for the portion of the Market Street NC-3 District from Octavia to Church Streets as mapped on Sectional Map SSD Controls: Special restrictions and limitations for signs
§ 712.38	§ 790.84	Boundaries: Applicable to NC-3 Districts 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 to the criteria set forth in Section 303, the Commission finds that: (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; (2) The proposed Other Institution, Large, use is to be operated by a nonprofit public benefit corporation; and (3) No legally residing residential tenants will be displaced.

1	§ 712.43	§ 781.4	GEARY BOULEVARD FORMULA RETAIL PET SUPPLY
2			STORE AND FORMULA RETAIL EATING AND DRINKING
3			SUBDISTRICT
4			Boundaries: Applicable only for the portion of the Geary
5			Boulevard NC-3 District between 14th and 28th Avenues as
6			mapped on Sectional Maps 3 SU and 4 SU
7			Controls: Formula Retail pet supply stores and formula retail
8			eating and drinking uses are NP
9	§ 712.43	§ 781.5	MISSION STREET FAST-FOOD SUBDISTRICT
10	§ 712.44		Boundaries: Applicable only for the portion of the Mission Street
11	§ 712.69A		NC-3 District between 15th Street and Randall Street as mapped
12			on Sectional Map 7 SU
13			Controls: Small self-service restaurants and self-service
14			specialty food are C; large fast-food restaurants are NP
15			
16	§ 712.45	§ 781.10	17TH AND RHODE ISLAND STREET GROCERY STORE
17			SPECIAL USE SUBDISTRICT.
18			Boundaries: Applicable only for the block bound by 17th, Rhode
19			Island, Mariposa and Kansas Streets as mapped on Sectional
20			Map 8 SU
21			Controls: One liquor store on the first or second story is C if
22			operated as integral element of a grocery store of not less than
23			30,000 gross square feet. Nighttime Entertainment uses are not
24			permitted.
25	§ 712.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT

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		<p>(FFSRUD)</p> <p>Boundaries: The FFSRUD and its ¼ 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; the North of Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12; and includes Moderate-Scale Neighborhood Commercial Districts within its boundaries.</p> <p>Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</p>
<p>§ 712.84 § 790.141</p>	<p>Health Code § 3308</p>	<p>Medical cannabis dispensaries in NC-3 District may only operate between the hours of 8 a.m. and 10 p.m.</p>

Effective Date. This ordinance shall become effective 30 days from the date of passage.

1 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to
2 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
3 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
4 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
5 Board amendment deletions in accordance with the "Note" that appears under the official title
6 of the legislation.

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

10 By: _____
11 ANDREA RUIZ-ESQUIDE
12 Deputy City Attorney

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