

1 [Planning Code - Establishing the Divisadero Street Neighborhood Commercial District]

2

3 **Ordinance amending the San Francisco Planning Code by: 1) adding Section 743.1 to**
 4 **establish the Divisadero Neighborhood Commercial District; 2) repealing the**
 5 **Divisadero Street Alcohol Restricted Use District established in Section 783; 3)**
 6 **amending Section 151.1 and a portion of Table 151.1, Sections 263.20, 607.1(f), and**
 7 **702.3, the Specific Provisions of the Section 711 Zoning Control Table, and Section**
 8 **790.55 to make conforming and other technical changes; 4) amending Sheets ZN02 and**
 9 **ZN07 of the Zoning Map to include the Divisadero Neighborhood Commercial District;**
 10 **5) amending Sheet SU02 of the Zoning Map to delete the Divisadero Street Alcohol**
 11 **Restricted Use Special Use District ; and 6) adopting environmental findings, Planning**
 12 **Code Section 302 findings, and findings of consistency with the General Plan and the**
 13 **Priority Policies of Planning Code Section 101.1.**

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 ~~strike through normal~~.

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

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
 21 ordinance comply with the California Environmental Quality Act (California Public Resources
 22 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of
 23 Supervisors in File No. _____ and is incorporated herein by reference.

24 (b) Pursuant to Planning Code Section 302, this Board finds that these Planning
 25 Code amendments will serve the public necessity, convenience and welfare for the reasons

Supervisor Olague
BOARD OF SUPERVISORS

1 set forth in Planning Commission Resolution No. _____ and the Board hereby
2 incorporates such reasons herein by reference. A copy of Planning Commission Resolution
3 No. _____ is on file with the Clerk of the Board of Supervisors in File No. _____.

4 (c) This Board finds that these Planning Code amendments are consistent with the
5 General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set
6 forth in Planning Commission Resolution No. _____, and the Board hereby
7 incorporates such reasons herein by reference.

8
9 Section 2. The San Francisco Planning Code is hereby amended by adding Section
10 743.1, to read as follows:

11 **SEC. 743.1. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

12 The Divisadero Street Neighborhood Commercial District extends along Divisadero Street
13 between Haight Street and O'Farrell Street. Divisadero Street's dense mixed-use character consists of
14 buildings with residential units above ground-story commercial use. Buildings typically range in height
15 from two to four stories with occasional one-story commercial buildings .The district has an active and
16 continuous commercial frontage along Divisadero Street for most of its length. Divisadero Street is an
17 important public transit corridor and throughway street. The commercial district provides convenience
18 goods and services to the surrounding neighborhoods as well as limited comparison shopping goods
19 for a wider market.

20 The Divisadero Street District controls are designed to encourage and promote development
21 that enhances the walkable, mixed-use character of the corridor and surrounding neighborhoods. Rear
22 yard requirements above the ground story and at residential levels preserve open space corridors of
23 interior blocks.

24 Consistent with Divisadero Street's existing mixed-use character, new commercial development
25 is permitted at the ground and second stories. Most neighborhood-serving businesses are strongly

1 encouraged. Eating and Drinking and entertainment uses are confined to the ground story. The second
 2 story may be used by some retail stores, personal services, and medical, business and professional
 3 offices. Additional flexibility is offered for second-floor Eating and Drinking, Entertainment, and Trade
 4 Shop uses in existing non-residential buildings to encourage the preservation and reuse of such
 5 buildings. Hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other
 6 automobile uses protect the livability within and around the district, and promote continuous retail
 7 frontage.

8 Housing development in new buildings is encouraged above the ground story. Existing
 9 residential units are protected by limitations on demolition and upper-story conversions.

10 **SEC. 743. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

11 **ZONING CONTROL TABLE**

			<u>Divisadero Street</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<u>743.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250</u> <u>- 252, 260, 261.1, 263.20,</u> <u>270, 271</u>	<u>Generally, 65-X, and 40-X</u> <u>south of Oak Street; See</u> <u>Zoning Map. Additional 5 feet</u> <u>for parcels in the 40-X and</u> <u>50-X height district with</u> <u>active uses, see § 263.20.</u> <u>Height Sculpting on Alleys:§</u> <u>261.1</u>
<u>743.11</u>	<u>Lot Size</u> <u>[Per Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 9,999 sq. ft.; C 10,000</u> <u>sq. ft. & above § 121.1</u>
<u>743.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at the second story</u>

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

			<i>and above and at all residential levels § 134(a) (e)</i>
<u>743.13</u>	<u>Street Frontage</u>		<i>Required § 145.1</i>
<u>743.14</u>	<u>Awning</u>	<u>§ 790.20</u>	<i>P § 136.1(a)</i>
<u>743.15</u>	<u>Canopy</u>	<u>§ 790.26</u>	<i>P § 136.1(b)</i>
<u>743.16</u>	<u>Marquee</u>	<u>§ 790.58</u>	<i>P § 136.1(c)</i>
<u>743.17</u>	<u>Streetscape and Pedestrian Improvements</u>		<i>Required § 138.1</i>
<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
<u>743.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123</u>	<i>2.5 to 1 § 124(a) (b)</i>
<u>743.21</u>	<u>Use Size</u> <u>[Non-Residential]</u>	<u>§ 790.130</u>	<i>P up to 3,999 sq. ft.;</i> <i>C 4,000 sq. ft. & above § 121.2</i>
<u>743.22</u>	<u>Off-Street Parking, Non-residential</u>	<u>§§ 150, 153 - 157, 159 - 160, 204.5</u>	<i>None required. Maximum permitted as set forth in Section 151.1</i>
<u>743.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153 - 155, 204.5</u>	<i>Generally, none required if gross floor area is less than 10,000 sq. ft.</i>

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

			<u>§§ 152, 161(b)</u>		
<u>743.24</u>	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front; C if located elsewhere</u>		
			<u>§ 145.2(a)</u>		
<u>743.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>			
<u>743.26</u>	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.;</u>		
			<u>C if not recessed</u>		
			<u>§ 145.2(b)</u>		
<u>743.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>P 6 a.m. - 2 a.m.;</u>		
			<u>C 2 a.m. - 6 a.m.</u>		
<u>743.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602 - 604, 608, 609</u>			
<u>743.31</u>	<u>Business Sign</u>	<u>§§ 262, 602 - 604, 608, 609</u>	<u>P</u>		
			<u>§ 607.1(f)(2)</u>		
<u>743.32</u>	<u>Other Signs</u>	<u>§§ 262, 602 - 604, 608, 609</u>	<u>P</u>		
			<u>§ 607.1(c) (d) (g)</u>		
			<u>Divisadero Street</u>		
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls by Story</u>		
		<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<u>743.38</u>	<u>Residential Conversion</u>	<u>§ 790.84</u>	<u>P</u>	<u>C</u>	
<u>743.39</u>	<u>Residential Demolition</u>	<u>§ 790.86</u>	<u>P</u>	<u>C</u>	<u>C</u>
<u>Retail Sales and Services</u>					
<u>743.40</u>	<u>Other Retail Sales and Services</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	
	<u>[Not Listed Below]</u>				

1	<u>743.41</u>	<u>Bar</u>	<u>\$ 790.22</u>	<u>P</u>	<u>P #</u>	
2	<u>743.43</u>	<u>Limited-Restaurant</u>	<u>\$ 790.90</u>	<u>P</u>	<u>P #</u>	
3	<u>743.44</u>	<u>Restaurant</u>	<u>\$ 790.91</u>	<u>P</u>	<u>P #</u>	
4	<u>743.45</u>	<u>Liquor Store</u>	<u>\$ 790.55</u>	<u>NP #</u>		
5	<u>743.46</u>	<u>Movie Theater</u>	<u>\$ 790.64</u>	<u>P</u>	<u>P #</u>	
6	<u>743.47</u>	<u>Adult Entertainment</u>	<u>\$ 790.36</u>			
7	<u>743.48</u>	<u>Other Entertainment</u>	<u>\$ 790.38</u>	<u>P</u>	<u>P #</u>	
8	<u>743.49</u>	<u>Financial Service</u>	<u>\$ 790.110</u>	<u>C</u>		
9	<u>743.50</u>	<u>Limited Financial Service</u>	<u>\$ 790.112</u>	<u>P</u>		
10	<u>743.51</u>	<u>Medical Service</u>	<u>\$ 790.114</u>	<u>P</u>	<u>P</u>	
11	<u>743.52</u>	<u>Personal Service</u>	<u>\$ 790.116</u>	<u>P</u>	<u>P</u>	
12	<u>743.53</u>	<u>Business or Professional Service</u>	<u>\$ 790.108</u>	<u>P</u>	<u>P</u>	
13	<u>743.54</u>	<u>Massage Establishment</u>	<u>\$ 790.60</u>	<u>C</u>		
14			<u>\$ 1900 Health Code</u>			
15	<u>743.55</u>	<u>Tourist Hotel</u>	<u>\$ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
16	<u>743.56</u>	<u>Automobile Parking</u>	<u>\$\$ 790.8, 145.1, 156, 160</u>	<u>C</u>		
17	<u>743.57</u>	<u>Automotive Gas Station</u>	<u>\$ 790.14</u>	<u>C</u>		
18	<u>743.58</u>	<u>Automotive Service Station</u>	<u>\$ 790.17</u>	<u>C</u>		
19	<u>743.59</u>	<u>Automotive Repair</u>	<u>\$ 790.15</u>	<u>C</u>		
20	<u>743.60</u>	<u>Automotive Wash</u>	<u>\$ 790.18</u>			
21	<u>743.61</u>	<u>Automobile Sale or Rental</u>	<u>\$ 790.12</u>			
22	<u>743.62</u>	<u>Animal Hospital</u>	<u>\$ 790.6</u>	<u>C</u>		
23	<u>743.63</u>	<u>Ambulance Service</u>	<u>\$ 790.2</u>			
24	<u>743.64</u>	<u>Mortuary</u>	<u>\$ 790.62</u>			

1	<u>743.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>P #</u>	
2	<u>743.66</u>	<u>Storage</u>	<u>§ 790.117</u>			
3	<u>743.68</u>	<u>Fringe Financial Service</u>	<u>§ 790.111</u>	<u>P #</u>		
4	<u>743.69</u>	<u>Tobacco Paraphernalia</u>	<u>§ 790.123</u>	<u>C</u>		
5		<u>Establishments</u>				
6	<u>743.69B</u>	<u>Amusement Game Arcade</u>	<u>§ 790.4</u>	<u>C</u>		
7		<u>(Mechanical Amusement Devices)</u>				
8	<u>743.69C</u>	<u>Neighborhood Agriculture</u>	<u>§ 102.35(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>
9	<u>743.69D</u>	<u>Large-Scale Urban Agriculture</u>	<u>§ 102.35(b)</u>	<u>C</u>	<u>C</u>	<u>C</u>
10	<u>Institutions and Non-Retail Sales and Services</u>					
11	<u>743.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>			
12	<u>743.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>			
13	<u>743.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>C</u>	<u>C</u>
14	<u>743.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
15	<u>743.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
16	<u>743.84</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>		
17	<u>743.85</u>	<u>Philanthropic Administrative</u>	<u>§ 790.141</u>		<u>P #</u>	
18		<u>Service</u>				
19	<u>RESIDENTIAL STANDARDS AND USES</u>					
20	<u>743.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P</u>	<u>P</u>	<u>P</u>
21	<u>743.91</u>	<u>Residential Density, Dwelling</u>	<u>§§ 207, 207.1, 790.88(a)</u>	<u>Generally, 1 unit per 800 sq.</u>		
22		<u>Units</u>		<u>ft. lot area</u>		
23				<u>§ 207.4</u>		
24	<u>743.92</u>	<u>Residential Density, Group</u>	<u>§§ 207.1, 208, 790.88(b)</u>	<u>Generally, 1 bedroom per 275</u>		
25						

	<u>Housing</u>		<u>sq. ft. lot area</u>
<u>743.93</u>	<u>Usable Open Space</u> <u>[Per Residential Unit]</u>	<u>§§ 135, 136</u>	<u>Generally, either 100 sq. ft. if private, or 133 sq. ft. if common</u> <u>§ 135(d)</u>
<u>743.94</u>	<u>Off-Street Parking, Residential</u>	<u>§§ 150, 151.1, 153 - 157, 159 - 160</u>	<u>None required. P up to .5 cars per unit, C up to .75 cars per unit, NP above</u>
<u>743.95</u>	<u>Community Residential Parking</u>	<u>§ 790.10</u>	<u>C</u>

SPECIFIC PROVISIONS FOR THE DIVISADERO STREET

NEIGHBORHOOD COMMERCIAL DISTRICT

<u>Article 7</u>		
<u>Code</u>	<u>Other Code</u>	
<u>Section</u>	<u>Section</u>	<u>Zoning Controls</u>
<u>743.41</u>		<u>A Bar, Restaurant, Limited-Restaurant, Movie Theater, Other Entertainment, Trade Shop, or Philanthropic Administrative Service use is permitted on the Second Story of existing buildings which have had no immediately prior second-story Residential Use.</u>
<u>743.43</u>		
<u>743.44</u>		
<u>743.46</u>		
<u>743.48</u>		
<u>743.65</u>		
<u>743.85</u>		
<u>§ 743.45</u>		<u>(a) Liquor Stores are not permitted within the Divisadero Street NCD.</u> <u>Liquor Store uses which become inactive for more than 180 days may not</u>

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

		<p><u>be reestablished. A lawfully existing Liquor Store may relocate within the district with Conditional Use authorization;</u></p> <p><u>(b) Liquor Stores shall comply with the following Good Neighbor requirements:</u></p> <p><u>(1) The business operator shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.</u></p> <p><u>For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works.</u></p> <p><u>(2) Liquor Stores shall provide outside lighting in a manner sufficient to illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security, without disturbing area residences.</u></p> <p><u>(3) No more than one-third of the square footage of the windows and clear doors of Liquor Stores shall bear advertising or signage of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises.</u></p>
<u>§ 743.68</u>	<u>§ 249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT</u>

		<p><u>(FFSRUD)</u></p> <p><u>Boundaries:</u> <i>The FFSRUD and its ¼ mile buffer includes, but is not limited to, properties within the Divisadero Street NCD.</i></p> <p><u>Controls:</u> <i>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).</i></p>
§ 743.84 §	790.141 Health Code § 3308	<p><u>Medical Cannabis Dispensaries may only operate between the hours of 8 a.m. and 10 p.m.</u></p>

Section 3. The San Francisco Planning Code is hereby amended by repealing Section 783, as follows:

~~SEC. 783. DIVISADERO STREET ALCOHOL RESTRICTED USE DISTRICT ESTABLISHED.~~

~~There are an unusually large number of establishments dispensing alcoholic beverages, including beer and wine, for off-site consumption in the Small-Scale Neighborhood Commercial District along Divisadero Street between Haight and Geary Streets. The existence of this many alcoholic beverage establishments appears to contribute directly to numerous peace, health, safety and general welfare problems in the area, including loitering, littering, public drunkenness, defacement and damaging of structures, pedestrian obstructions, as well as traffic circulation, parking and noise problems on public streets and neighborhood lots. The existence of such problems creates serious impacts on the health, safety and welfare of residents of nearby single and multiple family areas, including fear for the safety of children, elderly residents and of visitors to the area. The problems also contribute to the deterioration of the neighborhood and concomitant devaluation of property and destruction of community values and quality of life. The number of establishments selling alcoholic~~

1 ~~beverages and the associated problems discourage more desirable and needed commercial uses in the~~
2 ~~area.~~

3 ~~(a) — In order to preserve the residential character and the neighborhood serving commercial~~
4 ~~uses of the area, the Divisadero Street Alcohol Restricted Use District (Divisadero Street Alcohol~~
5 ~~RUD) is hereby established for the properties in the Small Scale Neighborhood Commercial District~~
6 ~~along Divisadero Street between Haight and Geary Streets, as designated on Sectional Map numbers 2~~
7 ~~and 7. The Divisadero Street Alcohol RUD is designated on Sectional Map Numbers 2SU and 8SU.~~

8 ~~(1) — No new off-sale liquor establishments shall be permitted in the Divisadero Street~~
9 ~~Alcohol RUD.~~

10 ~~(2) — The prohibition on Liquor Establishments shall not be interpreted to prohibit the~~
11 ~~following:~~

12 ~~(A) — Temporary uses, as described in Planning Code Section 205.1 or 205.3; or~~

13 ~~(B) — Establishment of a Liquor Establishment if an application for such Liquor Establishment~~
14 ~~is on file with the California Department of Alcoholic Beverage Control prior to the effective date of~~
15 ~~legislation establishing the Divisadero Street Alcohol RUD.~~

16 ~~(C) — Re-location of an existing liquor establishment from outside the Divisadero Street~~
17 ~~Alcohol RUD to a location within the Divisadero Street Alcohol RUD if that liquor establishment~~
18 ~~received conditional use authorization from the City Planning Commission prior to the effective date of~~
19 ~~this legislation.~~

20 ~~(3) — Continuation of Existing Prohibited Liquor Establishments. In the Divisadero Street~~
21 ~~Alcohol RUD, any Prohibited Liquor Establishment may continue in accordance with Planning Code~~
22 ~~Section 180 through 186.2, subject to the following provisions:~~

23 ~~(A) — A Prohibited Liquor Establishment lawfully existing and selling alcoholic beverages as~~
24 ~~licensed by the State of California prior to the effective date of this legislation, or subsequent~~
25 ~~legislation prohibiting that type of Liquor Establishment, so long as otherwise lawful, may continue to~~

1 ~~operate only under the following conditions, as provided by California Business and Professions Code~~
2 ~~Section 23790;~~

3 ~~(1) — Except as provided by Subsection (B) below, the premises shall retain the same type of~~
4 ~~retail liquor license within a license classification; and~~

5 ~~(2) — Except as provided by Subsection (B) below, the licensed premises shall be operated~~
6 ~~continuously, without substantial change in mode or character of operation.~~

7 ~~(B) — A break in continuous operation shall not be interpreted to include the following,~~
8 ~~provided that the location of the establishment does not change, the square footage used for the sale of~~
9 ~~alcoholic beverages does not increase, and the type of California Department of Alcoholic Beverage~~
10 ~~Control Liquor License ("ABC License") does not change except as indicated:~~

11 ~~(1) — A change in ownership of a Prohibited Liquor Establishment or an owner to owner~~
12 ~~transfer of an ABC License; or~~

13 ~~(2) — Re-establishment, restoration or repair of an existing Prohibited Liquor Establishment~~
14 ~~on the same lot after total or partial destruction or damage due to fire, riot, insurrection, toxic accident~~
15 ~~or act of God; or~~

16 ~~(3) — Temporary closure of an existing Prohibited Liquor Establishment for not more than~~
17 ~~ninety (90) days for repair, renovation or remodeling;~~

18 ~~(4) — Re-location of an existing Prohibited Liquor Establishment in the Divisadero Street~~
19 ~~Alcohol RUD to another location within the same Divisadero Street Alcohol RUD with conditional use~~
20 ~~authorization from the City Planning Commission, provided that the original premises shall not be~~
21 ~~occupied by a Prohibited Liquor Establishment, unless by another Prohibited Liquor Establishment~~
22 ~~that is also relocating from with the Divisadero Street Alcohol RUD.~~

23 ~~(b) — The following shall apply to all liquor establishments in the Divisadero Street Alcohol~~
24 ~~RUD in order to maintain the safety of the premises and vicinity:~~

1 (1) — ~~Liquor establishments shall provide outside lighting in a manner sufficient to illuminate~~
2 ~~street and sidewalk areas and adjacent parking, as appropriate to maintain security, without disturbing~~
3 ~~area residences;~~

4 (2) — ~~No more than 33 percent of the square footage of the windows and clear doors of Liquor~~
5 ~~establishments shall bear advertising or signage of any sort, and all advertising and signage shall be~~
6 ~~placed and maintained in a manner that ensures that law enforcement personnel have a clear and~~
7 ~~unobstructed view of the interior of the premises, including the area in which the cash registers are~~
8 ~~maintained, from the exterior public sidewalk or entrance to the premises. This requirement shall not~~
9 ~~apply to premises where there are no windows, or where existing windows are located at a height that~~
10 ~~precludes a view of the interior of the premises to a person standing outside the premises.~~

11 (c) — ~~Definitions:~~

12 (1) — ~~A "liquor establishment" shall mean any enterprise selling alcoholic beverages, as~~
13 ~~defined by California Business and Professions Code Section 23004 and 23025, pursuant to a~~
14 ~~California Alcoholic Beverage Control Board license.~~

15 (2) — ~~An "off-sale liquor establishment" shall mean any establishment that is defined in~~
16 ~~Section 790.55 of this Code.~~

17 (3) — ~~A "prohibited liquor establishment" shall mean any establishment selling alcoholic~~
18 ~~beverages lawfully existing prior to the effective date of the establishment of the Divisadero Street~~
19 ~~Alcohol RUD and licensed by the State of California for the retail sale of alcoholic beverages for off-~~
20 ~~site consumption, so long as otherwise lawful.~~

21 (d) — ~~Fringe Financial Services. In addition to all other applicable controls set forth in this~~
22 ~~Code, properties in the Divisadero Street Alcohol Restricted Use District are within the Fringe~~
23 ~~Financial Service Restricted Use District established by Section 249.35 and are subject to the controls~~
24 ~~and exemptions set forth in Section 249.35.~~

1 Section 4. The San Francisco Planning Code is hereby amended by amending Section
2 151.1 and a portion of Table 151.1, Section 263.20, Section 607.1(f), Section 702.3, the
3 Specific Provisions of the Section 711 Zoning Control Table, and Section 790.55, to read as
4 follows:

5 **SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN**
6 **SPECIFIED DISTRICTS.**

7 (a) **Applicability.** This subsection shall apply only to ~~DTR~~, NCT, RC, ~~Upper Market~~
8 ~~NCD~~, RTO, ~~Eastern Neighborhood Mixed Use~~, ~~South of Market Mixed Use~~, M-1, PDR-1-D, and
9 PDR-1-G, C-M, or C-3 Districts, and to the Broadway, Divisadero, Fillmore, North Beach, and
10 Upper Market Neighborhood Commercial Districts.

11 (b) **Controls.** Off-street accessory parking shall not be required for any use, and the
12 quantities of off-street parking specified in Table 151.1 shall serve as the maximum amount of
13 off-street parking that may be provided as accessory to the uses specified. For non-residential
14 and non-office uses in the UMU, PDR-1-D, and PDR-1-G Districts, the maximum amount of
15 off-street parking that may be provided as accessory shall be no more than 50% greater than
16 that indicated in Table 151.1. Variances from accessory off-street parking limits, as described
17 in this Section, may not be granted. Where off-street parking is provided that exceeds the
18 quantities specified in Table 151.1 or as explicitly permitted by this Section, such parking shall
19 be classified not as accessory parking but as either a principally permitted or conditional use,
20 depending upon the use provisions applicable to the district in which the parking is located. In
21 considering an application for a conditional use for any such parking due to the amount being
22 provided, the Planning Commission shall consider the criteria set forth in Section 157 and
23 157.1 of this Code.

24 (c) **Definition.** Where a number or ratio of spaces are described in Table 151.1, such
25 number or ratio shall refer to the total number of parked cars accommodated in the project

1 proposal, regardless of the arrangement of parking, and shall include all spaces accessed by
 2 mechanical means, valet, or non-independently accessible means. For the purposes of
 3 determining the total number of cars parked, the area of an individual parking space, except
 4 for those spaces specifically designated for persons with physical disabilities, may not exceed
 5 185 square feet, including spaces in tandem, or in parking lifts, elevators or other means of
 6 vertical stacking. Any off-street surface area accessible to motor vehicles with a width of 7.5
 7 feet and a length of 17 feet (127.5 square feet) not otherwise designated on plans as a
 8 parking space may be considered and counted as an off-street parking space at the discretion
 9 of the Zoning Administrator if the Zoning Administrator, in considering the possibility for
 10 tandem and valet arrangements, determines that such area is likely to be used for parking a
 11 vehicle on a regular basis and that such area is not necessary for the exclusive purpose of
 12 vehicular circulation to the parking or loading facilities otherwise permitted.

13 (d) **Car-Share Parking.** Any off-street parking space dedicated for use as a car-share
 14 parking space, as defined in Section 166, shall not be credited toward the total parking
 15 permitted as accessory in this Section.

16 **Table 151.1**

17 **OFF-STREET PARKING PERMITTED AS ACCESSORY**

Use or Activity	Space Devoted to Off-Street Car Parking or Number of Off-Street Car Parking Spaces Permitted
Dwelling units and SRO units in NCT, <u>RC</u> , C- M, RSD, and SLR <i>Districts</i> , <i>and Chinatown</i> <i>Mixed Use Districts</i> , <i>and the Broadway</i> , <i>Divisadero, Fillmore, North Beach</i> , and the Upper Market NCD <i>Neighborhood Commercial</i>	P up to one car for each two dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.

1 Districts, except as specified below

2
3 **SEC. 263.20. SPECIAL HEIGHT EXCEPTION: ADDITIONAL FIVE FEET HEIGHT FOR**
4 **ACTIVE GROUND FLOOR USES IN ~~NCT 30-X, 40-X AND 50-X HEIGHT AND BULK~~**
5 **~~DISTRICTS, IN NC-2 AND NC-3 DESIGNATED PARCELS FRONTING MISSION STREET,~~**
6 **~~FROM SILVER AVENUE TO THE DALY CITY BORDER, AND IN SPECIFIED NC-1~~**
7 **~~DESIGNATED PARCELS AND IN SPECIFIED N~~ CERTAIN DISTRICTS.**

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

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

18 (1) project is located in a 30-X, 40-X or 50-X Height and Bulk District as designated on
19 the Zoning Map;

20 (2) project is located:

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

22 (B) in the Upper Market Street, Divisadero, Inner Clement Street and Outer Clement
23 Street NCDs;

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

1 (D) on a NC-2 designated parcel on Balboa Street between 2nd Avenue and 8th
2 Avenue, and between 32nd Avenue and 39th Avenue;

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

7 (F) on a NC-3 designated parcel fronting on Geary Boulevard from Masonic Avenue to
8 28th Avenue, except for parcels on the north side of Geary Boulevard between Palm Avenue
9 and Parker Avenue;

10 (G) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on Noriega
11 Street west of 19th Avenue;

12 (H) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on Irving
13 Street west of 19th Avenue;

14 (I) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on Taraval
15 Street west of 19th Avenue;

16 (J) on a parcel zoned NC-1 or NC-2 with a commercial use on the ground floor on Judah Street
17 west of 19th Avenue;

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

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

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

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

4 (c) One additional foot of height, up to a total of five feet, shall be permitted above the
5 designated height limit for each additional foot of ground floor clear ceiling height in excess of
6 10 feet from sidewalk grade, or in the case of residential units, for each foot the unit is raised
7 above sidewalk grade.

8 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL**
9 **DISTRICTS.**

10 (f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in
11 all Neighborhood Commercial and Residential-Commercial Districts subject to the limits set forth
12 below.

13 (1) **NC-1 and NCT-1 Districts.**

14 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
15 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
16 may be nonilluminated, indirectly illuminated, or directly illuminated.

17 (B) **Wall Signs.** The area of all wall signs shall not exceed one square foot per square
18 foot of street frontage occupied by the business measured along the wall to which the signs
19 are attached, or 50 square feet for each street frontage, whichever is less. The height of any
20 wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs
21 may be nonilluminated or indirectly illuminated; or during business hours, may be directly
22 illuminated.

23 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
24 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square
25 feet. The height of such sign shall not exceed 15 feet or the height of the wall to which it is

1 attached. No part of the sign shall project more than 75 percent of the horizontal distance from
2 the street property line to the curblineline, or six feet six inches, whichever is less. The sign may
3 be nonilluminated or indirectly illuminated, or during business hours, may be directly
4 illuminated.

5 (D) **Signs on Awnings.** Sign copy may be located on permitted awnings in lieu of wall
6 signs and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not
7 exceed 20 square feet. Such sign copy may be nonilluminated or indirectly illuminated.

8 (2) **NC-2, NCT-2, NC-S, Broadway, Castro Street, Inner Clement Street, Outer
9 Clement Street, Divisadero Street, Fillmore Street, Upper Fillmore Street, Inner Sunset,
10 Haight Street, Hayes-Gough, Upper Market Street, North Beach, Ocean Avenue, Pacific
11 Avenue, Polk Street, Sacramento Street, SoMa, Union Street, Valencia Street, 24th
12 Street - Mission, 24th Street - Noe Valley, West Portal Avenue, and Glen Park
13 Neighborhood Commercial Districts.**

14 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
15 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
16 may be nonilluminated, indirectly illuminated, or directly illuminated.

17 (B) **Wall Signs.** The area of all wall signs shall not exceed two square feet per foot of
18 street frontage occupied by the use measured along the wall to which the signs are attached,
19 or 100 square feet for each street frontage, whichever is less. The height of any wall sign shall
20 not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest
21 of any residential windowsill on the wall to which the sign is attached, whichever is lower.
22 Such signs may be nonilluminated, indirectly, or directly illuminated.

23 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
24 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square
25 feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is

1 attached, or the height of the lowest of any residential windowsill on the wall to which the sign
2 is attached, whichever is lower. No part of the sign shall project more than 75 percent of the
3 horizontal distance from the street property line to the curblineline, or six feet six inches,
4 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
5 business hours, may be directly illuminated.

6 (D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted
7 awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in
8 Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or
9 indirectly illuminated; except that sign copy on marquees for movie theaters or places of
10 entertainment may be directly illuminated during business hours.

11 (E) **Freestanding Signs and Sign Towers.** With the exception of automotive gas and
12 service stations, which are regulated under Paragraph 607.1(f)(4), one freestanding sign or
13 sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are
14 recessed from the street property line. The existence of a freestanding business sign shall
15 preclude the erection of a freestanding identifying sign on the same lot. The area of such
16 freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square
17 feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than
18 75 percent of the horizontal distance from the street property line to the curblineline, or six feet,
19 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
20 business hours, may be directly illuminated.

21 (3) **Mission Street NCT, NC-3, and NCT-3 Neighborhood Commercial Districts.**

22 (A) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b),
23 shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs
24 may be nonilluminated, indirectly illuminated, or directly illuminated.

1 (B) **Wall Signs.** The area of all wall signs shall not exceed three square feet per foot of
2 street frontage occupied by the use measured along the wall to which the signs are attached,
3 or 150 square feet for each street frontage, whichever is less. The height of any wall sign shall
4 not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest
5 of any residential windowsill on the wall to which the sign is attached, whichever is lower.
6 Such signs may be nonilluminated, indirectly, or directly illuminated.

7 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
8 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32 square
9 feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is
10 attached, or the height of the lowest of any residential windowsill on the wall to which the sign
11 is attached, whichever is lower. No part of the sign shall project more than 75 percent of the
12 horizontal distance from the street property line to the curblineline, or six feet six inches,
13 whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

14 (D) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted
15 awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in
16 Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or
17 indirectly illuminated; except that sign copy on marquees for movie theaters or places of
18 entertainment may be directly illuminated during business hours.

19 (E) **Freestanding Signs and Sign Towers.** With the exception of automotive gas and
20 service stations, which are regulated under Paragraph 607.1(f)(4) of this Code, one
21 freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the
22 building or buildings are recessed from the street property line. The existence of a
23 freestanding business sign shall preclude the erection of a freestanding identifying sign on the
24 same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
25 shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the

1 sign shall project more than 75 percent of the horizontal distance from the street property line
2 to the curblineline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly
3 illuminated, or during business hours, may be directly illuminated.

4 (4) **Special Standards for Automotive Gas and Service Stations.** For automotive
5 gas and service stations in Neighborhood Commercial Districts, only the following signs are
6 permitted, subject to the standards in this Paragraph (f)(4) and to all other standards in this
7 Section 607.1.

8 (A) A maximum of two oil company signs, which shall not extend more than 10 feet
9 above the roofline if attached to a building, or exceed the maximum height permitted for
10 freestanding signs in the same district if freestanding. The area of any such sign shall not
11 exceed 180 square feet, and along each street frontage, all parts of such a sign or signs that
12 are within 10 feet of the street property line shall not exceed 80 square feet in area. No such
13 sign shall project more than five feet beyond any street property line. The areas of other
14 permanent and temporary signs as covered in Subparagraph (B) below shall not be included
15 in the calculation of the areas specified in this Subparagraph.

16 (B) Other permanent and temporary business signs, not to exceed 30 square feet in
17 area for each such sign or a total of 180 square feet for all such signs on the premises. No
18 such sign shall extend above the roofline if attached to a building, or in any case project
19 beyond any street property line or building setback line.

20 **SEC. 702.3. NEIGHBORHOOD COMMERCIAL RESTRICTED USE SUBDISTRICTS.**

21 In addition to the Neighborhood Commercial Use Districts established by Section 702.1
22 of this Code, certain Neighborhood Commercial Special Use Districts are established for the
23 purpose of controlling the expansion of certain kinds of uses which if uncontrolled may
24 adversely affect the character of certain Neighborhood Commercial Districts.

1 The purposes and provisions set forth in Section 781.1 through ~~781.6~~ 781.10 of this
 2 Code shall apply respectively within these districts. The boundaries of the districts are as
 3 shown on the Zoning Map as referred to in Section 105 of this Code, subject to the provisions
 4 of that Section.

Neighborhood Commercial Restricted Use Subdistricts	Section Number
Taraval Street Restaurant Subdistrict	§ 781.1
Irving Street Restaurant Subdistrict	§ 781.2
Ocean Avenue Fast Food Subdistrict	§ 781.3
Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict	§ 781.4
Mission Street Formula Retail Restaurant Subdistrict	§ 781.5
North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict	§ 781.6
Chestnut Street Financial <u>Service Subdistrict</u>	§ 781.7
Haight Street Alcohol Restricted Use District	§ 781.9
Divisadero Street Alcohol Restricted Use District	§ 783
Lower Haight Street Alcohol Restricted Use District	§ 784
Excelsior Alcohol Special Use District	§ 785
Lower Haight Tobacco Paraphernalia Restricted Use District	§ 786

SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2
ZONING CONTROL TABLE
SPECIFIC PROVISIONS FOR NC-2 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
§ 711.68	§ 249.35	<p>FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (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 Small-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>

1 **SEC. 790.55. LIQUOR STORE.**

2 A retail use which sells beer, wine, or distilled spirits to a customer in an open or closed
3 container for consumption off the premises and which needs a State of California Alcoholic
4 Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general)
5 This classification shall not include retail uses that (1) are both (a) classified as a general
6 grocery store use as set forth in Section 790.102(a), a specialty grocery store use as set forth
7 in Section 790.102(b), or a self-service specialty food use as set forth in Section 790.93, and
8 (b) have a gross floor area devoted to alcoholic beverages that is within the accessory use
9 limits set forth in Section 703.2(b)(1)(C)(vi); or (2) have both a) a use size as defined in
10 Section 790.130 of this Code of greater than 10,000 gross square feet and (b) a gross floor
11 area devoted to alcoholic beverages that is within accessory use limits as set forth in Section
12 204.2 or 703.2(b)(1)(c) of this Code, depending on the zoning district in which the use is
13 located. For purposes of Planning Code Sections 249.5, 781.8, 781.9, 782, ~~783~~, and 784, the
14 retail uses explicitly exempted from this definition as set forth above shall only apply to
15 general grocery and specialty grocery stores that exceed 5,000s/f in size, shall not:

16 (a) sell any malt beverage with an alcohol content greater than 5.7% by volume; any
17 wine with an alcohol content of greater than 15% by volume, except for "dinner wines" that
18 have been aged two years or more and maintained in a corked bottle; or any distilled spirits in
19 container sizes smaller than 600 ml;

20 (b) devote more than 15% of the gross square footage of the establishment to the
21 display and sale of alcoholic beverages; and

22 (c) sell single servings of beer in container sizes 24 oz. or smaller.

1 Section 5. Sheets ZN02 and ZN07 of the Zoning Map of the City and County of San
2 Francisco is hereby amended, as follows:

<u>Description of Property</u>	Use District	<u>Hereby Approved</u>
The properties fronting both sides of Divisadero Street between Haight Street and O'Farrell Street	Divisadero Street Neighborhood	Commercial District

3
4
5
6
7
8
9 Section 6. Sheet SU02 of the Zoning Map of the City and County of San Francisco is
10 hereby amended to delete the Divisadero Street Alcohol Restricted Use SUD.

11
12 Section 7. Effective Date. This Ordinance shall become effective 30 days from the
13 date of passage.

14
15 Section 8. This section is uncodified. In enacting this Ordinance, the Board intends to amend
16 only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation,
17 charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown
18 in this legislation as additions, deletions, Board amendment additions, and Board amendment
19 deletions in accordance with the "Note" that appears under the official title of the legislation.

20
21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 JUDITH A. BOYAJIAN
25 Deputy City Attorney